



# City of El Dorado

Employee Rules, Regulations and Policies

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## CITY OF EL DORADO WELCOMES YOU!

Welcome! You have just become part of a dedicated team of employees. We hope that your association with the City of El Dorado will be rewarding, challenging, and of mutual benefit to you and our organization. We take great pride in our employees as well as the services we provide to our citizens.

Please take the time to read this employee personnel handbook carefully and retain it for future reference. The handbook provides you with an overview of the City of El Dorado's expectations, goals, and policies of for employment that apply to all employees. Specific provisions contained in an individual employment agreement take precedence over the general provisions of the personnel handbook. This handbook supersedes any previously issued personnel handbook or inconsistent policy statements.

Please understand that no personnel handbook can address every situation in the work place. If you ever have questions about the terms or conditions of your employment, you are encouraged to ask your supervisor or the Director of Human Resources. We will gladly assist you in understanding the policies and expectations.

We wish you success in your employment with the City of El Dorado!

Sincerely,

David Dillner

City of El Dorado - City Manager

## CITY OF EL DORADO MISSION STATEMENT

“Enhancing Quality of Life by Embracing Service Excellence”

### CORE VALUES

- Responsibility- Taking personal ownership and accountability for all expectations of self and duty.
- Respect- Unbiased consideration, understanding, and regard for the rights, values, beliefs, and property of all people.
- Stewardship- An obligation to protect and manage community resources.
- Integrity- Honesty, acting within a code of right conduct or ethical behaviors that reflect our moral foundation.
- Excellence- Working with passion to exceed standards and maximize talents to achieve the best outcomes for our customers and organization.
- Innovation- Continuously expand on new ideas by creating new processes while being open to changes in day-to-day activities.

### EMPLOYEE PLEDGE

It is my responsibility as an employee of the City of El Dorado to keep myself healthy, in mind, body, and spirit, so that I may bring as much energy and intelligence as possible to my job every day. I am dedicated to remaining educated regarding my position, as well as the organization as a whole. I will be punctual and focused while at work. I will keep personal interference with my job function to a minimum. I will constantly seek to improve the City of El Dorado and myself. I will set goals and follow them as closely as possible. I will communicate openly with my supervisor and co-workers. I will work with the utmost integrity and respect and will follow all policies and rules established by the City of El Dorado.

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## SECTION 1: INTRODUCTION TO EMPLOYMENT AND POLICIES

### 1.1 OVERVIEW OF THE CITY OF EL DORADO FORM OF GOVERNMENT

In 1917, the people of El Dorado voted to adopt the Commission-Manager form of municipal government. The “Commission-Manager Plan” can best be compared to a large business. The citizens are the “stockholders”, the five-position City Commission is the “Board of Directors”, and the City Manager holds an executive position similar to that of a “Business Manager”.

### 1.2 PRINCIPLE ADVANTAGE OF THE “COMMISSION-MANAGER PLAN”

By hiring a City Manager, the City Commission can devote its full attention to major policy decisions. The Commissioners decide “what” the City will and will not do.

The City Commission is responsible for policy and budget decisions. The City Manager is hired by the City Commission and is given the authority and responsibility of carrying out the Commission’s decisions, as well as providing an effective and efficient City administration. While the Commission decides what is to be done, the City Manager's function is to actually see that the Commission’s objectives are carried out and policy decisions are implemented.

Three of the five members of the City Commission are elected every two (2) years on a city-at-large, non-partisan ballot; with each El Dorado voter having an opportunity to vote for the candidate of their choice. The position of mayor is elected for a term of two years. Each Commissioner is elected for a term of four years.

In order to operate the organization effectively, much of the authority and responsibility of running the City is delegated to Department Heads, supervisors, and, ultimately, to each employee. Each Department Head is responsible to the City Manager, and the City Manager is in turn responsible to the City Commission for efficient operation and maximum provision of service.

### 1.3 CITY VISION STATEMENT

The City of El Dorado stewards entrusted resources by intentionally facilitating and growing internal and external relationships to create an unsurpassed community, the desirable place we call home.

This vision will be evidenced by:

- (Accessibility) Magnify availability and provisioning of life essentials through a commitment to service.
- (Safety & Security) Enhancement of physical and economic security through continuous identification and implementation of vetted opportunities.
- (Values-based) Work environments where all staff are appreciated and our core values based behaviors are second nature.

To achieve our vision we ensure staff are informed, engaged, and empowered to provide the highest quality of service.

### 1.5 NATURE OF EMPLOYMENT

All City employees who do not have individual, written contracts for specific, fixed terms are employees at will. “At will” means that the employee or the City may terminate the employment relationship at any time, with or without cause or reason, and with or without advance notice.

## 1.6 DEPARTMENT STRUCTURE OF THE CITY

The City is divided into several Departments each containing divisions. Each Department is considered a major functional unit of City Government and may operate within its own budget. The City Departments include:

- Administration
- Engineering
- Fire
- Parks and Recreation
- Police
- Public Works
- Public Utilities

## 1.7 APPLICATION AND ADMINISTRATION OF THE PERSONNEL RULES

The rules and policies contained in this handbook will apply to all City employees unless otherwise specifically noted. The City Manager may delegate specific responsibilities for the administration of the personnel rules to Human Resources, Supervisors and Department Heads. Nothing contained in these personnel rules and regulations shall be deemed to imply that a contractual or binding agreement exists between the City and its employees, and the City reserves the right to change compensation and working conditions, and/or terminate employees with or without cause.

## 1.8 SUPPLEMENTAL PERSONNEL REGULATIONS

The director of each department may promulgate additional personnel regulations as deemed necessary, reasonable and/or convenient for the conduct of the department. Current departmental regulations shall be in writing and approved by the City Manager. Such rules will be on file with Human Resources and in the department for review and use by department personnel.

## 1.9 REVISIONS TO PERSONNEL REGULATIONS

The policies set forth in this Handbook are not intended to create a contract of employment, either express or implied, between the employee and the City. No supervisor, manager, agent, or employee of the City has authority to represent that this Handbook or the City's policies establish an employment contract between the employee and the City.

This handbook applies to all City employees and supersedes and replaces any prior City personnel policy handbooks and memoranda which were issued on subjects covered in this handbook. The City reserves the right, in its sole discretion, to alter, amend, delete, supplement or change, at any time and without advance notice, any of its policies, including those covered in this handbook. New or revised policies shall be effective on dates determined by the City and shall remain in effect until the City gives notice to the contrary. The City shall notify employees of any revisions to this handbook or its policies. Amended, superseded or deleted policies shall not be relied upon.

## SECTION 2: EQUAL EMPLOYMENT OPPORTUNITY PRACTICES AND PROCEDURES

### 2.0 EQUAL EMPLOYMENT OPPORTUNITIES

Equal employment opportunity has been, and will continue to be, a fundamental principle of the City, where employment is contingent upon personal capabilities and qualifications without discrimination based on race, color, religion, gender (including gender orientation), age, national origin, sexual orientation, marital status, citizenship, status as a qualified individual with a disability, military status or any other protected characteristic as established by law.

This policy of equal employment opportunity applies to all policies and procedures relating to: application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

#### RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

#### DISABILITY

Title I and Title V of the Americans with Disabilities Act of 1990, as amended (ADAAA), protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

#### AGE

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

#### SEX (WAGES)

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

#### GENETICS

Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

### 2.1 REASONABLE ACCOMODATIONS

Pursuant to the ADA, ADAAA, and the Kansas Act Against Discrimination, the City will provide qualified individuals with known disabilities reasonable accommodations to assist them in performing the essential functions of their job. However, where an accommodation would produce an undue hardship on the City or present a health or safety risk, the requested accommodation may be determined unreasonable and denied. Any questions regarding this policy and requests for an accommodation should be made to Human Resources.

## 2.2 IMMIGRATION LAW COMPLIANCE

The City is committed to employing only individuals who are authorized to work in the United States. In compliance with the Immigration Reform and Control Act of 1986, each employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and, within three days of the date on which the employee commences work, present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the Form I-9 if they have not completed one with the City within the past three years, if their previous Form I-9 has not been retained, or if their previous Form I-9 is no longer valid.

Employment with the City is contingent upon presentation of documentation which establishes that the employee is currently eligible for employment in the United States.

## SECTION 3: OPEN DOOR POLICY

The City strives to maintain a good working atmosphere and environment and an excellent relationship between staff and management. Toward those ends, the City has an Open Door Policy to facilitate the free flow of ideas, concerns, complaints, and suggestions from employees to management personnel, without fear of penalty, recrimination, or retaliation.

Employees must follow the Open Door Policy steps:

Step 1 – If there is a question, complaint or concern, it should be discussed with an immediate supervisor and/or Department Head. If, however, the matter is one that cannot be discussed with the supervisor or Department Head (i.e., in the case of a complaint or concern about that person), the concern should be addressed with Human Resources.

Step 2 – If the problem is not resolved, by use of Step One, or an employee is not comfortable discussing the complaint or concern with those identified in Step One, the matters should be discussed with the City Manager.

For complaints of discrimination, harassment, or retaliation, employees should notify the proper individual pursuant to the City's Discrimination, Harassment and Retaliation Complaint Procedure referenced in Section 4.6 of this Handbook.

## SECTION 4: POLICY PROHIBITING DISCRIMINATION, HARASSMENT & RETALIATION

### 4.1 POLICY STATEMENT

All City employees have the right to work in an environment free from all forms of harassment, including harassment based on race, religion, sex, age, national origin, ancestry, disability, genetic information, sexual orientation, gender identity, or any other characteristic protected by state, local or federal law. To ensure that this policy is strictly adhered to, the City will not tolerate harassment of any of its employees or job applicants, and will take immediate action if such behavior should occur. The City will not condone harassment by any employee or non-employee. Non-employees include, but are not limited to: governing body members, vendors, volunteers, and members of the general public.

### 4.2 HARASSMENT DEFINED

Harassment is verbal, written or physical conduct that degrades or displays hostility or hatred toward others based on their, or their relatives', friends' or employees' Protected Characteristics and that creates an intimidating, hostile or offensive working environment, unreasonably interferes with an individual's work performance or otherwise adversely affects an individual's employment opportunities.

Generally speaking, harassing conduct includes, but is not limited to, the following acts or conduct when those acts or conduct relate to race, color, religion, gender, national origin, age, disability, ancestry or other protected characteristics:

- Epithets;
- Slurs;
- Negative stereotyping;
- Threats; and
- Written, graphic or electronic material that degrades or displays hostility or hatred toward an individual or group based on race, color, religion, gender, national origin, age, disability or other protected characteristic, when such material is distributed or circulated in the workplace, on the City's systems, including but not limited to electronic mail, or placed on walls, bulletin boards or elsewhere on City property.

#### 4.3 GENDER HARASSMENT DEFINED

Gender harassment, like all other forms of harassment, is expressly prohibited. The City defines gender harassment as: unwelcome sexual advances, requests for sexual favors and all other verbal, visual, physical or written conduct of a sexual nature. Gender harassment also includes, but is not limited to, the following acts, whether committed by managers, supervisors, employees, agents, vendors, customers or visitors:

- Unwelcome flirtations;
- Unwelcome sexual advances or propositions;
- Verbal harassment or abuse of a sexual nature;
- Subtle pressure or requests for sexual activities;
- Unnecessary and/or undesired touching of an individual;
- Graphic or vulgar commentary about a person's physical appearance, body or clothing;
- Sexually degrading language used to describe a person;
- Displays in the workplace or on the premises of the City of sexually suggestive materials, including objects or pictures;
- Sexually explicit or offensive jokes, whether written or spoken;
- Leering, whistling and obscene gestures;
- Stalking or cyber bullying
- E-mail and Internet use that violates this policy
- Demands for sexual favors, including demands accompanied by express or implied promises or threats concerning an individual's employment status;
- Conditioning any term or benefit of employment upon sexual favors; or
- Any other conduct based on gender that unreasonably interferes with an employee's performance of his job, creates an intimidating, hostile or offensive working environment or otherwise adversely affects an individual's employment opportunities Gender harassment occurs when the conduct described above may:
  - Be construed as being a term or condition of an individual's employment;
  - Be used as a basis for making employment decisions affecting an employee or applicant, depending upon the employee's or applicant's submission to, or rejection of, improper conduct of a sexual nature; or
  - In purpose or effect, substantially interfere with an employee's work performance or create an intimidating, hostile or offensive working environment.

Employees are required to report all instances of gender harassment by non-employees. These reports are to be made in the same manner as other reports of harassment.

#### 4.4 RETALIATION DEFINED

Retaliation is any interference or action taken by an employer against an employee, which a reasonable employee would find to be adverse, because that employee voiced their opposition to harassment or discrimination, filed a complaint of harassment or discrimination, or participated in a harassment or discrimination investigation.

#### 4.5 PROHIBITED CONDUCT

It is a violation of this policy to:

- Discriminate in the provision of employment opportunities, benefits or privileges, to create discriminatory work conditions, or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is based in whole or in part on an employee's or an applicant's Protected Characteristics;
- Fail to report an incident of discrimination, harassment or retaliation;
- Interfere or fail to cooperate with, an investigation of harassment, discrimination or retaliation.
- Falsify a report of discrimination, harassment or retaliation; OR
- Retaliate against anyone who has opposed any unlawful practice of harassment, retaliation or discrimination or who has testified, assisted or participated in any manner in an investigation proceeding or hearing.

Any employee who has violated this policy will be subject to immediate disciplinary action, up to and including termination.

#### 4.6 DISCRIMINATION, HARASSMENT AND RETALIATION COMPLAINT PROCEDURE

If an employee experiences or witnesses any incident of harassment or discrimination, he or she shall immediately report the incident to his or her immediate supervisor, department director, the City Manager, or Human Resources. The employee should immediately discuss the incident with whomever on the list he or she feels most comfortable. The most important aspect of the Harassment Complaint Procedure is that the incident is immediately reported, investigated and addressed.

Reports of discrimination, harassment or retaliation involving any of these persons shall not be reported to that person; instead, the employee shall make a report to one of the other persons identified. In the event of a report of discrimination, harassment, or retaliation against the City Manager or an elected official, complaints should be made only to Human Resources. Human Resources, at his/her discretion, will utilize counsel in the investigation of any allegations of that nature.

When making a harassment, discrimination or retaliation complaint, the employee shall provide the following information in writing:

- Complainant's name, department and position title;
- The name of the person/persons who allegedly committed the harassment, discrimination, or retaliation;
- The name of the person/persons who experienced the harassment, discrimination, or retaliation;
- Date(s) and approximate time(s) of the harassment, discrimination, or retaliation;
- The specific nature of the harassment, discrimination, or retaliation; its duration; and any employment action (for example: demotion, failure to promote, promotion, dismissal, refusal to hire, transfer, etc.) taken against the employee, or which benefited the employee, as a result of the harassment,

discrimination, or retaliation or any other threats made against you as a part of, or as a result of, the harassment, discrimination, or retaliation; and

- The names of any and all witnesses to the harassment, discrimination, or retaliation.

#### 4.7 DISCRIMINATION, HARASSMENT AND RETALIATION INVESTIGATIONS

In accordance with established and specific procedures, the City shall promptly and confidentially investigate, to the extent possible, all discrimination, harassment and retaliation complaints. When asked, employees shall fully and completely cooperate with such investigations. Any employee who fails to cooperate, or who interferes with an investigation shall be subject to immediate disciplinary action, up to and including termination.

The City does not retaliate against, and does not tolerate retaliation against, those who report discrimination, harassment or retaliation in good faith, or those who cooperate with harassment or retaliation investigations. However, if the City determines that the complaint was not made in good faith or that an employee provided false information to the investigator, said employee(s) may be subject to discipline, up to and including dismissal.

#### 4.8 RECORDS OF COMPLAINTS

All records concerning complaints under this policy shall be kept confidential to the extent possible and maintained in a separate, locked file. Access to these records shall be given only with Human Resources' and City Manager's approval. Human Resources and the City Manager shall provide his/her approval for someone to view the record of a complaint and investigation under this policy only when required by law or when he/she deems in his/her own judgment that the disclosure of the requested record is necessary.

### SECTION 5: DRUG AND ALCOHOL POLICY

The City is committed to providing a work environment that is safe, healthy, and productive. The use of drugs and alcohol severely reduces productivity, greatly enhances the likelihood of accidents and injuries in the workplace, is detrimental to the public trust and puts the safety of citizens at risk. The City of El Dorado has developed this Drug and Alcohol Policy to prevent and address the use of alcohol and controlled substances in the workplace.

#### 5.1 DEFINITIONS

“Alcohol” means ethanol, isopropanol, or methanol and includes alcohol, spirits, wine, beer, and any liquid or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed as a beverage by a human being. Alcohol is a drug and is generally the product of distillation of any fermented liquid, whether rectified or diluted whatever the origin, and includes synthetic ethyl alcohol.

“Controlled substance” means a controlled substance in schedules I through V of the Controlled Substance Act (21 U.S.C. 812), and as further defined by regulation at 21 CFR 1308.11 through 1308.15. Controlled substances shall include, but not be limited to, the following commonly-referred to drugs: Amphetamine, Methamphetamine, Cocaine, THC, Opiates, PCP, Benzodiazepines, Barbiturates, Methadone, and Ecstasy.

“Conviction” means a finding of guilty (including a *plea of nolo contendere*) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal and State criminal statutes.

“Criminal Drug Statute” means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.

“Drug” means controlled substance and may also include alcohol.

“Drug free workplace” means a site for the performance of work done in connection with a specific grant at which employees of the grantee are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance.

## 5.2 PROHIBITED CONDUCT

No employee or applicant may use, possess, distribute, sell, or be under the influence of any controlled substance (which includes prescription drugs that are illegally obtained or misused) or alcohol while engaged in work for or on behalf of the City or while on City property or at the time of application for employment. This policy applies to persons on City premises and off City premises, persons traveling or attending training in the course of their employment, or persons operating a vehicle or equipment owned or leased by the City. Employees operating on behalf of the City of El Dorado under a license issued by the State of Kansas may be exempt from the aforementioned provisions.

Any employee or applicant who may be undergoing medically prescribed treatment with a controlled substance, which may limit the employee’s ability to perform on the job, must report this treatment to his/her supervisor prior to beginning work or, in the case of an applicant, to the person who is responsible for hiring. Failure to report this to the appropriate person with the City shall be just cause for appropriate disciplinary action.

## 5.3 PRESCRIPTION OR OVER-THE-COUNTER MEDICATIONS

Legal use of prescribed drugs is permitted on the job only if such use does not impair an employee’s ability to safely and effectively perform his or her job. The use of prescribed drugs or over-the-counter medication which may adversely affect performance or behavior or implicates a safety concern must be reported to the supervisor before beginning work on the day in which the medication is taken.

## 5.4 DUTY TO REPORT

If an employee suspects that another employee or supervisor is under the influence, using, selling, possessing, or purchasing alcohol or drugs while on duty or engaged in City business, or while using City vehicles or other property, that employee shall report his or her suspicions to a non-involved supervisor, department director, or Human Resources. Failure to report suspicion of alcohol or drug use is cause for disciplinary action.

If a supervisor suspects that an employee is under the influence of alcohol or drugs, the supervisor will contact Human Resources or his or her designee to arrange for testing in accordance with applicable alcohol and drug screening and testing guidelines. The supervisor or designee will provide transportation to and from testing.

**DRUG-RELATED CONVICTIONS.** Any employee convicted of violating a criminal drug statute, whether resulting from a trial or a plea of guilty or *nolo contendere*, shall inform the City of such conviction within five business days.

## 5.5 DRUG AND ALCOHOL TESTING AND INSPECTION OF PROPERTY OF EMPLOYEES

To ensure a safe, drug-free workplace, the City, at its discretion, can require employees to submit to a drug or alcohol test for any of the following reasons:

- **Reasonable Suspicion.** If a supervisor has reasonable suspicion to suspect an employee is under the influence of alcohol, illicit drugs, or prescription medications (to the extent that such medication impairs the employee’s ability to perform the functions of his position), the employee may be required to submit to a blood, alcohol and/or urine exam.
- **Return to Employment upon Completion of Rehabilitation.** The City may conduct drug or alcohol testing of employees during, and after completion of, drug or alcohol rehabilitation.
- **Post-Accident.** The City can conduct drug or alcohol testing in investigating accidents in the workplace in which the accident (1) resulted in an injury to a person for which injury, if suffered by

an employee, a record or report could be required under state or federal occupational safety laws or regulations (including workers compensation laws) and the injury requires professional medical care in the opinion of the employee or supervisor; or (2) resulted in damage to property, including to equipment, when the damage was caused due to negligent employee action or inaction.

- Other. The City may conduct drug or alcohol testing as required by federal or state law or regulation or by law enforcement.

Failure to consent to either the search of your person, your personal property, or the City's property within your possession or to submit to drug or alcohol testing may result in discipline, up to and including termination.

#### 5.6 DRUG AND ALCOHOL TESTING OF APPLICANTS

The City will not hire an applicant who tests positive for any controlled substance (which includes prescription drugs that are illegally obtained or misused) or alcohol. Applicants who test positive will not be eligible for hire with the City for one year unless they provide documentation of successful completion of a reputable substance abuse rehabilitation program.

Substance abuse screening will be conducted during the pre-employment drug and alcohol examination. Any testing, testing-related documents, and test results will be kept confidential and will only be released to persons with a need to know. Any breach of confidentiality will be cause for disciplinary action. An initial positive test will be confirmed by mass spectrometry before action is taken.

#### 5.7 VIOLATION OF POLICY

Employees who violate any aspect of this policy may be subject to disciplinary action, up to and including termination. In addition, the City may, in its discretion, require employees who violate this policy to successfully complete future random testing or a drug abuse assistance or rehabilitation program as a condition of continued employment. Any specific conditions of continued employment will be detailed in Conditional Return to Work Agreement reviewed and approved by both parties.

#### 5.8 VOLUNTARY TREATMENT

The City supports employees who voluntarily seek treatment for drug- or alcohol-related problems. Employees with drug and alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take paid or unpaid time off to participate in a rehabilitation or treatment program. Leave may be granted if the employee agrees to abstain from using the problem substance (drug or alcohol) and abides by all City policies, rules, and prohibitions relating to conduct in the workplace.

Employees who voluntarily enter into a rehabilitation program shall be required to provide proof that they have successfully completed the program.

#### 5.9 DOT POLICY

The Federal Motor Carrier Safety Administration (FMCSA) is the agency within the Department of Transportation (DOT) that regulates motor carriers in the trucking industry. FMCSA's Controlled Substances and Alcohol Use and Testing regulation 49 CFR Part 382 requires each motor carrier to develop, maintain, and follow a Drug and Alcohol Policy. A basic requirement of this policy is that all drug and alcohol testing will follow the requirements of DOT's "Procedures for Transportation Workplace Drug and Alcohol Testing" 49 CFR Part 40.

The DOT requires transportation employers to develop and implement drug and alcohol testing programs in the interest of public safety. Safety is the highest priority for DOT. One of the means by which the DOT helps ensure safety is by subjecting those drivers responsible for transportation safety to drug and alcohol testing. Drivers tested under the DOT program have direct impact on the safety of the traveling public.

A separate DOT policy, in addition to the policy contained in this handbook, will apply to every employee whose position requires the possession of a commercial driver's license (CDL); every employee performing a "safety-sensitive function," and any person applying for such positions including Fire Department Staff.

## SECTION 6: VIOLENCE-FREE AND WEAPON-FREE WORKPLACE POLICY

The City strives to provide a safe and healthy work environment. In keeping with this objective, the City has adopted a Violence-Free and Weapon-Free Workplace Policy.

### 6.1 WORKPLACE VIOLENCE PROHIBITED

Acts or threats of physical violence, including intimidation, harassment, coercion, stalking or any other conduct involving threatening or violent behavior, that involve or affect the City or its employees or that occur on City property will not be tolerated.

Acts, threats, or conduct involving violence include conduct that is sufficiently severe, offensive, or intimidating to alter the employment conditions at the City or to create a hostile, abusive, or intimidating work environment for one or several employees.

The City prohibits threats and acts of violence against all persons involved in the City's operation or on City property, including, but not limited to, personnel, contractors, temporary employees, customers, vendors, and anyone else on the City's property. Violations of this policy by any individual on City property will lead to disciplinary action, up to and including termination. In addition, the City will take appropriate legal action.

Each employee is required to immediately report incidents, threats, or acts of physical violence to his/her Supervisor, Department Head, or Human Resources.

### 6.2 WEAPONS

The City prohibits employees from possessing or using a "weapon," as defined below. The prohibition applies when an employee is engaged in official duties or in the course of City employment regardless of location of said duties. This prohibition also applies to all employees who drive or ride in City vehicles or equipment. Employees may carry a handgun into City buildings open to the public, as long as the employee is not prohibited from carrying such a weapon under state or federal law. Any employee carrying a handgun pursuant to the provisions of state law must keep said handgun on his or her person and attended at all times.

A "weapon" includes, but is not limited to, any long gun, knife or sword with a blade exceeding four (4) inches in length, any explosives, or any chemical used to cause harm to another person.

The only exceptions to the definition of "weapon" shall be:

- Law enforcement officers or other employees who have been given the express written consent of the City Manager to carry a weapon in the course of their employment with the City.

Subject to other policies and procedures of the City and Kansas law, law enforcement and other employees authorized to carry weapons within the scope of their employment are the only individuals authorized to use deadly force while acting for and on behalf of the City of El Dorado. Under no circumstances will any other employee use deadly force as a function of their job. The City will not provide for, reimburse, or pay attorney fees or other costs in defense of any employee who uses deadly force if the use of deadly force is not a function of said employee's job.

Violation of this policy will be subject to disciplinary action up to and including termination. Nothing in this policy shall be constructed to create a duty or obligation on the part of the City to take any actions beyond those required of an employer under existing law.

### 6.3 EMERGENCY PROCEDURES

All incidents of workplace violence in which (1) a weapon is displayed or used or (2) any person is injured must be immediately reported to a law enforcement agency by calling 911 and to a supervisor and department head.

When it is inappropriate to refer an incident to the Police Department, the Director of Human Resources will evaluate the incident and determine whether to conduct an investigation. If an investigation is directed, the Director of Human Resources will coordinate the investigation process and will notify the City Manager of the incident and the findings.

## SECTION 7: SELECTION AND HIRING

### 7.1 GENERAL SELECTION CONSIDERATION

It shall be the policy of the City to provide fair and equal opportunity to all qualified persons to enter City employment on the basis of demonstrated merit and fitness determined by fair and practical methods of selection, without regard to race, color, sex, disability, religion, age, national origin or ancestry, political affiliation, or any other status or condition protected by applicable state or federal laws.

### 7.2 CONDITION OF ELIGIBILITY

An applicant/employee for any position with the City:

- Must be a citizen of the U.S.A. as evidenced by proof of birth or naturalization or an immigrant with legal work status.
- Must possess physical abilities suited to the requirements of the position.
- Must meet individual department needs of response time and/or distance.
- Must comply with all statutory requirements relative to eligibility prerequisites, including insurance eligibility.
- Must have negative results on an alcohol and drug test.

A post-offer physical screening will be required for all full-time regular employees entering service with the City. Should the result of the examination be unsatisfactory in any respect, the City Manager may cancel the offer of employment or amend the terms of the offer, as s/he considers necessary. The expense of the medical examination will be at the responsibility of the City.

### 7.3 NEPOTISM

No person shall be or remain employed in a department if any employee in such person's department supervisory chain is a member of such person's immediate family; and no person shall be considered for employment in any division if a member of such person's immediate family is employed within such division, unless otherwise approved by the City Manager.

If two employees within the same department supervisory chain marry or otherwise become members of each other's immediate families while employed by the City, an attempt will be made to transfer one such employee to another department. If no opening exists or neither employee is qualified for available openings, the employment of one of the employees will be terminated upon 60 days' notice.

Determination of which employee will be terminated is at the discretion of the City Manager based on the business needs of the City.

### 7.4 REJECTION OF APPLICATION OR EMPLOYMENT

Employment application may be rejected from any applicant:

- Whose application indicates that minimum qualifications, which are required, are not fulfilled.
- Whose application does not include all significant information.

- Whose employment has been terminated from the City due to unsatisfactory performance.
- Who receives a positive result on the pre-employment alcohol or drug test.
- Who cannot pass the physical screening according to the City's standards.

## 7.5 APPOINTMENT AND ASSIGNMENT OF DUTIES

The responsibility for hiring and discharging personnel rests solely with the City Manager. The City Manager relies strongly upon recommendation of the Department Head and Human Resources. All appointments to City employment are made based on the individual's competency, integrity, and suitability.

Employees are appointed on a full time, part-time, or temporary basis. Some departments with seasonal work have part-time or temporary employees. A satisfactory temporary or part-time employee may be given the opportunity to become an "introductory employee" if a non-temporary, full-time position for which they are qualified becomes available. All employees are subject to assignment by the City Manager or their representative.

Initial appointment to a specific position does not relieve the employee of the obligation to serve in any other temporarily designated assignments. Each employee's interests and abilities will be given as much consideration as possible during the placement process.

## 7.6 DUAL EMPLOYMENT

Employees may not hold more than one position within the City or be employed by an outside employer unless specifically approved in writing by the City Manager. Applications for dual employment can be requested from Human Resources.

## 7.7 PRE EMPLOYMENT TESTS AND SCREENING

Appointment to municipal service is contingent on the successful completion of a pre-employment physical examination related to the requirements of the position desired and pre-employment drug and alcohol screening. The nature and extent of such examinations will be determined by the respective Department Head and Human Resources.

## 7.8 EMPLOYEE IDENTIFICATION

All regular full-time employees will receive an identification badge within the first week of their employment with the City. It is the responsibility of the employee to keep track of their badge. Replacement badges will be available, upon request, for a fee of \$5 per occurrence. The badge is the property of the City of El Dorado and must be returned upon termination of employment.

# SECTION 8: EMPLOYMENT STATUS & PERFORMANCE REVIEWS

## 8.1 EMPLOYMENT STATUS CLASSIFICATIONS

To assist employees in determining their eligibility for City benefits, the calculation of the accrual of such benefits, and their responsibilities as set forth in this handbook, the City establishes the following employment classifications:

All employees are classified as one of the following:

- **FULL-TIME:** A position regularly scheduled that normally includes eight (8) hours a day or forty (40) hours in a standard workweek of seven (7) days. For Firefighters and Police Officers, a work period of 14 days is established in place of the workweek.
- **PART-TIME OR SEASONAL:** Employees who work less than a normal full-time workweek on a regular, continuing basis. Students 18 years of age and under working between academic terms shall be considered part-time employees regardless of the number of hours worked.

- **TEMPORARY:** Employees who work on a temporary or recurring basis for a specific purpose or program and whose employment is not intended or expected to exceed five (5) months in any calendar year. These employees are not eligible for any benefits except those required by law.

## 8.2 FAIR LABOR STANDARDS ACT CLASSIFICATIONS

Employees are classified in one of two classifications for wage and hour purposes under state and federal law:

- **NON-EXEMPT EMPLOYEES:** Non-exempt employees are required to receive overtime or compensatory time as mandated by the Fair Labor Standards Act (FLSA). Non-exempt employees are paid on an hourly basis. Overtime pay is 1.5 times the regular rate of pay.
- **EXEMPT EMPLOYEES:** Exempt employees are exempt from the minimum wage and overtime provisions of FLSA. Exempt employees are paid a salary and are not eligible to receive overtime compensation for hours worked in excess of 40 hours in a work week. All exempt employees shall be notified at the time of hire or change in status of their exempt classification. All exempt employees are expected to work at least a 40-hour week subject to policies, agreements, and/or contract if applicable. Employees who have questions regarding their employment status should contact Human Resources.

## 8.3 PERFORMANCE REVIEWS

Understanding one's strengths and weaknesses is critical to successful job performance. The City is committed to helping employees improve their performance and to identifying those areas in which employees excel and those areas that may need improvement. Accordingly, supervisors, Department Heads, and employees are strongly encouraged to discuss job performance and goals on an informal, regular basis.

Full-time employees shall receive formal, written evaluations on an annual basis to discuss job performance. Evaluations will occur annually and be reflective of the past year of service to the City. Employees will also review their job description during the evaluation meeting to ensure and acknowledge understanding of position requirements. Any significant changes to job duties shall be reflected in an updated job description turned in to Human Resources with the evaluation form. During the annual evaluation meeting, employees will complete an annual compliance audit to verify policies relating to safety, harassment, and policy guidelines. If the employee is uncomfortable in addressing any compliance issues with a direct supervisor, they should contact Human Resources.

Direct supervisors are responsible for completing employee performance appraisals. The performance appraisal shall be reviewed by the Department Head and Human Resources prior to communication with the employee. The City Manager will also review performance evaluations as needed. If an employee believes that his or her performance appraisal is unfounded or inadequately justified, the employee may request a meeting with the next level of supervision in compliance with Section 3: "Open Door Policy." Signed and approved evaluations will be kept in the employees personnel file.

## 8.4 PROMOTION

If the employee's value in the position continually increases as evidenced by greater productivity, improved judgment, strong performance and increased initiative, recognition is granted to the employee by means of a merit increase in pay. Employees are eligible for merit increases depending upon the results of their annual performance evaluation per section 8.3 of the Handbook. Employees or new to the City may be eligible for a merit increase outside the scope of their annual evaluation based on meeting or exceeding communicated performance and achievement expectations. If the employee's pay rate is at the maximum salary range, a bonus may be given at the discretion of the Department Head, with the approval of the City Manager. Assignment to a higher grade shall be considered a promotion and shall be subject to a salary range with a higher maximum pay rate. Any proposed

change in pay shall be accompanied by a performance evaluation or otherwise approved written document and submitted to Human Resources. Human Resources shall provide the proper form to the City Manager for approval. Signed and approved evaluations and status change forms will be kept in the employee's personnel file.

## 8.5 TRANSFER

An employee may be transferred from one department to another department whenever it is in the best interest of the City to do so. An employee may also request to be transferred to a different department or apply for an open position within another department. In these two instances, the employee must engage in a conversation with his/her department head prior to submitting an application. Transfers must be approved by the two Department Heads concerned and by the City Manager.

## SECTION 9: EMPLOYMENT RECORDS

### 9.1 PERSONNEL FILES

The City keeps accurate, up-to-date employment records on all employees to ensure compliance with state and federal regulations, to keep benefit information up-to-date, and to make certain that important mailings reach all employees. The City considers the information in employment records to be confidential and property of the City of El Dorado. Employee personnel records are maintained by the Director of Human Resources. In addition to a general personnel file, the City maintains a separate, medical file, and restricted access file for each employee. Access to an employee's medical file and restricted access file is highly restricted and based on a need-to-know basis only. Employees, or their representative, may request access to their basic personnel file. Depending upon the circumstances, employees may be provided access to records pertaining to medical documentation or internal investigations, with appropriate redactions to protect the rights of others.

**EMPLOYMENT VERIFICATIONS AND REFERENCES.** All employment verifications and reference requests must be submitted to the Human Resource's Office. The Human Resource's Office will only verify factual information contained within the personnel file pertaining to employment. This includes: dates of employment, rates of pay and job titles. Except when required by law, additional information will only be provided with written authorization, specific to the City of El Dorado, from the employee.

**PERSONNEL FILE UPDATES.** An employee's eligibility to receive certain benefits and benefit payments may be affected by failing to provide current personal information. Employees shall promptly notify City of any changes in certain personal information, including but not limited to, legal name change, mailing address, telephone numbers, name of spouse and dependents, and emergency contact information. These changes should be submitted in writing or via Employee Self Service and a new W-4 or K-4 completed when appropriate.

**EMPLOYEE ACCESS TO PERSONNEL FILE.** All requests for access to personnel files must be provided in writing to Human Resources. Upon receipt of the written request, Human Resources, or their designee, will schedule an appointment for the employee to view the file during normal office hours. For purposes of this policy, the personnel file includes records related to performance and training as well as other records used for hiring, promotion and disciplinary decisions. It will not include any reference checks, medical records or investigation files. Employees are not permitted to remove any documents from the personnel file but may provide a written response to any document in the personnel file. Written responses will be attached to the original document in the personnel file.

Employees may request copies of documents in their personnel file. Requests for copies must also be made in writing to Human Resources in advance of the copy being provided. Request for complete copies of the basic employee file will require three days advance notice and will only be provided once every six months. If the employee is requesting copies of the restricted and/or medical file, the written request should specifically

reference those items. The employee acknowledges that their employee file is subject to change during the subsequent period between requests.

## 9.2 REQUESTS FOR PERSONNEL INFORMATION

All requests for recommendations or information concerning an employee's employment with the City shall be handled through the Human Resources Office.

Access to personnel records and information shall be restricted so as to maintain as much confidentiality as practicable and as set out by law. The City reserves the right to verify employee information such as employment status and job title to law enforcement, public safety officials, or medical officials who have a valid need to ascertain limited, specific information about the employee, without notification to the employee involved. The City will comply with K.S.A. 42-215, et seq., the Kansas Open Records Act, in maintaining and disclosing personnel information.

## 9.3 CONFIDENTIALITY OF CITY INFORMATION

Some of the material and information handled throughout a normal workday is considered confidential and/or highly sensitive. Records and information concerning the City's business or confidential information should not be disseminated to anyone without proper authorization. Employees who improperly use or disclose confidential business information will be subject to disciplinary action, up to and including termination. Discipline can and will occur regardless of whether the employee actually benefited from the disclosed information.

## 9.4 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

The City of El Dorado complies with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) relating to the privacy requirements for Protected Health Information (PHI). This policy defines how PHI obtained by the City during the employment relationship with an employee will be used and who will have access to the information.

"Protected Health Information" (PHI) includes individually identifiable health information relating to a specific employee or dependent, that is maintained or transmitted in any form to a healthcare provider, group health plan or to which the City may have access.

"Privacy Officer" is the person in the organization who is assigned to ensure compliance with all federal and state laws regarding privacy of PHI. Human Resources serves as the Privacy Officer for the City of El Dorado and may be contacted at 220 E. First Ave, El Dorado, KS 67042.

Medical information about employees and their dependents health is personal and confidential; City policy limits use of PHI to the extent necessary to make City benefits effective. Under HIPAA regulations, permitted use and disclosure is limited to treatment, payment, or operation (TPO) of the health plan(s). PHI cannot be used or disclosed for any other purpose without prior written authorization by the individual. City Human Resources staff may be exposed periodically to PHI, such as during benefits enrollment, assisting employees with claims processing, plan interpretation or medical leave. The City will, to the extent required by law:

- Keep medical information that identifies an employee confidential;
- Disclose or use medical information only for the purpose of treatment, payment or operation of the health plan(s) or if properly authorized to be used for another purpose permitted by law or regulation;
- Provide employees notice of the City's privacy practices;
- Train employees exposed to PHI regarding proper handling of the information;
- Inform employees of their right to inspect and copy medical information; and require that all business agents that process or have access to PHI comply with the privacy requirements of HIPAA.

The Privacy Officer is responsible for the functions of auditing, training, record keeping, corrective action, and receipt of requests and exercise of employee rights, and receipt of notices from employees and/or enforcement agencies. Employees have the right to inspect and copy PHI maintained by the employer, to the extent required by law. The Privacy Officer will be responsible for maintaining all records of requests to inspect or copy PHI.

- Request to Review: A formal written request must be submitted to the Privacy Officer to review Private Health Information. If known, the type of information requested should be listed.
- Time of Review: A mutually agreeable time will be set up to review the information in the presence of the Privacy Officer.
- Copies of Information: A fee per copy that is commensurate with the fee for open records related requests may be charged for copies of requested documents.
- Denial: A request may be denied as provided by HIPAA. Upon a denial, the city will inform the employee of the basis of the denial and, if applicable, furnish a statement regarding how to obtain a denial review and a description of the complaint filing procedures.
- Request to Amend: An employee who feels that the PHI maintained by the City is incorrect or incomplete, may ask to have the file amended. This request must be in writing and submitted to the Privacy Officer along with a reason for the request. The Privacy Officer will be responsible for maintaining all records of such requests to amend the file.
- Denial of Request: A request to amend the file may be denied as provided by HIPAA. Upon a denial, the City will inform the employee of the basis for the denial. The City will also provide a statement that the individual has the right to submit a written statement disagreeing with the denial and explaining how the statement may be filed. If a statement of disagreement is not filed, the employee may ask the City to provide (1) a copy of the amendment request with any future PHI disclosure; and (2) a description of the complaint procedures used by the City.

Employees who violate this policy will be subject to discipline up to and including termination.

## SECTION 10: TIMEKEEPING, PAYROLL, HOURS, AND COMPENSATION

### 10.1 PAY DAY AND PAY PERIODS

All employees will be paid bi-weekly on Wednesday. The pay period begins on Saturday and ends on Friday of the second consecutive week following the beginning of the pay period. Federal taxes, State taxes, Social Security, Medicare, and retirement contributions are withheld from a paycheck by law. Withholding for any other purpose may from time to time be approved by the City Manager as allowed by law.

### 10.2 ESTABLISHMENT OF PAY PLAN

The City Commission shall establish a Pay Plan by Resolution on an annual basis. The Pay Plan shall set forth a grade for each position for pay purposes. Positions shall be graded with other positions that are sufficiently alike in respect to their duties and responsibilities to justify common treatment in selection, compensation and other employment processes. All positions shall be assigned a grade to determine the Salary Range for that particular position. The Salary Range is the minimum and maximum pay rate that can be earned in a position.

### 10.3 REVIEW OF PAY PLAN

Periodically, the City Manager reports to the City Commission a comparison of the salary rates, compensation policies, and personnel practices of the City with those of other employers, public and private, within the community and comparable communities. On the basis of this comparison and examination, the City Manager may recommend to the City Commission changes in the overall Pay Plan or in the Salary Ranges.

#### 10.4 DETERMINATION OF PAY RATE

A new employee will normally enter employment at the minimum of the salary range for the position in which employed. The beginning salary may be below the established range if the employee is less than full-time or is a participant in a trainee program designed to attract or utilize persons with minimum qualifications and potential for development. A beginning salary may also be higher within the range for employees with exceptional qualifications and/or experience.

#### 10.5 MERIT INCREASES IN PAY RATE & PROMOTIONS

If the employee's value in the position continually increases as evidenced by greater productivity, improved judgment, strong performance, and increased initiative, recognition is granted to the employee by means of a merit increase in pay. Employees are eligible for merit increases depending upon the results of their annual performance evaluation per section 8.4 of the Handbook. If the employee's Pay Rate is at the maximum Salary Range, a bonus may be given at the discretion of the Department Head, with the approval of the City Manager. Assignment to a higher grade shall be considered a promotion and shall be subject to a Salary Range with a higher maximum Pay Rate

#### 10.6 WORK SCHEDULES AND WORK WEEK

An employee's work schedule will be determined by the Department Head and approved by the City Manager. The City will make every attempt to provide employees with a consistent schedule; however, community needs may vary work schedules.

The regular work week for full-time non-exempt employees is seven consecutive days of forty (40) hours, with the exception of exempt employees, Police and Fire. A "work period" of 14 consecutive days shall constitute the work week for firefighters and police officers. (29 U.S.C. See 2007 (j) and (k)).

All employees are required to accurately record work time. Employees are required to clock in at the start and end of their shifts. Employees that are scheduled to receive a lunch period must also clock out and be relieved of all duties for a minimum period of 25 consecutive minutes. Employees should not take lunch at their workstation unless they can be completely relieved of all duties and remain uninterrupted. Generally, employees are not to work through lunch to make up for arriving late or leaving early unless they have prior approval for a given day from their supervisor.

Rest periods are not required by law, and will only be scheduled when necessary at the discretion of the Department Head. Rest periods are intended to relieve employees from physically strenuous or extreme climate conditions.

**LACTATION BREAKS:** In compliance with Section 7 of FLSA as amended by the Patient Protection and Affordable Care Act (P.L. 111-148) the City of El Dorado will provide reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth each time such employee has need to express the milk. Employees will be provided access to the following areas for lactation breaks:

- 220 E First Street (City Hall)
- 128 N Vine (Police Department)
- 222 E Second Ave (Public Works)
- 217 N Vine St (Engineering)

No employee shall be discriminated against for breastfeeding or expressing milk during the work period, and reasonable efforts will be made to assist employees in meeting their infant feeding goals while at work. Any act found to be intentional that invades a nursing mother's privacy shall be treated as a disciplinary offense and reported to the appropriate manager.

City of El Dorado will:

- Maintain the cleanliness of the room or location set aside for the use of employees expressing breast milk at work.
- Notify employees returning to work following the birth of a child of their rights under the national worksite lactation accommodation law in the U.S. Patient Affordable Care Act. This notice may either be provided individually to affected employees or to all employees generally through posting in a central location.

Breastfeeding employees utilizing lactation support services will:

- Give supervisors advance notice of the need for lactation accommodations, preferably prior to their return to work following the birth of the child.
- Maintain the designated area by wiping surfaces with microbial wipes so the area is clean for the next user.
- Ensure the safekeeping of expressed breast milk stored in any refrigerator on the premises. Breast milk can be stored in a general company refrigerator, in a refrigerator provided in the lactation room, or in the employee's personal cooler.

#### 10.7 COMPENSABLE OVERTIME PAY FOR EMPLOYEES

Employees may be required to work overtime hours as directed by their supervisor. Employees may receive compensatory time for any approved overtime worked or may be paid an overtime rate for all hours worked in excess of the overtime threshold in a work week or work period.

The overtime threshold for employees in non-exempt positions (except designated positions in the fire and police departments) is forty (40) hours. The overtime threshold for designated non-exempt positions in the fire department is one-hundred and six (106) hours in a fourteen (14) consecutive day work period. The overtime threshold for designated non-exempt positions in the police department is eighty hours (80) in a fourteen (14) consecutive day work period. Personal and/or sick leave shall not be considered as hours worked for the purpose of calculating overtime.

No employee should work more than his/her scheduled hours without prior authorization to do so by the immediate supervisor. Employees who work more than his/her scheduled hours without prior authorization by the immediate supervisor may be subject to disciplinary action up to and including termination.

For overtime purposes, time worked begins and ends when the employee reports to or is relieved of their duties. Overtime will be paid at the end of the pay period in which it was earned. Any employee who is on call and is requested to respond to his respective department, shall be paid a minimum of one hour overtime. Any time worked over the one hour shall be rounded to the nearest fifteen minutes.

#### 10.8 COMPENSATORY TIME

Under certain prescribed conditions, employees may receive compensatory time off, at a rate of not less than one and one-half hours for each overtime hour worked, instead of cash overtime pay. Law enforcement, fire protection, and emergency response personnel and employees engaged in seasonal activities may accrue up to 480 hours of comp time; all other employees may accrue up to 240 hours. An employee must be permitted to use compensatory time on the date requested unless doing so would "unduly disrupt" the operations of the agency. Each supervisor will communicate their department's policy on earning compensatory time off in lieu of overtime to employees before work is performed.

Eligibility. Only employees eligible for overtime pay are eligible for compensatory time off in lieu of overtime pay. Employees not eligible for overtime pay are those employees defined by the FLSA as “Non-Covered Employees.” Included within the definition of non-covered employees are all exempt employees.

**NON-COVERED EMPLOYEES.** Non-covered employees, including all exempt employees, are not eligible for overtime compensation or compensatory time off. It is recognized that the positions of these employees often require them to work beyond the regular scheduled hours of duty, and some flexibility shall be granted them in adjusting their work schedules to meet varying workloads. Employees are granted the privilege of adjusting their work schedules (within a 40 hour work week) to work lesser hours when workloads permit. There shall be no accumulation of administrative leave of any nature beyond the employee’s privilege of adjusting their work schedules. Upon departure from employment with the City, employees will not be paid for any claimed administrative leave for supposed “overtime” work.

**COMPENSATORY PAY.** If compensation is paid to an eligible employee for accrued compensatory time off, the compensation will be paid at the regular rate earned by the employee at the time the employee receives such payment. An eligible employee who has accrued compensatory time off upon termination of employment will be paid for the unused compensatory time at a rate of compensation not less than: (1) the average regular rate received by the employee during the last three-years of the employee's employment, or (2) the final regular rate received by the employee, whichever is higher.

The official time and attendance records maintained by the City will be the controlling records for any compensatory time purpose.

#### 10.9 TRAINING TIME

Training time shall be compensable in accordance with federal and state wage and hour laws. Generally, training time shall not be compensable as hours worked if:

- Attendance is outside of the employee’s regular working hours;
- Attendance is voluntary;
- The course, lecture, meeting or training session is not directly related to the employee’s job; and
- The employee does not perform any productive work during such attendance.

In addition to the circumstances described above, training time for City employees shall not be compensable as time worked if the training is applied toward a certification required by a higher level of government, or by the City for its employees and comparable private sector employees, in accordance with federal and state wage and hour laws.

#### 10.10 TRAVEL TIME

Travel time shall be compensable in accordance with federal and state wage and hour laws. Employees should direct all questions regarding travel time to his/her Department Head prior to the completion of the travel time.

**HOME TO WORK TRAVEL.** Generally, travel from home to work and from work to home is not compensable as hours worked.

**TRAVEL THAT IS PART OF A DAY’S WORK.** Time spent by an employee in travel as part of his principal activity, such as travel from job site to job site during the workday, shall be counted as hours worked.

**OVERNIGHT TRAVEL.** Travel that keeps an employee away from home overnight shall be counted as hours worked as follows:

- All time spent driving shall be counted as hours worked for the driver;
- All time spent traveling by any employee as a passenger, including a passenger in an automobile, shall be counted as hours worked when it cuts across the employee's workday. For example, an employee who is normally scheduled to work from 9:00 a.m. to 5:00 p.m., with a one-hour lunch, travels from 8:00 a.m. to 6:00 p.m. shall be paid for 7 hours of travel time (9:00 a.m. to 5:00 p.m. with a one-hour lunch period subtracted).
- An employee who declines the use of available public transportation shall be paid only those hours that the employee would have had to count as hours worked during working hours if the employee had used the public transportation.

#### 10.11 WORK PERFORMED DURING DECLARED EMERGENCIES

Under extreme situations, where the best interest of the City of El Dorado is served, employees who are classified as overtime exempt, i.e. salaried staff not entitled to overtime payments, may be paid an overtime premium for hours worked beyond their regular schedule provided the following conditions are met:

- The City Manager has determined that a temporary situation exists where it is in the best interest of the City to pay an exempt employee overtime.
- Application for permission for exempt overtime must be in writing from the department head or the position supervisor and shall include the duration, reasons, and cost justification. The application must be approved in writing by the City Manager and the Finance Director. Overtime will not be approved for any exempt employee unless such permission is on file before the end of the first pay period after the conclusion of the temporary situation.
- Nothing in this policy shall be interpreted as changing the overtime exempt status of a staff member receiving an overtime premium pursuant to this policy

### SECTION 11: ATTENDANCE, TIME OFF AND LEAVE

#### 11.1 ATTENDANCE AND PUNCTUALITY

Each employee is important to the efficient operation of the team s/he works with, and his/her tardiness or absence causes lower efficiency, increases risks of injury to fellow employees, increases opportunities for lowered quality, and places extra burden on other team members.

It is the policy of the City that employees are responsible for being ready to work at their scheduled starting times for regular work schedules, overtime work, and scheduled meetings.

When an employee will be late for work or absent due to illness or other reasons, the employee shall notify his/her supervisor as soon as possible and prior to their designated start time. This enables the supervisor to make necessary arrangements to continue the employee's functions while s/he is absent.

The City will consider it a voluntary separation of service should an employee not call his supervisor or report to work for three consecutive work days.

#### 11.2 LEAVE OF ABSENCE

Special leave may be granted without pay. If the request for leave is for less than one (1) week, the Department Head may grant it upon demonstration of adequate justification. An employee who is no longer receiving a payroll check is automatically considered to be on a leave of absence without pay and does not receive fringe benefits except when such leave qualifies as FMLA Leave. In some circumstances, the provisions of the Family and Medical Leave Act may apply and benefits will continue during FMLA Leave. Human Resources should be notified in writing prior to the beginning of the leave period and upon returning to work.

### 11.3 PERSONAL LEAVE

AVAILABILITY AND ACCRUAL OF LEAVE. Personal leave is accrued by regular, full-time employees and gives them the opportunity to take time away from work with pay.

USE OF LEAVE. To be eligible to take personal leave, employees must complete and submit a personal leave of absence request to their Department Head as soon as practicable. Personal leave must be approved in advance by the Department Head or City Manager, except for emergency situations. Personal leave will be approved and scheduled as dictated by business needs and at the discretion of the Department Head.

LEAVE FOR NON-FIRE DEPARTMENT PERSONNEL. All regular, full-time employees, except non-exempt Fire Department personnel, will accrue personal leave at the rate of 6.77 hours (8.27 hours for employees with over 10 years continuous service) for each full bi-weekly pay period employed. Employees who have less than ten (10) consecutive years of service with the City shall not accumulate personal leave in excess of 200 hours. Employees who have ten (10) or more consecutive years of service with the City shall not accumulate personal leave in excess of 260 hours.

LEAVE FOR FIRE DEPARTMENT PERSONNEL. Regular, non-exempt full-time employees of the Fire Department will accrue personal leave at the rate of 9.47 hours per pay period (11.57 hours for employees with over 10 years continuous service) for each full bi-weekly pay period employed. Employees who have less than ten (10) consecutive years of service with the City shall not accumulate personal leave in excess of 320 hours. Employees who have 10 or more consecutive years of service with the City shall not accumulate personal leave in excess of 405 hours.

### 11.4 HOLIDAYS

Work hours are not normally scheduled for the following holidays except when public health or safety requires operations to be maintained. Holidays will be observed on the Friday before if the holiday falls on a Saturday and they will be observed on a Monday if the holiday falls on a Sunday.

USE OF LEAVE FOR HOLIDAYS. The personal leave accrual allows each employee to bank hours for holidays in addition to regular personal leave time. It is the responsibility of the employee to track personal leave time to ensure they have hours to cover holidays. New hires shall be eligible to use leave for holidays that take place within the first three months of their employment, time used for those holidays will be deducted from future accruals.

- New Year's Day                      January 1
- Martin Luther King Day      3rd Monday in January
- Memorial Day                      Last Monday in May
- Independence Day              July 4
- Labor Day                              First Monday in September
- Veterans Day                      November 11
- Thanksgiving                      4th Thursday & Friday in November
- Christmas Day                      December 25

### 11.5 SICK LEAVE

AVAILABILITY AND ACCRUAL OF LEAVE. All regular, full-time employees, except those of the Fire Department, will accrue sick leave at the rate of 3.70 hours for each full bi-weekly pay period employed up to a maximum accumulation of 720 hours. Regular, full-time employees of the Fire Department will accrue sick leave at the rate of 5.54 hours for each full bi-weekly pay period employed up to a maximum accumulation of 1008 hours.

**USE OF SICK LEAVE.** Employees may be eligible to use sick leave where leave is needed because of the employee's injury, illness, medical condition or because an employee has a medical, dental or optical appointment which cannot be scheduled during non-working hours. Employees may also be eligible to use sick leave where leave is needed to care for an immediate family member who is ill, injured, or hospitalized and requires the employee's attention. "Immediate family member" is any relative living in the employee's household or the employee's parent unless otherwise approved by the City Manager.

**MISUSE OF SICK LEAVE.** Sick leave is not a privilege, and its use will only be allowed in accordance with established departmental rules. Employees who misuse sick leave may be denied time off and subjected to disciplinary action, up to and including termination. This shall include, but not be limited to, situations where an employee alleges an illness when the employee is not actually ill.

**DOCTOR'S CERTIFICATE.** A Department Head may require proof of illness or injury to approve sick leave pay for time off. If an employee is absent due to injury, illness or other medical condition for three or more consecutive work days, s/he may be required to provide a written certification from his/her physician or health care provider verifying the employee's ability to perform his job, with or without a reasonable accommodation, before s/he will be allowed to return to work. This certification must be provided on the approved City of El Dorado Return to Work Form to Human Resources to ensure that the employee's health is adequate to perform work duties.

#### **11.6 UPON SEPARATION OF SERVICE**

Employees shall receive payment for accrued but unused personal leave upon separation of service on their final paycheck. Employees with sick or any other awarded hours on their leave profile at the time of separation will not be eligible for payment of those hours. Employees separating from service prior to six months of employment will not be eligible payment of leave of any kind. Any deficit of personal or sick leave shall be treated as a cash advance and shall be deducted from the employee's final pay check up to the amount allowable by law.

#### **11.7 EMERGENCY LEAVE**

Regular, full-time employees may use accrued sick leave during any period of hospitalization of an immediate family member (as defined in the City's Sick Leave policy). If no sick or personal leave has been accumulated or all sick or personal leave has been exhausted, the employee may request an unpaid leave of absence as set forth in this Handbook. In some circumstances, an employee may be entitled to leave under the Family and Medical Leave Act (FMLA). Employees should consult the City's policy on leave under the FMLA for eligibility, entitlements and requirements.

#### **11.8 BEREAVEMENT LEAVE**

Regular, full-time employees are eligible for three (3) consecutive days of paid leave for the death of an immediate family member or grandparent. Those three (3) days will not be charged to the employee's personal leave or sick leave. (For purposes of this section, a day is defined as the number of regular hours the employee would have otherwise been scheduled to work). If additional time is needed, personal leave or a time off without pay may be requested.

#### **11.9 MILITARY LEAVE**

Employees who are inducted into the U.S. Armed Forces or who are reserve members of the U.S. Armed Forces will be granted leaves of absence for military service, training, or other obligations in compliance with state and federal laws.

Regular, full-time employees who are members of the Armed Forces Reserve or National Guard may charge accumulated personal leave for the time spent in reserve camp or take the time off without pay. Part-time or temporary employees must take the time off without pay.

An employee who leaves City service for military active duty shall be placed on military leave without pay during the entire time of required active duty. Provided the former employee makes application for reinstatement within 30 days after his release from military duty, all benefits will be frozen until such time that he is reinstated to his former position or position of like pay and responsibility, without loss of service, seniority, credits, or other benefits. In addition, the former employee must be physically and mentally capable of performing the duties of the position involved with reasonable accommodation.

#### 11.10 PREGNANCY AND MATERNITY LEAVE

An employee who becomes pregnant may claim and receive maternity leave in the same manner as provided for sick leave or personal leave. Provisions of the Family and Medical Leave Act may also apply.

An employee shall be granted a leave of absence due to disability arising from pregnancy or childbirth. Employees are eligible from date of hire for a leave of absence if they are unable to work due to pregnancy disability.

Employees must request pregnancy disability leave by notifying their supervisor at least thirty (30) days prior to the commencement of the leave, or as far in advance as possible. The employee will be promptly notified of the approval or denial of the leave.

#### 11.11 CIVIL LEAVE

**CIVIL LEAVE WITH PAY.** An employee shall be given necessary time off with pay: (1) when performing jury duty; (2) when appearing in court as a witness in answer to a subpoena or as an expert witness when acting in an official capacity in connection with the City; (3) for the purpose of voting when the polls are not open at least two hours before or after the employee's scheduled hours of work; and (4) donating blood. This time off will not be charged to the employee's accumulated personal leave. Any compensation paid to the employee by the court system, or other parties, must be given to the City.

**CIVIL LEAVE WITHOUT PAY.** If an employee is involved in a personal lawsuit either as plaintiff or as defendant in an action not related to his duties with the City, the employee may take leave without pay unless they elect to utilize accumulated personal leave.

#### 11.12 USE OF LEAVE

**NEGATIVE LEAVE.** Employees who are unable to cover an absence with their existing bank of hours shall not be allowed to have a negative leave balance (except as allowed in the introductory period) without prior permission from the City Manager.

**LEAVE OVER WORK PERIOD.** Leave shall be used to supplement the work week up to, but not over, 40 hours for regular full time employees. Leave shall be used to supplement the work period up to, but not over, regularly scheduled hours for Police and Fire.

### SECTION 12: FAMILY AND MEDICAL LEAVE ACT

#### 12.1 POLICY STATEMENT

The Family and Medical Leave Act (FMLA) is a federal law that allows eligible employees to take job protected leave for FMLA covered conditions. This policy is designed to provide an overview of employee rights to FMLA. In the event of any conflict between this policy and the law, employees will be afforded all rights required by law. Under certain conditions, the FMLA entitles eligible employees to time off with or without pay for personal and

family health reasons, for the birth or adoption of children or placement of foster children, for military caregiver leave and for qualifying exigency leave. In most cases, employees taking FMLA leave are entitled to return to the position they held prior to leave or an equivalent position with equivalent benefits, pay, and other terms of employment.

**ELIGIBILITY.** The City of El Dorado is a covered employer and therefore City employees are eligible for FMLA leave if they (1) have been employed with the City for at least 12 months (the months need not be consecutive), (2) they worked at least 1,250 hours during the 12-month period immediately preceding the leave.

**QUALIFYING LEAVE.** Up to 12 weeks of FMLA leave may be taken by eligible employees, unless caring for a seriously injured or ill service member in which case up to 26 weeks may be taken. For reasons of birth or placement of a child, leave must be completed within 12 months of the event. Leave is computed as a rolling 12 month period measured backward from the date an employee uses FMLA leave. Generally, FMLA leave may be taken for the following reasons:

- For the birth of a son or daughter, and to care for the newborn child;
- For placement with the employee of a son or daughter for adoption or foster care;
- For care for the employee's spouse, child, or parent with a serious health condition;
- Because of a serious health condition that makes the employee unable to perform the functions of the employee's job;

For qualifying exigencies arising out of the fact that the spouse, child, or parent of the employee is on covered active duty or has been notified of an impending call or order to covered active duty in the Armed Forces; or to care for a seriously injured or ill covered service member who was injured in the line of duty on active duty, to whom the employee is the spouse, parent, child, or next of kin. This leave is only available during a single 12-month period and, if utilized in combination with any other FMLA reason, the eligible employee shall be entitled to no more than a total of 26 work weeks. Nothing in this section limits the availability of another type of FMLA leave being utilized in a subsequent rolling 12-month period.

A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves: inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or continuing treatment by a licensed health care provider for a chronic or long-term health condition. Generally, a health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. At least two health care visits a year must occur to be considered a chronic condition; or

- Incapacity which is permanent or long-term due to a condition for which treatment may not be effective.

Employees with questions about whether an illness is covered under this policy should consult with the Director of Human Resources.

"Qualified exigencies" include:

- Issues arising from a covered military member's short notice deployment (i.e., deployment on seven or less days of notice) for a period of seven days from the date of notification;
- Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the

- American Red Cross that are related to the active duty or call to active duty status of a covered military member;
- Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
- Making or updating financial and legal arrangements to address a covered military member's absence;
- Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;
- Taking up to five days of leave to spend time with a covered service member who is on short-term temporary, rest and recuperation leave during deployment;
- Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member;
- Any other event that the employee and employer agree is a qualifying exigency.

The term "Covered service member" means: a member of the Armed Forces (including the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness; or a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the armed Forces at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment recuperation, or therapy.

**EMPLOYER NOTIFICATION.** An employee desiring to use FMLA leave must, when practicable, notify his or her supervisor or Human Resources 30 days in advance of the anticipated start date of leave. When leave is foreseeable but 30 days advance notice is not practicable, the employee must provide notice as soon as possible and in accordance with the Personnel Policy Handbook for reporting sick leave or department procedure, unless physically unable to do so due to an emergency situation.

**EMPLOYER RESPONSE.** When a request for FMLA leave is received, Human Resources will notify the employee of his or her eligibility to take leave, within five business days of the request for FMLA leave. If the employee is not eligible, the response will include the reason for ineligibility. The employee will also be informed of their rights and responsibilities under FMLA, including specific written instructions on any additional information that will be required. Once sufficient information is received, the employee will be notified of the status of determination of the FMLA leave request within five days of the determination. The employee will also be notified of the number of hours, days, or weeks that will be counted against the employee's FMLA entitlement. Supervisors will receive notification of any FMLA approvals.

**USE OF PAID AND UNPAID LEAVE.** Employees on FMLA leave can be required to exhaust all accumulated vacation, sick, holiday and compensatory time. In such a case, the paid time will be counted against the employee's FMLA leave time and the employee's accrued leave time. All remaining FMLA leave shall be unpaid. In the event a condition for which the employee has utilized paid or unpaid leave progresses into a serious health condition, the City will retroactively designate the portion of the leave taken that falls under these qualifications as FMLA leave.

**MEDICAL CERTIFICATION.** The City will require medical certification, by a health care provider, to support an employee's request for leave to attend to the employee's own serious health condition, or to care for a seriously ill child, spouse, or parent. Certification of an employee's serious health condition must include, among other things, a statement that the employee is unable to work at all or is unable to perform at least one of the essential functions of his or her position. For leave to care for a seriously ill child, spouse, or parent, the certification must include, among other things, an estimate of the amount of time the employee is needed to provide care. The City may require a second medical opinion, and subsequent and periodic re-certifications, at its expense. If the employee's and the City's opinions conflict, the City may require the binding opinion of a third health care provider, whose identity the City and employee must approve and which shall be paid for by the City.

A health care provider's release is required if an employee is returning from a medical leave exceeding three (3) days in duration for the employee's own serious health condition. The release shall include any work restrictions, if applicable and be completed on the City of El Dorado Return to Work form. For requests to care for injured or ill service members, documentation of the injury, recovery or need for care may be a copy of a certification completed by an authorized health care provider or a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family. Second opinions and re-certifications are not allowed. The department director or Director of Human Resources may authenticate or clarify a medical certification or an ITO or ITA, provided that in no event will the employee's immediate supervisor make contact with a medical provider.

**DOCUMENTATION FOR QUALIFYING EXIGENCY.** Employees requesting leave for a qualifying exigency arising out of the active military duty or notice of impending call or order to active duty must provide a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party.

The Department Head or Director of Human Resources may contact the individual or entity named in a certification of leave to verify the existence and nature of the order or meeting.

**INTERMITTENT LEAVE OR REDUCED SCHEDULE.** When medically necessary for an employee's serious health condition, the serious health condition of a spouse, child, or parent, for a qualifying exigency, or the care for a seriously injured or ill covered service member leave may be taken intermittently or by way of a reduced work schedule. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment to minimize disruption to their work schedule. For intermittent leave related to a serious health condition of the employee, the employee's spouse, child, or parent, or service member family leave, the City can require the employee to transfer temporarily to an alternative position for which the employee is qualified and that has equivalent pay and benefits; and better accommodates recurring periods of leave than the employee's regular position.

**SPOUSES' COMBINED LEAVE.** Spouses who are both employed by the City are entitled to a combined total of 12 weeks' leave, for the birth of a child, or for placement for adoption or foster care of a child, for the care of a sick parent, or for the qualifying exigency of an active service member. (26 weeks for an ill or injured service member)

**BENEFITS DURING FMLA LEAVE.** Group health insurance coverage will continue for employees on FMLA leave as if they were not on leave, and will do so on the same conditions as coverage would have been provided if the employee had been continuously working during the entire leave period. Employees who paid part of the premiums to maintain health coverage before taking leave must, to continue coverage during leave, make those payments, and the payments should be coordinated through the City. Health care coverage will cease if the

premium payment is more than 30 days late. Should the employee fail to return to work, or remain at work upon return for less than 30 days, for reasons other than serious health conditions, or retirement, or for reasons beyond the employee's control, the City may recover from the employee the costs of payments made to continue the employee's health insurance.

Other benefits shall accrue during FMLA leave only if they would continue under other types of leave.

## 12.2 MILITARY LEAVE

Leaves of absence shall be granted to City employees whose United States uniformed services (military) obligations necessitate their absence from work. These leaves are applicable to all such obligations, including Reserve and National Guard assignments, and are governed pursuant to the Uniformed Services Employment and Reemployment Rights Act ("USERRA"). Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

Any employee who leaves city service for military duty shall be placed on military leave without pay. If not accepted for such duty, the employee shall be reinstated in his present position without loss of status or reduction in pay. Employees can elect to use accrued personal or sick time, but are not required to do so.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable position depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service. Employees on military leave for up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. If the period of service was more than 31 days, but less than 181 days, the employee must submit an application to the City no later than 14 days following completion of service. For service in the military of over 180 days, the employee must submit an application to the City not later than 90 days after completion of service.

Employees who are subject to multiple military duty assignments may, at their option, present leave notices covering all such obligations or individual leave notices.

Continuation of health insurance benefits will occur as required by and in accordance with USERRA, based on the length of the leave and subject to the terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible.

## 12.3 DOMESTIC VIOLENCE LEAVE

The City of El Dorado domestic leave policy is designed to raise awareness of domestic violence; provide time off for purposes required by law; provide support, when appropriate, to employees experiencing domestic violence; give guidance to management on addressing the effects of domestic violence in the workplace; comply with all federal and state laws concerning domestic violence; and create a safer work environment.

"Domestic violence" means a pattern of coercive behavior that is used in an intimate relationship by one person to gain power and control over another. Domestic violence includes physical, sexual, emotional, psychological and financial abuse. Examples of coercive behavior include, but are not limited to: hitting, punching, shoving, stabbing, shooting, slapping, threatening behavior, name calling, humiliating in front of others, controlling what one wears, says and does, controlling the financial decisions, stalking, destroying or attempting to destroy property, and using children to control. Domestic violence occurs between people of all racial, economic, educational, and religious backgrounds, living together or separately, married or unmarried, in short-term or long-term relationships.

- "Abuser" means the individual who commits an act of domestic violence.

- “Survivor” or “Victim” means an employee who is the subject of an act of domestic violence.

The City of El Dorado will not discharge, discriminate or retaliate against a victim of domestic violence or sexual assault for taking time off from work to:

- Obtain or attempt to obtain relief, including but not limited to a temporary restraining order, restraining order or other injunctive relief to help ensure the health, safety or welfare of the victim or the victim’s children;
- Seek medical attention for injuries caused by domestic violence or sexual assault;
- Obtain services from a domestic violence shelter, domestic violence program or rape crisis center as a result of domestic violence or sexual assault; or
- Make court appearances in the aftermath of domestic violence or sexual assault.

As a condition of taking time off for a purpose set forth in subsection (b), the victim shall provide reasonable advance notice, unless such advance notice is not possible. Within 48 hours after returning from time off pursuant to this policy, the victim shall provide documentation to support taking time off. Documentation may include but is not limited to:

- A police report indicating that the employee was a victim of domestic violence or sexual assault;
- A court order protecting or separating the victim from the perpetrator of an act of domestic violence or sexual assault, or other evidence from the court or prosecuting attorney that the employee has appeared in court; or
- Documentation from a medical professional, domestic violence advocate, or advocate for victims of sexual assault, health care provider or counselor that the victim was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence or sexual assault.

Victims may utilize any accrued unused paid leave or, if paid leave is unavailable, unpaid leave, not to exceed a total of eight days per calendar year. To the extent allowed by law, the City will maintain the confidentiality of any victim requesting domestic violence leave.

## SECTION 13: FRINGE BENEFITS

### 13.1 GENERAL OVERVIEW OF BENEFITS

This section generally describes and summarizes various benefits the City makes available to eligible employees. The City continually reviews its benefits programs. These summaries are not exhaustive or all-inclusive, and further information is available in the form of plan descriptions or insurance subscription agreements maintained by the Human Resource Office, which may be reviewed upon request. In the event the information included in this handbook is inconsistent with, or conflicts with, benefit plan documents, the plan document will govern.

These descriptions are not intended to and do not create any express or implied contractual obligations or entitlements. The City reserves the right, at and within its sole discretion and where permitted by law, to unilaterally change, modify, amend, or discontinue any benefit.

### 13.2 ELIGIBILITY FOR FRINGE BENEFITS

Only regular, full-time employees are eligible to receive fringe benefits unless otherwise noted in this Section or the City’s plan documents as it relates to a particular fringe benefit.

### 13.3 HEALTH, LIFE AND DENTAL INSURANCE

The City offers health, life, vision, and dental insurance options to all qualifying employees annually. The benefit plan year begins July 1 and ends June 30. In each option, the City pays a portion of the premium for single or family coverage. Membership is voluntary and the cost depends on the type of coverage elected. Elections can be

made at the time of employment, during the annual open enrollment period, or within thirty days of a qualifying event. The employee's share of the premium is subject to payroll deduction.

#### 13.4 KPERS RETIREMENT

Membership in KPERS is mandatory and begins on the first day of employment for all employees in covered positions. A covered position is one that is not seasonal or temporary, requires at least 1,000 hours of work per year, and is not covered under KP&F. KPERS members receive benefits in accordance with state laws and regulations. Employees' required KPERS contributions will be made through payroll deduction. KPERS periodically determines the rates to be paid by both employees and the City. Employer contributions are determined by the State of Kansas. Contribution information will be provided by Human Resources or KPERS.

#### 13.5 KANSAS POLICE AND FIREMEN'S RETIREMENT SYSTEM (KP&F)

All full-time firefighters, certified full-time police officers regardless of rank, and full-time police officers in training are members of KP&F. KP&F members receive the benefits thereof in accordance with state laws and regulations. Employees' required KP&F contributions will be made through a payroll deduction plan. KP&F periodically determines the rates to be paid by both employees and the City. Contribution information will be provided by Human Resources or KPERS.

#### 13.6 KPERS LIFE INSURANCE

KPERS provides a death benefit to all KPERS members. The amount of the benefit is 150% of the employee's annual salary at the time of death. An additional amount may be provided if the death is due to an accident on the job.

#### 13.7 KPERS DISABILITY INCOME

KPERS provides a disability income benefit to KPERS and KP&F members. Annual benefits for KPERS and KP&F differ. There is a 180-day waiting period. Benefits available under each program are legislated by the State of Kansas.

#### 13.8 KPERS OPTIONAL GROUP LIFE INSURANCE

Coverage is available to eligible employees in five thousand dollar (\$5,000.00) increments from a minimum base of \$5,000.00 to the maximum coverage of \$400,000.00. Employees are guaranteed \$50,000.00 coverage if coverage is applied for within 30 (thirty) days of their KPERS/KP&F membership date without proof of good health. Insurance coverage over \$50,000.00 requires proof of good health. This is an optional benefit provided at the employee's expense. Spousal and child options are also available.

#### 13.9 457(b) DEFERRED COMPENSATION PLAN

457(b) Differed Compensation is a voluntary deferred compensation retirement plan. Regular, full-time employees may contribute to the plan immediately upon hire. The City will make contributions for regular full-time employees working in KPERS covered positions, except those covered under the KP&F system. All regular full-time Employees not eligible for KP&F will receive a City contribution of .74% of gross salary wages. The City will also contribute up to 5.74% of gross wages per pay period for every eligible employee who contributes at least 1% of their wages.

Under Section 457 of the Internal Revenue Code, you may defer each year a maximum of 100% of your "gross compensation" or the IRS mandated annual dollar limit, whichever is less. If you are 50 (or older), or within three years of your normal retirement age and already contributing the maximum to your plan, you are allowed to make additional "catch-up" contributions.

### 13.10 CHILDRENS'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT (CHIPRA)

The Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) provides for special enrollment opportunities for employees and eligible dependents who are eligible for employer sponsored health coverage and are covered under a Medicaid plan or state children's health insurance program (CHIP), and lose eligibility under that plan; or employees and dependents who become eligible under a CHIP or Medicaid plan for premium assistance that can be used toward the cost of an employer plan.

Employees and dependents who are already enrolled in Medicaid or CHIP can contact the Kansas Medicaid office at [www.khpa.ks.gov](http://www.khpa.ks.gov) or 1-800-766-9012 to find out if premium assistance is available to help pay for health insurance premiums for the City's health insurance plan. An employee who is NOT currently enrolled in Medicaid or CHIP, but believes he or she might be eligible for either of these programs can contact the Kansas Medicaid office or dial 1-877-kids now or go to [www.insurekidsnow.gov](http://www.insurekidsnow.gov) to find out how to apply.

Employees and dependents who become eligible for premium assistance under Medicaid or CHIP or who lose coverage under Medicaid or CHIP are provided with a special enrollment opportunity to enroll in the City's health plan within 60 days of being determined eligible for premium assistance or of loss of Medicaid or CHIP coverage.

### 13.11 SOCIAL SECURITY RETIREMENT BENEFITS

All eligible employees of the City are under the federal social security system, and receive the benefits thereof in accordance with federal laws and guidelines. The cost of this benefit is paid equally by the City and the employee, with the employee contribution subject to payroll deduction.

### 13.12 LONGEVITY PAY

Regular, full-time employees with at least 60 months of continuous service receive longevity pay once a year. This amount shall be annually computed as of November 30<sup>th</sup> and paid in November. The number of months of employment used in computation of longevity pay for any one employee shall not exceed 240 months.

Accrued longevity is forfeited when an employee leaves City employment. If an employee leaves City employment and is later re-employed, length of service for the purpose of longevity begins the date of re-employment. Separation from service due to sickness or injury does not affect accrued rights if an employee is not off more than one year and returns to work when recuperated. If an employee is terminated due to a reduction in force and is re-employed within one year, his prior longevity will be restored. An employee does not accrue benefits during his separation due to a reduction in force.

### 13.13 ADDITIONAL WELLNESS BENEFITS

**YMCA:** Regular full time employees are eligible to join the YMCA at a discounted rate. The City will pay \$15.00 a month for each regular, full-time employee who joins. The employee will pay the balance of the membership fee, based on the City's corporate rates.

**EMPLOYEE ASSOCIATION:** Regular full time employees are eligible to participate in the City's Employee Association. Benefits of the association include local merchant discounts, unique programming, and other incentives throughout the year. The membership fee of \$1 is subject to payroll deduction over 24 pay periods. Enrollment occurs annually in December.

**MUNICIPAL POOL PASS:** Regular full time employees are eligible annually for a 10 pass punch card. Passes may be used at the municipal pool during regularly scheduled hours.

### 13.14 HEALTH INSURANCE BENEFITS FOR RETIREES

For employees with 20 years of service and retiring with full KPERS/KP&F benefits, the City provides 50% of the single or family group health coverage until age 62. The City will continue to offer group health coverage to the retired employee at their own expense until the retiree is eligible for Medicare.

Retirees will be invoiced monthly for their portion of the benefit. Any invoices not paid within the thirty day period shall result in loss of coverage for the retiree and dependents. Group health coverage is the only benefit retirees are eligible for. Once coverage is terminated by either the retiree or the City, the retiree is no longer eligible for any benefit from the City.

### 13.15 EDUCATIONAL REIMBURSEMENTS

Employees who wish to further their formal education are encouraged to do so. The City provides an opportunity for partial reimbursement to each regular, full-time employee who participates in work-related college courses. Employees working toward a degree required by their current job description will not be eligible for this benefit. All college course work must be submitted to Human Resources and be pre-approved by the City Manager.

The City will reimburse up to one-half of the tuition and other mandatory fees (books are not included) for courses taken with an accredited college or university. Reimbursement for tuition is dependent upon the satisfactory completion of the course work. Satisfactory completion is defined as a "B" in a graduate study course or a "C" in an undergraduate course. Employees participating in training programs where 100% of tuition expenses are received from Federal and/or State grants, or benefits, are not eligible for the City's one-half tuition reimbursement. If the grant, or benefit, pays only a portion of the expenses, the employee may receive reimbursement for one-half of the remaining portion, which would otherwise be an expense to the employee.

The employee will repay the City through a Letter of Commitment, if the employee resigns or is terminated for any reason within two years after the tuition has been reimbursed. The amount to be repaid shall be based on the following percentages:

- Within twelve months, 75%
- Thirteen to eighteen months, 50%
- Nineteen to twenty-four months, 25%

The course must relate to one of the following: 1) the employee's present position, 2) any other position with the City the employee may potentially hold in the future, or 3) a degree the employee is working toward which would fall within the guide lines of #1 or #2. The maximum reimbursement amount per year will not exceed \$5,250.00.

### 13.16 EMPLOYEE ASSISTANCE PROGRAM

The City offers all regular full time employees an Employee Assistance Program designed to offer assistance to employees who have personal problems that disrupt their job, family, and community life. Examples include family discord, marital, alcohol or drugs, financial, and job-related difficulties that affect job performance and well-being. Marital mediation is NOT covered under this program. The assistance is provided by EMPAC. Any treatment is confidential and the records remain the property of the professional counselor, not the City.

The first six meetings in a 12-month period are paid by the City. Participation in the program is voluntary, and employment or job advancement are not affected by an employee's decision to use the services. Employees may contact their supervisor, Department Head or Human Resources for information on participating counseling centers.

### 13.17 UNIFORMS/EQUIPMENT

Certain City employees, depending upon job classification, are furnished with uniforms and equipment. An employee required to wear a uniform for identification in the performance of duty shall be provided with such uniform at the expense of the City. Identification shall consist of stitching “City of El Dorado” in a conspicuous area on the article of clothing (except boots/shoes). Replacement shall be at such time and in such amounts as the City Manager may designate.

Uniforms are to be worn only when the employee is performing duties of the City. An employee must remember while he/she is in uniform, he/she is an official representative of the City and his/her conduct and manners should reflect this type of image. All clothing with official City of El Dorado insignia must be returned upon termination of employment.

### 13.18 UNEMPLOYMENT COMPENSATION

All employees receive the benefits of the Kansas Employment Security Act (unemployment compensation), in accordance with such law and guidelines. The cost of this benefit is paid entirely by the employer.

### 13.19 NOTARY PUBLIC

Any employee of the City may have business papers, personal papers, or documents notarized in the City office free of charge.

### 13.20 TOBACCO CESSATION

In an effort to discourage the use of tobacco products, the City will offer a \$25 health insurance premium incentive to employees and their spouses who refrain from using tobacco products. Employees and/or spouses not receiving the incentive can qualify for the incentive by taking one of the following actions:

For those who use tobacco products, the City will cover at 100% two tobacco cessation attempts per year. For this purpose, covering a cessation attempt includes coverage for:

- Four tobacco cessation counseling sessions of at least 10 minutes each (including telephone counseling, group counseling and individual counseling) without prior authorization; and
- All Food and Drug Administration (FDA)-approved tobacco cessation medications (including both prescription and over-the-counter medications) for a 90-day treatment regimen when prescribed by a health care provider without prior authorization.

Successful completion of either program should be reported to Human Resources. The employee and/or spouse will be required to sign a document confirming their participation in one of the aforementioned programs or acknowledging cessation from tobacco products for six months to receive the incentive. The incentive will result in premium changes moving forward from the signature date.

## SECTION 14: SAFETY POLICIES

### 14.1 GENERAL SAFETY STATEMENT

It is the policy of the City of El Dorado to provide and maintain safe working conditions, to follow operating practices that will safeguard all employees and equipment, and result in safe, efficient operations. Employees are required to follow all laws relating to the operation of a City vehicle.

Responsibility for safety in each department remains with each employee. Management and employees should understand that safety is a continuing concern, equal in importance to all other operational considerations, at all levels of the City work force. They are expected to cooperate with the Safety Committee in implementing and developing safety policies. Each department shall manage an effective departmental safety program directed toward one mutual goal—an attitude of “Safety First.” An attitude that produces a work environment free of

potential hazards, develops procedures that may reduce injuries to the employee and others, and eliminates damage to equipment and property.

All employees are charged with the responsibility of safety on and off the job. All employees are expected to adopt the concept that the safe way to perform a task is the only acceptable way to perform it.

#### 14.2 STATUTORY REQUIREMENTS

The City of El Dorado will comply with all laws as required through all Federal, State and Local regulations that mandate a safe work environment.

#### 14.3 REPORTING INJURIES AND SAFETY ISSUES

Any employee who witnesses, suffers from or causes an accident, injury or damage to City property must report it immediately to a supervisor or Department Head. Any employee who observes any type of safety hazard in the workplace must immediately report the hazard to a supervisor or Department Head.

No matter how minor an on-the-job injury may appear, the injured employee must report the incident AT ONCE to his/her supervisor or Department Head, who will arrange for proper medical care if needed. Outside emergency response agencies should be contacted if needed.

Employees who suffer from, witness or cause a workplace accident must complete and submit an accident report form, titled, "City of El Dorado Accident/Incident Report", to the Director of Human Resources within 24 hours of the accident. This form is necessary in the event medical treatment is needed later and to ensure that any existing safety hazards are corrected. A separate accident report must be submitted to the City Clerk within 24 hours of the accident when there is damage of any kind to City owned property.

Failure to report a workplace injury or accident in within the established time frame may affect the employee's ability to receive workers' compensation benefits and shall subject the employee to discipline, up to and including termination. All safety suggestions and concerns should be reported to the employee's supervisor or Department Head.

The employee must also record work-related injuries and illnesses that are diagnosed by a physician or licensed health care professional. The employee must also record work-related injuries and illnesses that meet any of the specific recording criteria listed in 29 CFR 1904.7(b)(5)(ii)(A) through 1904.7 (b)(5)(ii)(N). When in doubt, report.

#### 14.4 SAFETY INCENTIVES AND GUIDELINES

The City offers a quarterly safety incentive bonus in the amount of \$75 to each regular full-time employee and each KPERS eligible part-time employee. Should a department have a lost time incident, defined as "any incident that causes an employee to be absent from work for one shift, the entire department shall lose the safety incentive for that quarter. Departments shall be defined as follows: Administration (City Manager's Office, Finance, Human Resources/Payroll and Community Marketing), Engineering, Fire, Police and Municipal Court, Parks and Recreation (Parks, Recreation, Cemetery and Senior Center), Public Utilities and Public Works (Airport, Animal Control, Environmental Services, IT, Public Works, Streets, Refuse and Recycle).

Should an employee be responsible for an accident or incident that causes damage to City property, vehicles or equipment, or violate a documented safety policy, that employee shall lose the safety incentive for that quarter.

For purposes of this incentive, the quarters will be defined as January 1st to March 31st, April 1st to June 30th, July 1st to September 30th, and October 1st to December 31st. Safety incentives will be paid on the regular payroll following the end of each quarter and will be subject to employment taxes and withholdings.

The employee must also record work-related injuries and illnesses that are diagnosed by a physician or licensed health care professional. The employee must also record work-related injuries and illnesses that meet any of the specific recording criteria listed in 29 CFR 1904.7(b)(5)(ii)(A) through 1904.7 (b)(5)(ii)(N). When in doubt, report.

Lost time and/or documented safety policy violations will be reviewed quarterly by a committee appointed by the City Manager. This committee shall be responsible for reviewing the cause of each accident/incident as a group and will also recommend correction of deficiencies found in facility, work procedures, employee job knowledge or attitude.

#### 14.5 RETURN TO WORK PROGRAM

The City of El Dorado has instituted a Return to Work Program. It is our goal to prevent work-related injuries from happening. We are always concerned when one of our employees is injured or ill due to a work-related condition. We believe that such absences cost both the City and the employee. We want the injured employee to get the best possible medical treatment immediately, to assure the earliest possible recovery and return to work.

The City of El Dorado wants to provide meaningful work activity for all employees who become unable to perform all, or portions, of their regular work assignment. Thus we have implemented a Return to Work program (transitional or modified duty). Modified duty is a temporary program, not to exceed 90 days.

All active employees who become temporarily unable to perform their regular job due to a compensable work-related or non-work-related injury or illness may be eligible for temporary work duties within the provisions of this program.

#### 14.6 PERSONAL USE OF CITY-OWNED VEHICLE

Certain positions within the City may require employees to be subject to frequent callback, or to maintain official business responsibilities within the community. In these conditions, the City Manager may approve the exclusive use of a City owned vehicle. These vehicles will be used exclusively for official business, and *de minimus* personal use. Employees that are assigned City vehicles will be responsible for the taxable benefit of the personal mileage and fuel expense to be paid quarterly.

Non-employees such as spouses, children, other relatives, or friends are not authorized to drive company vehicles at any time. Before an employee is permitted to drive a City vehicle, he/she must possess a valid Kansas Operator's License for the class of vehicle operated.

Employees operating City vehicles are expected to fully observe all traffic laws and dictates of common sense. When citizens see City drivers violating traffic laws, their opinion of the City Government can be adversely affected. City employees who demonstrate careless disregard of traffic regulations, damage the image of the City of El Dorado and jeopardize their jobs.

**DRIVER GUIDELINES AND REPORTING REQUIREMENTS.** Failure to observe the following driver guidelines and reporting requirements may result in disciplinary action up to and including termination of employment:

- The use of City vehicles while under the influence of alcohol, drugs, or other substances which impair a motorist's abilities is strictly prohibited.
- Employees are required to use seat belts at all times when a City vehicle is in operation.
- Cell phone use while driving a City vehicle shall be kept to a minimum and in accordance with applicable laws. Drivers shall complete calls while the vehicle is parked or use the phone in a "hands

free” mode via a headset or speaker. Texting while driving is prohibited. While driving, attention to the road and safety should always take precedence over conducting business over the phone.

- Only authorized persons and animals are allowed to ride in City vehicles without the prior approval of the City Manager, unless the transportation occurs as part of the City business (example: providing a tour to a prospective developer).
- Drivers are responsible for securing City vehicles assigned to them. The vehicle engine must be shut off, ignition keys removed, and vehicle doors locked whenever the vehicle is left unattended. Police and Fire vehicles in the line of duty may be exempt from this regulation.
- Any employee who has his or her driver’s license revoked or suspended shall notify their supervisor immediately (next business day if not a work day) and discontinue operating any City vehicles or equipment, which require a driver’s license.
- Employees must report any accident, theft or malicious damage involving a City vehicle to their supervisor and to the police department as soon as possible after the incident. Employees are expected to cooperate fully with authorities in the event of an accident. Employees must complete an Employee City Property Damage/Vehicle Accident Report and, if applicable, the Employee Accident/Incident Report.

#### 14.7 ACCIDENTS WITH CITY-OWNED VEHICLES

If an employee is involved in an accident when operating a City-owned vehicle, he/she should:

- Notify the El Dorado Police Department if in El Dorado, or dial 911.
- Urge all parties involved to remain at the scene of the accident until the police officers can investigate.
- Report the accident, no matter how small, to his/her Department Head.
- Not discuss the accident with anyone but the investigating officer, supervisor, Department Head, or anyone authorized by the City to receive the information.
- Complete a post-accident drug and alcohol test if required by section 5.5 of this Handbook.
- Complete an Employee Accident Report. A copy of the report will be retained in the employee's personnel file.

#### 14.8 MOTOR VEHICLE RECORDS

Motor vehicle records may be obtained on any employee driver prior to employment and at least once a year thereafter. A driving record that fails to meet the criteria stated below will result in a loss of the privilege of driving a City vehicle and may result in termination if driving is a necessary function of the position. Criteria that may indicate an unacceptable driving record includes, but is not limited to: (1) three or more moving violations in one year; (2) three or more accidents within one year where the employee is determined to be the primary cause of the accident; or (3) any combination of three or more accidents or moving violations.

#### 14.9 USE OF PRIVATE VEHICLES

The Department Head may approve the use of an employee's private automobile for official City business. When such use is authorized, the employee is expected to fully observe all traffic laws and dictates of common sense. Employees shall be reimbursed for travel and mileage expenses as set forth in the City’s Travel and Expense Reimbursement policies.

#### 14.10 EMERGENCY PROCEDURES

It is extremely important that employees read and understand the emergency and fire procedures for their work areas. Employees should acquaint themselves with the location of and the instructions for operating fire extinguishers, as well as the procedures for severe weather. In the event of an emergency, employees should talk quietly, remain calm, and refrain from engaging in activity such as shouting or running.

#### 14.11 YOUTH EMPLOYMENT PROVISIONS OF THE FLSA

The City of El Dorado is committed to helping young workers find positive, appropriate and safe employment experiences. The FLSA and the youth employment regulations, establish occupational standards for youth under the age of 18 years. Once a youth reaches 18 years of age, he or she is no longer subject to the Federal youth employment provisions.

#### 14.12 HOURS OF WORK AND PERMITTED OCCUPATIONS FOR 14 AND 15- YEAR OLDS

Young person's 14 and 15 years of age may be employed outside school hours in a variety of non-manufacturing and non-hazardous jobs for limited periods of time and under specified conditions.

##### Hours of Work

- Maximum of 3 hours on school days, including Fridays; Maximum 8 hours on non-school days;
- Maximum of 18 hours during a week when school is in session; Maximum of 40 hours during a week when not in session;
- Between 7 a.m. and 7 p.m. except between June 1 and Labor Day when the evening hour is extended to 9 p.m.

##### Permitted Occupations

- They may work in most office jobs and retail and food service establishments.
- Properly certified 15-year-olds may work as lifeguards and swimming instructors at traditional swimming pools and water amusement parks.
- They may perform limited kitchen work involving the preparation of food and beverages.

##### Prohibited Occupations

They are prohibited from working in any of the Hazardous Orders or in most occupations involving transportation, construction, warehousing, communications and public utilities.

#### 14.13 HOURS OF WORK AND PERMITTED OCCUPATIONS FOR 16- YEAR OLDS

Sixteen- and 17-year-olds may be employed for unlimited hours in any occupation other than those declared hazardous by the Secretary of Labor.

Limited circumstances apply to 17 year olds. 17 year olds may drive on public roadways as part of their employment, but ONLY if all of the following requirements are met:

- The driving is limited to daylight hours;
- The 17 year old holds a state license valid for the type of driving involved in the job performed;
- The 17 year old has completed a state driver education course and has no moving violations;
- The automobile or truck does not exceed 6,000 pounds gross vehicle weight;
- The vehicle is equipped with a seat belt for the driver and any passengers and the employer has instructed the youth that the seat belts must be used when driving the vehicle; and
- The driving is occasional and incidental to employment. This youth may spend no more than 1/3 of his/her workday and no more than 20% of work time in any workweek driving.

#### 14.14 HAZARDOUS JOBS THAT ARE PROHIBITED FOR YOUTH UNDER AGE 18

- HO 1 Manufacturing and storing of explosives.
- HO 2 Motor-vehicle driving and outside helper on a motor vehicle.

- The term motor vehicle shall mean any automobile, truck, truck tractor, trailer, semitrailer, motorcycle, or similar vehicle propelled or drawn by mechanical power and designed for use as a means of transportation but shall not include any vehicle operated exclusively on rails.
- HO 5 Power-driven woodworking machines.
  - Power-driven woodworking machines shall mean all fixed or portable machines or tools driven by power and used or designed for cutting, shaping, forming, surfacing, nailing, stapling, wire stitching, fastening or otherwise assembling.
- HO 7 Power-driven hoisting apparatus, including forklifts.
  - Operating, tending, riding upon, working from, repairing, servicing, or disassembling an elevator, crane, derrick, hoist, or high-lift truck, except operating or riding inside an unattended automatic operation passenger elevator. Tending such equipment includes assisting in the hoisting tasks being performed by the equipment. Highlift trucks known under such names as fork lifts, fork trucks, fork lift trucks, tiering trucks, backhoes, front-end loaders, skid loaders, skid-steer equipment.
- HO 8 Power-driven metal-forming, punching, and shearing machines.
- HO 10 Operating power-driven meat processing equipment, including meat slicers and other food slicers, in retail establishments (such as restaurants kitchens and delis)
- HO 11 Power-driven bakery machines including vertical dough or batter mixers.
- HO 12\* Power-driven balers, compactors, and paper processing machines.
- HO 14\* Power-driven circular saws, band saws, chain saws, guillotine shears, wood chippers, and cutting discs.
- HO 16 Roofing operations and all work on or about a roof.
- HO 17 Excavating, working in, or backfilling (refilling) trenches

#### 14.15 EMPLOYEE DRESS

Employees are expected at all times to present a safe, professional, businesslike image to customers and the public. Acceptable personal appearance is an ongoing requirement of employment with the City.

All employees must comply with the following personal appearance standards:

- Employees are expected to dress in a manner that is normally acceptable in similar business establishments.
- Employees are not to alter uniforms in any manner and they are to be worn during working hours only.
- Non-uniformed seasonal or part-time employees are required to wear clean, neat, casual clothing appropriate for the safety of the position for which they are hired.
- The City Manager may establish casual days on which the dress guidelines will vary. On these occasions, employees are still expected to present a neat appearance and are not permitted to wear ripped or disheveled clothing, athletic wear, or similarly inappropriate clothing.
- All employees are to adhere to safety rules and regulations relating to the type of clothing required, the shoes worn, jewelry, hair, and beards as pertinent to the job they hold and as stipulated by their supervisor.

At their discretion, Department Heads may elect a uniform or dress policy above and beyond the aforementioned standards. Any employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises, during which time the employee will not receive compensation. Violations of this policy may result in disciplinary action.

## SECTION 15: TRAVEL AND EXPENSE REIMBURSEMENT POLICY

### 15.1 GENERAL GUIDELINES FOR EXPENSES

City employees, the City Manager, and elected officials may attend professional training programs, conferences and business meetings which are in the best interest of the City, with the prior authorization of the appropriate City Department Head, City Manager or City Commission.

It is the ethical responsibility of every employee and official to insure that expenditures are in the interests and for the betterment of the City, and are incurred for legal and appropriate City business.

Employees and officials are expected to minimize costs by exercising the same care in incurring expenses, as a prudent person would exercise in conducting personal business.

It is the responsibility of those persons approving the expenses and reimbursements to ensure compliance with the financial policies of the City of El Dorado these administrative regulations. Travel and training with a cumulative cost (registration, travel, lodging and meals) of more than \$1,500 must be approved by the City Manager, in writing, prior to payment of any registration or other costs associated with the travel and training.

### 15.2 EXPENSE STATEMENTS AND RECEIPTS

All employees and officials are required to submit an Expense Statement for travel and training with a cumulative cost of more than \$1,500, supported by detailed receipts or affidavit of expenditures for all expenses incurred, along with a Request for Payment (when the employee is seeking reimbursement or payment) to the Finance Director within 14 days after completion of the official activity. The Authorization for Expense shall accompany all Expense Statements and Request for Payment forms. Failure to timely submit a completed Expense Statement and/or Request for Payment with receipts may result in a denial of reimbursement or result in the employee being held personally liable for the expenses. The 14-day deadline may be waived at the direction of the City Manager only under extenuating circumstances.

When submitting receipts to validate expenditures, card member copies of credit card receipts should be submitted when possible. If the card member copy is lost or unavailable, the billing copy may be submitted and prior reimbursements will be checked by the Finance Director to ensure no double billing occurs. When receipts have been lost or are otherwise unavailable, the employee will complete an Affidavit of Expenditures to accompany the Expense Statement.

### 15.3 CONFERENCES, SEMINARS AND TRAINING

The City shall pay registration fees for City officials and employees for work-related conferences, seminars and training sessions as approved by the Department Head.

### 15.4 TRANSPORTATION

In determining the reasonableness and necessity of travel expenses, the employee requesting authorization for the travel and the approving manager shall consider the ways in which the City will benefit from the travel and weigh those benefits against the anticipated costs of the travel.

**AIR TRAVEL.** Air travel reservations shall be made as far in advance as possible in order to take advantage of reduced fares. Employees may not, under any circumstances, select an airline or a specific travel route, for purposes of accruing airline bonus points or frequent flyer miles.

**GROUND TRANSPORTATION.** The City shall pay for the actual cost for gas, oil and other actual automobile costs for travel in City vehicles. The City may authorize car rental if public transportation is unavailable or more expensive due to location or required frequency of trips. The City shall reimburse employees for use of their personal cars when used for City business and with prior authorization. Mileage

reimbursement for personal car use will be determined by the actual mileage of the vehicle's odometer or by the American Automobile Association. Mileage paid will not exceed the cost of prudently selected commercial transportation. Mileage will be allowed at the prevailing IRS reimbursement rate per mile. Employees who receive a car allowance will be reimbursed for use of private vehicle when such vehicle use is clearly beyond the purpose for which the allowance is provided.

**PARKING/TOLLS.** The City shall reimburse employees for parking and toll expenses, including charges for hotel parking, incurred while traveling on City business. The costs of parking tickets, fines, car washes, valet service and other frivolous expenses are the responsibility of the employee and will not be reimbursed. On-airport parking is permitted for short trips. City employees should use off-airport parking for extended trips (three (3) or more days).

### 15.5 LODGING

The City will pay reasonable lodging costs associated with attendance at an authorized City-related meeting, seminar or conference. Fees for television, movies, radio, mini bar snacks or alcohol or other incidentals shall not be considered reasonable lodging costs and will not be reimbursed.

Requests for overnight lodging for events within the vicinity of the City (Wichita, for example) shall be reviewed by the proper reviewing authority to determine the benefit to the City in having the employee remain overnight at the location of the activity.

### 15.6 TELEPHONE, MEALS AND OTHER EXPENSES ASSOCIATED WITH OVERNIGHT OR OUT-OF-TOWN TRAVEL

Normal subsistence expenses for employee only, such as cost of meals (not alcohol), tips to waiters, porters, doormen and maids; taxi, bus or train fares; and, in some situations, office supplies and courier services, shall be reimbursed. Skycap tips will not be reimbursed.

### 15.7 MEAL EXPENSES ASSOCIATED WITH LOCAL BUSINESS FUNCTIONS

Expenses for meals associated with meetings between City officials and officials outside the organization or between City officials and City board members are permitted and reimbursable, provided that the purpose of the meeting is to conduct business related to City activities and functions. Expense Statements for these activities will be closely monitored by appropriate reviewing authorities to insure benefit to the City. Expenses for meals associated with a training seminar within the City limits of El Dorado will normally not be reimbursable, unless provided as part of the seminar.

### 15.8 ORGANIZATIONAL MEMBERSHIPS

The City will pay employee membership fees in professional organizations that pertain directly to the responsibility of the employee involved. The City Manager may maintain memberships in organizations at City expense if approved by the Commission. The City Manager will approve memberships for Department Heads. Department Heads are responsible for monitoring their subordinates' professional memberships.

City officials and employees whose responsibilities require interaction with outside organizations may, from time-to-time, need to participate in activities of those organizations. The City may pay for the participation costs associated with such events as long as the City can identify a City benefit for participation at the requested event. Participation costs shall be limited to those employees directly associated with the sponsoring organizations. Approval must be given prior to registration. When possible, payment shall be made directly to the sponsoring organization.

### 15.9 NON-REIMBURSABLE EXPENDITURES

The City shall not reimburse the following costs or expenses:

- Any costs or expenses associated with attendance at political rallies or events held for the specific purpose of promoting a political party, political group or candidate for public office;
- Any costs or expenses incurred by a family member of the employee or official;
- Any costs or expenses that do not involve a public purpose;
- Any costs or expenses that are not incurred in the performance of a public purpose;
- Any unnecessary travel costs or expenses, including, but not limited to: travel insurance, first class tickets or upgrades, limousine travel, movies, liquor or bar costs, spa or exercise charges, clothing purchases (this does not include City-required uniforms), valet service, car washes, toiletry articles; and expenses for spouses, friends, or relatives of the employee.

## SECTION 16: TECHNOLOGY USE POLICY

### 16.1 INTERNET

The City understands that the Internet has become a valuable and necessary part of conducting everyday business. Employees are encouraged to utilize the internet for purposes of general information gathering and research when it is directly related to their work assignment. General use or use of the Internet for personal reasons during work hours, not including lunch or other breaks, is prohibited. Internet usage for personal reasons during breaks should be limited. This policy applies to all employees who use the Internet with the City's computing or networking resources, as well as those who represent themselves as being connected, in one way or another, with the City. All Internet users are expected to be familiar with and comply with these policies. Violations of these policies can lead to revocation of system privileges and disciplinary action, up to and including termination.

**PROHIBITED USE.** Visitation to offensive, pornographic, terroristic, or any other inappropriate sites while using City computers or while performing work for the City is strictly prohibited without express permission from the City Manager where a work-related purpose has been established. Employees who violate this policy shall be subject to disciplinary action, up to and including termination.

**INFORMATION DOWNLOADS.** All software downloaded from non-City sources must be screened with virus detection software prior to being installed. Whenever the provider of the software is not trusted, downloaded software should be tested on a stand-alone, nonproduction machine.

Unless specifically known to be in the public domain, program software source codes must always be encrypted before being sent over the Internet. Credit card numbers, telephone calling card numbers, log-in passwords, and other parameters that can be used to gain access to goods or services must also not be sent over the Internet in readable form.

**COMPLIANCE WITH SOFTWARE LICENSES.** The City strongly supports strict adherence to software vendors' license agreements. When at work, or when City computing or networking resources are employed, copying of software in a manner that is not consistent with the vendor's license is strictly forbidden. While on the City's premise, participation in pirated software bulletin boards and similar activities represents a conflict of interest with City work. Similarly, reproduction of words posted or otherwise available over the Internet must be done only with the permission of the author or owner.

**Employees' Expectation of Privacy.** Employees using the City's information technology systems, including access to the Internet, should realize that their communications are not automatically protected from viewing by third parties. Unless encryption is used, employees should not send information over the Internet if they consider it to be private.

At any time and without prior notice, City management reserves the right to examine e-mail, personal file directories, and other information stored on the City's computers. This examination assures compliance with

internal policies, supports the performance of internal investigations, and assists with the management of the City's information system.

Protection of Confidential City Information. Contacts made over the Internet should not be trusted with the City's information unless a due diligence process has first been performed. This due diligence process applies to the release of any City information.

Internet users must not place City material (software, internal memos, etc.) on any publicly-accessible Internet computer without the express permission of the City Manager. The City's internal information should not be placed in any location, whether on machines connected to City internal networks or on the Internet, unless the persons who have access to that location have a legitimate need-to-know.

The City's software, documentation, and all other types of internal information must not be sold or otherwise transferred to any non-City party for any purposes other than business purposes expressly authorized by management. Exchanges of software and/or data between City and any third party may not proceed unless a written agreement has first been signed. Such an agreement must specify the terms of the exchange, as well as the ways in which the software or data is to be handled and protected. Regular business practices, such as shipment of software in response to a customer purchase order, need not involve such a specific agreement since the terms are implied.

#### PUBLIC REPRESENTATIONS.

Employees may not:

- Expressly or implicitly indicate their affiliation with the City in bulletin board discussions, chat sessions, a personal or professional web site, or other offerings on the Internet, unless first approved by a supervisor or manager; if approved, the employee must also clearly indicate the opinions expressed are their own, and not necessarily those of the City.
- Make any external representations on behalf of the City, unless first approved by a member of the top management team; if approved, the employee is strictly prohibited from posting "vicious" or other written attacks that could be construed as libel.
- Publicly disclose internal City information via the Internet that may adversely affect the City's customer relations or public image or that may constitute proprietary information, such as business prospects, software bugs, software product performance, software product release dates, etc.
- Negligently post comments or questions to mailing lists, public news groups, and related public postings on the Internet that tip-off the competition about certain internal projects.
- Post any matters related to an unannounced software product, a research and development project, or related confidential City matters, unless first approved by a Department Head.

REPORTING SECURITY PROBLEMS. The Director of Human Resources and Information Technology Director must be immediately notified if any of the following occur:

- Sensitive City information is lost, disclosed to unauthorized parties, or suspected of being lost or disclosed to unauthorized parties.
- Unauthorized use of the City's information systems has taken place, or is suspected to have taken place.
- Passwords or other system access control mechanisms are lost, stolen, or disclosed, or are suspected of being lost, stolen, or disclosed.
- Any unusual systems behavior, such as missing files, frequent system crashes, misrouted messages, etc.

**TERMINATION OF INTERNET ACCESS.** Whenever an employee leaves the City or is terminated, that individual's account will be disabled. Passwords will be changed for all areas previously accessible by the employee to ensure the City's information remains secure. Any questions about this policy may be addressed to the City Manager.

## 16.2 ELECTRONIC MAIL

Use of e-mail is encouraged where it is suitable for business purposes, supports the goals and objectives of the organization, and is consistent with the employee's job responsibilities. E-mail is a valuable corporate resource and must not be used for personal gain, including solicitation of non-City business or illegal activity.

**PERSONAL USE.** Using a reasonable amount of City resources for personal e-mails is acceptable, but non-work-related e-mail shall be saved in a separate folder from work-related e-mail and not stored on City servers.

**PROHIBITED USE.** All e-mail use that is inconsistent with this Electronic Mail Use Policy is subject to disciplinary action, up to and including termination. Using the City's e-mail system for the following activities, although not an exhaustive list, is expressly prohibited:

- Engaging in illegal activities, such as harassing other users or sending unsolicited "spam" e-mail.
- Transmitting messages with derogatory or inflammatory remarks about an individual or group's race, religion, national origin, age, physical attributes, or sexual preference.
- Intentionally spreading computer viruses or other destructive information.
- Accessing or distributing threatening or obscene material.
- Maliciously disrupting e-mail access.
- Attempting to gain unauthorized access into any computer account or system.
- Using resources to destroy data belonging to the City or any other organization or individual.

Employees who receive any e-mails with this content from any City employee should report the matter to their supervisor immediately.

**PUBLIC REPRESENTATION THROUGH E-MAIL.** The City seeks to prevent harm to its reputation as a result of improper employee e-mail usage. The general public may view e-mail that originates from an account containing the name "City" as an official statement from the City and not the statement of an individual employee. As a result, certain e-mail content and subject matter should be limited to the extent possible. All employees sending e-mail must carefully avoid using profanity or discussing controversial topics such as sexuality, racial issues, or other topics not in keeping with the professional image of the City. Employees should use their own personal e-mail addresses when sending or receiving information of a questionable nature, and these communications should not take place on City property or during City time.

**EMPLOYEE'S EXPECTATION OF PRIVACY.** All messages, files, and records created, sent, or retrieved over the City's e-mail are the property of the City and should be considered public information.

The City reserves the right to access, monitor, and retain this information if deemed necessary and appropriate. This examination assures compliance with internal policies, supports the performance of internal investigations, and assists with the management of the City's information system. This information can be disclosed to management, law enforcement agents, and other authorized parties with a bona fide need-to-know. This may be done without prior consent of the sender or receiver. Employees may not, without City permission, lock or password-protect any document or electronic transmission on the City's system.

**EMPLOYEE ACCOUNTABILITY.** All e-mail users are strictly accountable for the accuracy and appropriateness of links and information available from the Internet/Intranet sites. All e-mail users assume personal liability for any and all violations committed while using City’s e-mail system.

### 16.3 CITY TELEPHONE USAGE

Telephone lines must be used for regular business purposes. Personal calls should be kept to as short of duration as possible. Excessive use of the City’s telephones for personal calls on the City’s time may lead to disciplinary action, up to and including termination.

### 16.4 CELLULAR PHONE

The City provides cellular phones to certain employees as a business tool. Cellular phones are provided to assist employees in communicating with management and other employees, and others with whom they may conduct business. Cell phone use is primarily intended for business-related calls and text messages. However, occasional, brief personal use is permitted within a reasonable limit. Abuse of cell phone usage will result in restrictions imposed, monetary restitution or removal of cell phone privileges. Cell phone invoices regularly monitored.

**SAFETY WITH CELL PHONES.** Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone for business use are expected to refrain from using their phone while driving. Use of a cell phone while driving is not required by the City. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are required to pull off to the side of the road and safely stop the vehicle before placing or accepting a call or use hands-free operations, refrain from discussion of complicated or emotional matters and keep their eyes on the road. Employees may have access to a cell phone while in their cars and should remember that their primary responsibility is driving safely and obeying the rules of the road. Employees shall not send or view text messages or e-mails while driving.

### 16.5 SOCIAL MEDIA, NETWORKING AND BLOGGING POLICY

These regulations can be found in the City of El Dorado’s Social Media Policy in Appendix A of this document. It is also available on the Employee Self Service portal and on the City’s website; paper copies can be provided to employees upon request through the Human Resources office.

## SECTION 17: EMPLOYEE CONDUCT AND DISCIPLINE

### 17.1 STANDARDS OF CONDUCT

City employees are required to conduct themselves in a professional and courteous manner, whether dealing with co-workers, supervisors, managers, customers, vendors, or the general public. As a representative of the City, an employee’s conduct reflects directly on the City, and its success depends on achieving and maintaining a positive reputation in the community.

Employees who fail to conduct themselves in accordance with the standards of conduct contained in this Handbook will be subject to immediate discipline and or termination of employment.

### 17.2 POLITICAL ACTIVITY

Employees are permitted to join political organizations, civic associations, or groups and to become involved in political activities subject to the restrictions of this Section. Employees may participate in all political activities, including holding public office, except for activities involving the election of candidates for any City office where the public office is incompatible with the employee's City employment.

City employees are not prohibited from supporting candidates for office or from contributing labor to candidates and organizations that endorse candidates. Employees are not permitted to be candidates for City elective office or to make public endorsements of a candidate for City elective office.

An employee desiring to become a candidate for City elective office shall first take leave of absence without pay or resign. Should an employee on leave of absence without pay be unsuccessful in seeking such elective office, he or she shall be returned to employment on the same terms and conditions as any other employee who has taken leave of absence without pay. An employee is considered to be a candidate for elective office once all statutory requirements have been met to qualify as a candidate.

No supervisor or other person in authority shall solicit any City employee for contributions of money or labor for any candidate for elective office, or otherwise compel or attempt to compel, any employee to support a candidate for elective office or to engage in any political activity.

### 17.3 USE OF OFFICIAL BADGE, UNIFORM, AND CREDENTIALS

Persons who wear a badge, uniform or the official insignia or bear credentials as evidence of their authority, shall not permit such badge, uniform or insignia to be used or worn by any other person or to otherwise leave their possession without approval of their Department Head. Under no circumstances shall official badges, uniforms, insignias or credentials be used for personal gain. They are to be used only for official City business.

### 17.4 PERSONAL USE OF CITY PROPERTY

City-owned vehicles, materials, facilities, uniforms, tools, or equipment shall not be used by City employees for any personal or private use without the express consent of the City Manager and Department Head. All facilities (including the use of shops and tools) and equipment are provided by the public and should be used only for public uses.

### 17.5 ENDORSEMENT OF PRODUCTS

City employees shall not assist in the sale of any goods or services by permitting his endorsement of goods or services to be used for advertising programs.

### 17.6 SMOKING ON CITY PROPERTY & IN CITY VEHICLES

All employees, regardless of status, are prohibited from smoking or using tobacco products in any City vehicle or any City building.

### 17.7 CONDUCT THAT MAY LEAD TO DISCIPLINE, INCLUDING TERMINATION

It is impossible to identify all types of conduct that can subject employees to discipline; however, the list below identifies examples of such conduct. The list is not exhaustive and in no way limits the City's ability to take disciplinary action, up to and including suspension or termination, at the City Manager and Director of Human Resources' discretion.

This policy does not change the fact that City employees are employee's at-will, and either the City, or an employee can terminate the employment relationship at any time, with or without cause or reason, and with or without advance notice.

Commission of any one of the following acts may result in discipline and/or immediate termination of employment:

- Violating any policy or procedure contained in this Handbook or any other City policy or procedure handbook.
- Violating any policy, procedure, or regulation required by state, federal, or any governmental agency or regulatory agency.
- Engaging in gender harassment or discharging duties in a manner that results in discrimination to any person for any reason that is prohibited by this handbook, federal, state, or local law.
- Being excessively absent or tardy.

- Disclosing confidential information or records without receiving proper authorization to do so or where such disclosure is not authorized by law.
- The employee's conduct discredits the City or hinders the effectiveness or efficiency of City operations;
- Making, publishing, or distributing false, vicious, or malicious statements concerning any customer or employee.
- Working overtime without prior authorization.
- Engaging in immoral or indecent conduct or soliciting another person for such conduct.
- Possessing, selling, or being under the influence of alcohol and/or controlled substances when reporting for work, on City property, or while on duty.
- Engaging in insubordination, including improper conduct or abusive language toward a supervisor or refusal to perform tasks in a manner prescribed by a supervisor.
- Refusing to work any assigned hours, shifts, or overtime.
- Engaging in unprofessional conduct, such as fighting, gambling on City property, discourtesy, rudeness, intimidation or threats of any kind against other employees or vendors, or using vulgar or profane language with any supervisor, member, vendor, manager, or fellow employee.
- Engaging in verbal or physical harassment, intimidation, or interference with the rights of any member, supervisor, manager, fellow employee or vendor.
- Conducting personal business while on duty. This shall include, but is not limited to, engaging in excessive personal calls.
- Failing to perform job assignments efficiently and satisfactorily.
- Failing to immediately report unsafe conditions, actions, or injuries to employees or customers.
- Falsifying or altering City records, including but not limited to, employment applications, employment information, time records, or time cards.
- Possessing or using any type of fireworks, explosives, or weapons on the premises or while performing City duties without prior City approval.
- Engaging in theft, attempted theft, unauthorized storage or removal, misappropriation, misuse or willful destruction of employee, vendor or City property, including misuse of lost and found property, without the express written authorization of the City or the owner of the property.
- Filing or pursuing any false claim, such as workers' compensation.
- Failing to fully cooperate with a City internal investigation, whether conducted by City personnel or a third party at the City's request.
- Repeatedly failing to record time worked.
- Sleeping while on duty.
- Engaging in conduct having a significant adverse effect upon the operation or reputation of the City.

Furthermore, an employee charged with a criminal offense not related to his/her employment with the City may be suspended pending a full criminal investigation. Following such investigation, the employee may be reinstated at the discretion of the City.

The City may, at its discretion, add or amend rules and regulations as deemed appropriate and necessary. It is each employee's responsibility to learn and adhere to all of the City's rules, regulations, policies, and principles of professional and personal conduct.

## 17.8 DISCIPLINARY PROCEDURES AND TERMINATIONS

Discipline in the City organization is for the most part self-discipline. It is the duty of employees to make conscientious effort to work and behave in accordance with the values, service standards, policies and guidelines of the City and the department in which they work., does not successfully meet the requirements of his position,

or violates the City's policies, directives or procedures, it may be necessary for the Department Head to consider disciplinary actions to correct the problem.

The form of discipline is determined on a case-by-case basis and depends entirely upon the facts and circumstances of each situation. The City is not obligated to use increasingly severe means of discipline with individual employees but is free, at and within its sole discretion, to impose the discipline it deems necessary.

Department heads are responsible for the conduct and effective performance of all employees in their department(s) and shall have the authority and the responsibility to discipline employees for violations of the City's personnel policies and any departmental guidelines.

The following forms of disciplinary action may be taken:

- **Verbal Constructive Reprimand.** A verbal reprimand is a discussion in which the supervisor or manager counsels the employee about a particular problem or incident, documents it, and places it in the employee's personnel file. The document shall serve as a reminder of what transpired and will be used for reference should further counseling be necessary.
- **Written Reprimand.** A written reprimand is issued by the Department Head and discussed with an employee. This sanction may be used to address serious offenses or where informal or verbal constructive reprimands have been previously given or proven insufficient. The warning is documented and placed in the employee's personnel file. The documented warning shall serve as a reminder of what transpired and will be used for reference should further counseling be necessary.
- **Reduction in Pay.** Reduction in pay is the temporary or permanent reduction of an employee's pay, while the employee continues his/her duties under the same job title.
- **Disciplinary Probation.** Disciplinary probation is a trial period of a specific length of time during which an employee is required to fulfill a set of conditions, improve work performance, or improve on-the-job behavior. Failure to meet the probationary requirements may result in additional disciplinary actions.
- **Demotion.** A demotion is a downward movement of an employee from one position to another which may be due to inability to satisfactorily perform assigned duties, for disciplinary reasons, or during a period when it is necessary to lay off or restrict working hours of employees due to lack of work or funds, or the consolidation of job functions. If the employee's pay in the current position exceeds the maximum in the demoted position, the pay may be reduced to that maximum or a lower level in the new range. This change must be approved, in writing, by the City Manager.
- **Suspension.** A suspension is the removal of an employee from service for a specific period of time. Suspension without pay shall not exceed ten working days for any given offense, except in the case of an employee charged with a criminal offense. If the City determines that an investigation of an employee's alleged misconduct is needed, the City reserves the right to suspend the employee. At the conclusion of the City's investigation the employee shall be reinstated with pay if no wrongdoing is found.
- **Termination.** Termination is the removal of an employee from employment. Terminations require prior approval from the City Manager and Human Resources.

The City may, in its sole discretion, take other more stringent disciplinary actions if it believes such action is appropriate and necessary. Under certain circumstances, the City Manager may determine the misconduct is so severe that immediate termination is warranted.

Whenever disciplinary actions are taken, other than a verbal warning, the supervisor or Department Head shall perform the following except where such actions are impossible or not practicable:

- Document the misconduct in writing.

- Determine the appropriate disciplinary action to correct the problem.
- Meet with the employee to review the problem and the proposed disciplinary action.
- Give the employee an opportunity to refute the facts or argue against the proposed disciplinary action. The employee may submit comments in writing to be attached to the record of the disciplinary action.
- Make a final decision as to the disciplinary action.
- Notify the employee of the action in writing, except for verbal warnings. A copy of the documentation of misconduct and a note as to the form of disciplinary action taken shall be provided to Human Resources for insertion in the employee's file.

## SECTION 18: SEPARATION FROM EMPLOYMENT

### 18.1 RESIGNATIONS

To resign in good standing, an employee must give his Department Head at least two (2) weeks' notice. Such notice should be in writing and should state the reason for leaving employment with the City.

### 18.2 RETIREMENT

An employee who is going to retire is responsible for contacting all applicable agencies and providing the appropriate notice to said agencies. The City requires written notice for retirement and would appreciate such notice 30 days prior to separation. Employees should also refer to Section 13 in this Handbook entitled "Fringe Benefits."

### 18.3 EXIT INTERVIEWS

Every employee who leaves the City's employment is encouraged to execute an exit interview with Human Resources. The City will seek to discover the reasons behind the employee's decision to depart and what could be improved with respect to the City's basic operations, systems, workload, management and supervision. The information will be analyzed to highlight areas of the City's performance that could be enhanced, to increase employee's job satisfaction, and to create retention strategies.

### 18.4 ABOLITION OF POSITION OR REDUCTION IN FORCE

The City Manager may require the abolition of any position or reduction in the work force at any time. Retention is limited to employees holding similar positions and the selection will be based on: (1) performance and demonstrated success in position, and, if necessary, (2) seniority of service.

### 18.5 FORFEITURE OF BENEFITS

Except as otherwise provided in the Fringe Benefits section of this handbook, all employee benefits, with the exception of personal leave accrued from length of service is forfeited when an employee leaves City employment.

Appendix A:  
Social Media Policy



**EL DORADO**

THE FINE ART OF LIVING WELL

# **City of El Dorado Social Media Policy**

## 1. PURPOSE

- 1.1 The City of El Dorado departments may use social media tools such as Facebook, Twitter, and YouTube to reach a broader audience. While the City's website ([www.eldoks.com](http://www.eldoks.com)) is the City's primary Internet presence, the City recognizes that, when used appropriately, social media may be useful in furthering the goals of the City and the missions of its departments.
- 1.2 This Policy provides standards and procedures for the use of social media sites. All official City presences on social media sites or services are considered extensions of the City's information networks and are governed by the responsibilities set forth in this and related policies and procedures.
- 1.3 This Policy applies to all uses of social media by City employees maintaining, using, or providing oversight of social media tools. Employees include, but are not limited to, full-time and part-time employees, contractors, interns, and volunteers who access or contribute content. This policy also applies to all members of the public who comment or otherwise interact with the City through its social media websites.
- 1.4 All content created, received, transmitted, stored on, or deleted from City information systems is exclusively the property of the City or, to the extent provided by applicable law, of the person or entity that created or owns the copyright or trademark rights to that content.
- 1.5 Additionally, the City recognizes that many City employees use social media tools such as Facebook in their personal lives. Therefore, this policy provides guidelines for City employees when they communicate on social media sites as a private citizen.

## 2. OBJECTIVE

- 2.1 To maintain the integrity of the City's presence in social media and to ensure that social media is used appropriately and within City guidelines and policies.

## 3. DEFINITIONS

**City Social Media Sites:** Those pages, sections or posting locations in social media websites established or maintained by an employee of the City authorized to do so as part of the employee's job and that are used to communicate with the public on City business.

**Social Media** – Internet-based technology communication tools with a focus on immediacy, interactivity, user participation, and information sharing. Those venues include social networking sites, forums, weblogs, online chat sites, and video/photo posting sites or any other such similar output or format. Examples include Facebook, Twitter, and YouTube.

**Authorized Social Media User** - or "authorized user" means and includes any City employee contractor, consultant, vendor, and any other City employee responsible for the use, administration, management, monitoring, and/or retention of social media, social media tools or web sites, and/or social media content, in the name of or on behalf of the City or any City agency.

**Social Media Content** – means and includes any materials, documents, photographs, graphics, and other information that is created, posted, distributed, or transmitted using social media Internet sites or social media tools.

#### **4. POLICIES AND PROCEDURES**

All official City of El Dorado presences on social media sites or services are considered an extension of the City's information networks and are governed by the City of El Dorado's policies contained in the City of El Dorado Employee Handbook. All uses of social media on behalf of the City or any City agency, or in any manner that appears to represent the City or constitute communication by the City, must comply with the following standards.

4.1 All City of El Dorado social media sites must comply with applicable federal, state, and City laws, regulations and policies. This includes adherence with established laws and policies regarding copyrights, records retention, Freedom of Information Act, First Amendment, privacy laws and information technology, web standards, brand standards and media policies established by the City of El Dorado.

#### 4.2 Departments

- A. No department may establish or use or terminate a social media identity, account, profile, page or site (collectively, social media account(s) or account(s)) without the approval of the City Manager or designee.
- B. Department heads, with the approval of the City Manager or designee, shall designate one or more department employee to be the authorized social media user(s) for the department. Only the department's authorized social media user(s) shall be authorized to post social media content on the department's social media account(s) and may have access to the department's social media accounts that permit such posting.
- C. No information or link (hyperlink) to any Internet site or other materials or communications may be posted on any department social media account that is not directly related (as determined by the department) to the mission, services, and business objectives of the department.
- D. Department social media pages must clearly identify the pages as created by and managed by the department, identified as a department, office, commission, or agency of the City.
- E. Department social media sites must prominently display, on the first page accessible to site visitors, links to the City's official internet site [www.eldoks.com](http://www.eldoks.com) and to the department's official internet pages.

#### 4.3 Employees

- A. No city employee may establish any social media account in the name of or on behalf of the City and any City department or agency unless: (1) the City Manager or designee has approved in accordance with subsection 4.1 above; and (2) all information to be posted on the account is approved in accordance with subsection 4.1 above. This requirement applies regardless of whether the account is

established, accessed, or used by means of City information systems or by means of the employee's or others' information systems, and regardless of whether the account is established, accessed, or used from City or non-City premises.

- B. Social media accounts established by the City or a City department are to be used for City and department business purposes only. Use for communications and postings that are not directly related to a City or department business purpose is prohibited.
- C. Employees must report unauthorized uses of City social media or City social media accounts to the head of their department or the City Manager or designee.
- D. Employees are expected to be attentive and careful in their use of social media. Employees should be aware that their use of social media may be perceived as representing the City and City government, and should tailor their use accordingly.
- E. Unacceptable Uses. The City considers the activities and uses of social media listed below to be unacceptable. Employees are prohibited from engaging in any of them on a social media account established by the City or a City agency.
  - i. Using social media in a manner that does not comply with federal, state, and local laws and regulations and with City or City agency.
  - ii. Using social media in a manner that:
    - 1. Violates the copyright, trademark, or other intellectual property rights of any person or entity, or otherwise violates their legal ownership interests;
    - 2. Includes ethnic slurs, profanity, personal insults; material that is harassing, defamatory, fraudulent or discriminatory; or other content or communications that would not be acceptable in a City workplace under City or agency policy or practice;
    - 3. Violates the terms of contracts governing the use of any social media content, including but not limited to, software and other intellectual property licenses;
    - 4. Displays sexually explicit images, cartoons, jokes, messages, or other material in violation of the City's policy on Harassment;
    - 5. Violates the City's rules relating to political activities;
    - 6. Contains confidential or "for official use only" information or information that compromises the security of City networks or information systems. Such for official use only or confidential information includes, but is not limited to, information that is protected under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) or other federal, state, or local laws and regulations, as well as social security numbers and other personally identifiable information; or

7. Violates the terms of use governing the social media account.

This list is not exhaustive. Questions about particular uses of social media or particular social media content should be directed to the Department Head and the City Manager or designee.

- F. Personal social media accounts. This policy is not intended to govern employees' establishment or use of personal social media accounts for personal purposes, outside the workplace and using non-City information systems. However, some such personal uses of social media may reflect on the City or appear to represent City policy or to be on behalf of the City. In addition, accessing and using personal social media accounts by means of City information systems is subject to City policy. For these reasons, City employees are expected to comply with all City and department policies when using personal social media accounts.

#### 4.4 Posting/Comment Guidelines

- A. A city social media site or page may be a **“limited public forum”** under the First Amendment if visitors to the site are able to post comments or other communications. Where permitted by the operator of the site, the comments and similar functions should be disabled on City and department social media pages, unless the department head or City Manager or designee determine that permitting or encouraging interactive communications with site users is necessary to carry out the business objectives of the department creating the site.
- B. If interactive communications (e.g. comments) are permitted, terms of use for visitors to the site must be posted prominently on the site, unless prohibited by the terms of use governing the social media account or prevented by the site. The terms must include:
  - i. A clear description of the topics that the site is intended to address and that may be addressed in comments, with a statement that user postings will be removed if they are not directly related to those topics.
  - ii. Statements substantially similar to the following:
    - a. Communications posted by visitors on this site may not contain ethnic slurs or profanity; material that is harassing, defamatory, fraudulent, discriminatory or sexually explicit; or any material that infringes copyright, trademark or other intellectual property rights. Any such communications may be removed at any time without notice.
    - b. Any advertisements appearing on the site are not controlled by the City or the agency and do not reflect endorsement by the City or department.
    - c. Opinions expressed by visitors to the site do not reflect an endorsement or opinion on the part of the City or department.

- d. All postings by visitors to this site may be retained by the City, in its discretion and as required by City policy.
  - e. All postings may be subject to the Kansas Open Records Act and other public records and disclosure laws, as well as discovery in litigation. This includes, but is not limited to, information made available through a user's privacy settings on their own social media and other Internet pages.
  - f. Visitors to this site should have no expectation of privacy or confidentiality with respect to any content they post to the site, and the City and agency have no responsibility for maintaining any such privacy or confidentiality.
- C. The City of El Dorado social networking content and comments containing any of the following forms of content shall not be allowed for posting:
- i. Comments not typically related to the particular site;
  - ii. Profane language or content;
  - iii. Sexual content or links to sexual content;
  - iv. Solicitations of commerce;
  - v. Conduct or encouragement of illegal activity;
  - vi. Information that may tend to compromise the safety or security of the public or public systems;
  - vii. Content that violates a legal ownership interest of any party;

The City reserves the right to remove content that is deemed in violation of this policy, applicable law, or the City's employee handbook. Any participants on the City's official social media sites that repeatedly violate the posting/commenting guidelines may be permanently removed from the City's site.

- D. The content of communications posted by site users may not be edited or otherwise modified; **removal is the only action that may be taken**, and then only for communications that violate the terms of the statements under subsections above. If content is removed, a copy of the content must be saved and given to the City Manager or designee.

#### 4.5 Miscellaneous

- A. Department heads must submit a list of all social media accounts maintained by that department including log-in information to the City Manager or designee.
- B. When the City of El Dorado begins operating under special circumstances of a crisis, authorized social media users will immediately stop posting on their respective sites. All sites will be redirected to the City's main social media sites to ensure followers receive consistent information from the City of El Dorado.
- C. The City of El Dorado reserves the right to temporarily or permanently suspend access to official City social media sites at any time.