

RESOLUTION NO. R-15-36

A RESOLUTION AMENDING THE EMPLOYEE HANDBOOK FOR THE CITY OF GLADSTONE, MISSOURI.

WHEREAS, pursuant to Ordinance No. 3.859 and Gladstone City Code section 1.105.640 the City of Gladstone Employee Handbook may be amended from time to time by Resolution; and

WHEREAS, amendments to the Handbook have been proposed concerning the following policies: Equal Employment Opportunity, Educational Assistance/Tuition Reimbursement, Vacation, Holiday, Overtime, Retirement System, Employee Dress & Personal Appearance, and Salary Pay; and

WHEREAS, the proposed amendments are in the best interest of the employees of the City and in conformance with applicable law.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, AS FOLLOWS:

THAT the amendments to the personnel policies attached hereto as Exhibit "A" are hereby adopted and incorporated into the Employee Handbook of the City of Gladstone, to be effective July 1, 2015.

INTRODUCED, READ, PASSED AND ADOPTED by the Council of the City of Gladstone, Missouri this 8th day of June, 2015.



Mayor Bill Garnos

ATTEST:




Ruth E. Bocchino, City Clerk



**GENERAL ADMINISTRATION
Human Resources Division**

DATE: June 2, 2015

TO: Kirk Davis, City Manager
Randall Thompson, City Counselor

FROM: Charlene Leslie, HR Administrator 

RE: Employee Handbook Policy Update

In coordination with the FY 2016 Budget and the implementation of the recent Classification and Compensation Study, several policies were reviewed and evaluated. Attached please find a set of revised policies related to a variety of fringe benefits and pay practices – educational assistance/tuition reimbursement, vacations, holidays, and defined retirement, as well as overtime and salary pay. The recommended changes (noted in red) within these policies represent a review of employees suggestions balanced with the evaluation of the overall total compensation marketplace.

In addition, please also find the revised Employee Dress & Personal Appearance and Equal Employment Opportunity Employer policy. The first includes an additional paragraph referring to the Department of Treasury guidelines regarding City-provided uniforms and tax issues. The changes within this policy also clarify the City's commitment to reasonable accommodate an employee's religious practices. The latter addresses requirements under the Genetic Information Nondiscrimination Act (GINA); this law is designed to prevent the misuse of certain genetic information for employment purposes. For example, the regulations require employers who seek medical certifications in support of leave or accommodation requests including Family and Medical Leave to provide disclosure or notice information. The City's Family and Medical Leave Act medical certification and employee's need for accommodation forms were updated when the GINA regulations took effect. However, we respectfully request the opportunity to update the Equal Employment Opportunity Employer policy while we are making the other employee handbook updates.

We are pleased to present the attached resolution for your final review and Council consideration and approval. Thank you.

EXHIBIT A

EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER

The City is an equal employment opportunity employer and strives to comply with all applicable laws prohibiting discrimination based on race, color, religion, sex, age, national origin, disability, **genetics** and any other basis protected by federal, state, or local laws. All such discrimination is unlawful and all persons involved in the operations of the City are prohibited from engaging in this type of conduct. Please contact the Human Resources Division for further information about this program.

In accordance with applicable federal and state law protecting qualified individuals with known disabilities, the City will attempt to reasonably accommodate those individuals, unless doing so would create an undue hardship on the City. Any qualified applicant or employee with a disability, who requires an accommodation in order to perform the essential functions of the job, should contact the Human Resources Division and request an accommodation.

The City of Gladstone does not discriminate against any applicant or employee because of that individual's genetic information, and does not conduct any genetic testing on any applicant or employee under any circumstance. Nor does the City of Gladstone request, require, purchase or deliberately acquire any genetic information (including information from genetic tests, the genetic test of family members, family medical history, or information about any employee's, applicant's, or family member's request for or receipt of genetic services) except as specifically allowed. Tests for drug and alcohol are not considered "genetic testing" and may be required by the City of Gladstone in appropriate circumstances. The City may request certain medical information to comply with the Family and Medical Leave Act (FMLA) provisions. To the extent the City of Gladstone receives information about an applicant's or employee's family medical history or other genetic information inadvertently (e.g. in the administration of a leave request or accommodation request), that information will not be used except as required for any legitimate purpose (e.g., to consider a leave request for a family member's medical condition), and will be treated and maintained as a confidential medical record and will not be disclosed except as allowed or required by applicable law. Nothing in this policy precludes DNA analysis of employees for law enforcement purposes.

You should report every instance of unlawful discrimination or harassment to your department director, Human Resources Administrator or the City Manager, regardless of whether you or someone else is the subject of the discrimination. Detailed reports--including names, descriptions, and actual events or statements made--will greatly enhance the City's ability to investigate. Any documents supporting the allegations should also be submitted. Based on your report, the City will conduct an investigation. The City prohibits any and all retaliation for submitting a report of unlawful discrimination and for cooperating in any investigation. Any supervisor or employee who retaliates against the accuser or those involved in the investigation will be disciplined, up to and including termination from employment.

If the investigation determines that prohibited discrimination or other conduct that violates the City's policy has occurred, the City will take disciplinary action, up to and including termination of employment, against those who engaged in the misconduct. The City will also evaluate whether other employment practices should be added or modified in order to deter and prevent similar conduct in the future.

EDUCATIONAL ASSISTANCE/TUITION REIMBURSEMENT

Employees are encouraged to continue learning within their profession or career. Accordingly, all full-time employees may be eligible to receive reimbursement of 50% of the cost of tuition (on a first come/first served basis), up to three thousand dollars (\$3,000) annually within budgeted funds, for educational courses directly related to their performance and/or position with the City. In order to qualify for reimbursement, you must submit a course description and the completed request form in advance of the beginning of instruction to your Department director for approval. The Department director will forward the submission to the Human Resources Division for secondary approval. Courses must be taken at an accredited school to qualify for reimbursement.

Tuition will be reimbursed to the employee upon satisfactory completion of the course, and submission of documentation showing a grade of C or better. In order to receive reimbursement, employees must provide receipts establishing enrollment in the course. The granting of educational assistance is contingent upon the availability of funds in the department to which the employee is assigned. No reimbursement for tuition shall apply when an employee receives total tuition reimbursement or greater monetary assistance from any other governmental or institutional source (i.e. scholarships, GI Educational Benefits).

The City's commitment to providing educational assistance should not be understood as guaranteeing that successful completion of a course will result in the City providing additional compensation or job benefits.

MISSOURI LOCAL GOVERNMENT EMPLOYEES RETIREMENT SYSTEM (LAGERS)

The City of Gladstone offers an employer-funded defined benefit retirement plan through the Missouri Local Government Employees Retirement Systems (LAGERS) to all eligible employees after completing five (5) years of credited service and meeting the minimum service retirement age. Employees expected to fulfill the following employment classification(s) are eligible for enrollment in the retirement plan:

- Regular full-time employees

The benefits and terms of the plans may change from time to time at the discretion of the City. Currently, the City provides the L6 benefit level retirement plan with a required 4% employee contribution. The Final Average Salary Period is determined using the highest 60 consecutive months contained in the last 120 months of service; this is commonly referred to as the "five-year final average salary".

The Missouri Local Government Employees Retirement System (LAGERS) is a body corporate created and governed by the State of Missouri to provide retirement, survivors and disability benefits to the state's local government employees. LAGERS is a non-profit entity which has the responsibility of administering the law in accordance with the expressed intent of the General Assembly and bears a fiduciary obligation to the State of Missouri, the taxpayers and the public employees who are its beneficiaries.

An additional information packet describing the plan is available through the Human Resources Division.

VACATIONS

Regular full-time employees accrue paid vacations in accordance with the schedule below. Part-time and temporary/seasonal employees do not accrue paid vacation time.

Regular Full-time Employees except Fire/EMS personnel assigned to a 24-hour shift:

Years of Service	Hours Accrue Each Pay Period	Hours Accrue Annually	Maximum Accrual
Less than 5 years	3.08	80 hours	160 hours
5 years to less than 7 years	4.62	120 hours	240 hours
7 years to less than 9 years	4.92	128 hours	256 hours
9 years to less than 11 years	5.23	136 hours	272 hours
11 years to less than 13 years	5.54	144 hours	288 hours
13 years to less than 15 years	5.85	152 hours	304 hours
15 years to less than 20 years	6.15	160 hours	320 hours
20 to less than 25 years	7.07	184 hours	368 hours
25 years or more	7.69	200 hours	400 hours

Regular full-time employees will earn and accrue vacation leave from their initial employment date, but are not authorized to use the accumulated vacation leave until they have completed six months of service.

Regular Part-time Employees

Regular Part-time Employees will be granted paid vacation leave each year in accordance with the schedule below:

Regular Part-time Employees except Fire/EMS/EMS personnel:

Years of Service	Hours Accrue Each Pay Period	Hours Accrue Annually	Maximum Accrual
Less than 5 years	1.15	30 hours	60 hours
5 years or more		60 hours	120 hours

The vacation period of a former part-time employee who becomes a full-time employee is determined by the date of the regular full-time employment transfer.

Vacation Scheduling

Employees are encouraged to take their accrued vacation each year. You must request vacation as far in advance as possible. Vacations will be scheduled so as to provide adequate coverage of job and staff requirements. The Department Director will make the final determination in this regard. Vacation may not be taken in periods exceeding more than ten (10) continuous days of leave, without first obtaining special permission from his/her department director who must consider the requirements of the entire department.

When an employee overstays his/her vacation without getting an extension, or for causes determined by the Department Director to be unsatisfactory, the City assumes that the employee is absent without leave.

Employees must use vacation for otherwise unexcused time away from work during their regularly scheduled hours. Vacation does not accrue during unpaid leaves of absence or other periods of inactive service, except during the first 6 months.

Vacation Accumulation

Vacation leave for regular full time employees will be accruable to a maximum of two (2) times the amount earned in a year of employment. Any vacation earned over this accrual limit will be lost. Exceptions to this rule may be when the employee's scheduled vacation becomes non-compatible with the needs of the City. Once an exceptional situation has been granted through his/her chain of command and the Human Resources Division an extended ninety (90) calendar days will be given to the employee to take vacation prior to losing the amount earned over his/her accrual limit. It is the employee's responsibility to monitor their vacation bank and the corresponding accrual limit. Any accrued vacation leave that is greater than the maximum limit, which is earned but not taken, will be forfeited.

Should an employee be on approved absence from work when his/her vacation is scheduled to begin, he/she will be permitted to change his/her vacation to a subsequent period, which is not to be in conflict with another employee's vacation. Any employee who shall become ill during his/her vacation may cancel the remaining period of such vacation and reschedule it for a period not to be in conflict with another employee's vacation, provided the employee notifies his/her respective department director at the onset of the illness and present appropriate written evidence of such illness upon return to work. An employee may substitute accumulated sick leave for vacation pay.

Holiday During Vacation

Any official City observed holiday which occurs during an employee's scheduled vacation period will not count as vacation hours taken and the employee's accrual accounts will not be charged for those hours.

Waiving Vacation Prohibited

Employees will not be permitted to waive vacation for the purposes of receiving pay.

Payment at Termination

Any employee leaving the City's service will be compensated for all vacation leave that has accrued but not been used as of the date of his/her separation, provided that he/she has been with the City for at least six (6) full months. If a person is reemployed, his/her new employment date will be the basis for computing vacation leave.

HOLIDAYS

The City of Gladstone observes the following paid holidays:

➤ New Year's Day	January 1
➤ Martin Luther King's Birthday	3 rd Monday in January
➤ President's Day	3 rd Monday in February
➤ Memorial Day	Last Monday in May
➤ Independence Day	July 4
➤ Labor Day	1 st Monday in September
➤ Thanksgiving Day	4 th Thursday in November
➤ Day after Thanksgiving Day	Friday following the 4 th Thursday in November
➤ Christmas Day	December 25
➤ Additional Day	Chosen Annually at the City Manager's Discretion

All Regular Full-time employees except for nonexempt law enforcement, Fire/EMS and water treatment personnel are granted eight (8) hours pay for the above holidays.

Nonexempt law enforcement, Fire/EMS and water treatment personnel shall accrue seventy-two (72) hours of holiday annually. Accrual will take place in the month the holiday falls. The scheduling and the use of the accrued holiday hours shall be approved by the Department Director and be in accordance with the department's policy pertaining to scheduling of holiday leave.

If a holiday falls on a weekend day, it is usually observed on the preceding Friday or the following Monday. Holiday observance will be announced in advance. When a holiday occurs during an employee's vacation period, that day will not be charged as a vacation day. When a holiday occurs during an authorized sick leave, that day is not charged as a sick leave day. When the actual holiday and the City-observed holiday are on a regular full-time employee's regularly scheduled day off, the employee will be granted eight hours of regular pay.

~~An observed holiday will be considered "hours worked" for the purpose of calculating weekly overtime.~~
Non-exempt employees responding to call-out on a holiday are subject to overtime provisions and/or compensatory time.

Regular Part-Time

Regular Part-time employees normally scheduled to work the day of the holiday shall receive holiday pay for their standard workday. Holiday pay will be calculated on your straight time pay rate (as of the date of the holiday) times the number of hours you would have otherwise worked on that day, not to exceed eight (8) hours of pay.

Floating Holidays:

Some employees may wish to observe, as periods of worship or commemoration, certain days that are not included in the above City holiday schedule. Accordingly, all regular full-time employees will be granted 16 hours annually to be known as "floating holidays". Hours will be credited on January 1st each year and may be carried over to the next calendar year if the need arises.

All regular part-time employees will be granted two corresponding (2) "floating holidays" annually. The corresponding hours will be equivalent to the average number of hours worked per day multiplied by two. Hours will be credited on January 1st each year and may not be carried over to the next calendar year.

Payment at Termination

Any employee leaving the City's service will be compensated for all holiday leave that has accrued but not been used as of the date of his/her separation, provided that he/she has been with the City for at least six (6) full months. If a person is reemployed, his/her new employment date will be the basis for computing vacation leave.

OVERTIME

When operating requirements or other needs cannot be met during regular working hours, you may be scheduled to work overtime. All overtime work must be authorized or approved in advance by your department director or supervisor. Working overtime without prior authorization may result in disciplinary action. An employee's department director or authorized supervisor may require an employee to work hours in excess of the standard work week, and disciplinary action may be taken should an employee who, without sufficient reason:

- *Refuses to work; or*
- *Fails to appear when scheduled to work; or*
- *Indicated he/she would work then fails to appear.*

Most nonexempt employees will be paid time and one-half compensation for all hours worked in excess of 40 in a fixed seven-day work week and as otherwise required by state and federal law. For eligible law enforcement personnel, overtime or compensatory time shall be paid for all hours worked in excess of 80 in a fixed 14-day work period. For all eligible Fire/EMS personnel, overtime or compensatory time shall be paid for all hours worked in excess of 212 in a fixed 28-day work period. See Section 207(k) of the Fair Labor Standard Act.

The City reserves the right to grant compensatory time in lieu of overtime at the discretion of the City Manager or Department Director. Sick leave, bereavement, jury duty absence, vacation, comp time taken, and holiday leave taken is not considered "hours worked" for the purposes of computing overtime. For the purposes of calculating overtime for general nonexempt employees, the workweek begins at 12:01 a.m. Wednesday and ends at 12:00 midnight Tuesday.

Compensatory time off in lieu of immediate overtime pay may be given as an alternative to allow for both operating and budget flexibility. Compensatory time off, at a rate of one and one-half hours for each hour of overtime worked, may be granted at the discretion of the Department Director when work schedules are deemed to allow for such time off.

Generally, compensatory time shall not be allowed to accumulate in excess of 40 hours for all nonexempt employees except those who work 24-hour shifts in the Fire/EMS division. Generally, nonexempt employees of the Fire/EMS division shall not be allowed to accumulate compensatory time in excess of 48 hours. Any overtime work which will result in accumulation of compensatory time in excess of the limits set above shall be compensated at the rate of one and one-half times their regular hourly rate. However, maximum compensatory time limits may be reduced within a department at the Director's discretion and based on operational need.

To reduce the accumulation of compensatory time a department director may require an employee to take alternative time off during the work week or work period. In the event alternative time off is taken during the workweek or period, the time off will be at one hour for each one hour worked.

Exempt employees are expected to work as much of each workday as is necessary to complete their job responsibilities. No overtime, compensatory time or additional compensation is provided to exempt employees.

SALARY PAY POLICY

Exempt employees will be paid a salary in accordance with applicable law. Although exempt employees are generally entitled to their salary for any week in which work is performed, deductions can and will be made when permitted by law. For example, an exempt employee's salary may be reduced for complete days of absence for personal reasons and incomplete initial or final weeks of work. There may also be other occasions when an exempt employee's salary may be reduced.

The City complies with the salary basis requirements of the Fair Labor Standards Act (FLSA). The City does not make improper deductions from the salaries of exempt employees. If you are an exempt employee and believe that an improper deduction has been made to your salary, you should immediately report this information to your direct supervisor or to the Human Resources division. Reports of improper deductions will be promptly investigated. If it is determined that an impromptu deduction has occurred, you will be promptly reimbursed for any improper deduction made. Please contact your department director or Human Resources for more information.

EMPLOYEE DRESS & PERSONAL APPEARANCE

The City requires all employees to present a professional image to the public, which promotes a productive work environment and complies with health and safety guidelines. You are expected to report to work well groomed, clean, and dressed according to the requirements of your position. Some employees may be required to wear uniforms or safety equipment/clothing. If you report to work dressed or groomed inappropriately, you may be prevented from working until you return to work well-groomed and wearing proper attire.

Please contact your supervisor for specific information regarding acceptable attire and personal appearance for your position. *The City of Gladstone recognizes the importance of individually held religious beliefs to persons within its workforce. The City of Gladstone will make reasonable accommodations in accordance with applicable law and unless the accommodation creates an undue hardship. Accommodations of religious beliefs in terms of attire may be difficult in light of safety issues for staff members. Those requesting a workplace attire accommodation based on religious beliefs should contact the Human Resources division.*

All employees who are required to wear uniforms during their normal working hours are not to wear the uniforms into places of business such as taverns or other like establishments after work hours. While wearing City uniforms, employees represent the City; therefore behavior should be above reproach at all times.

Per IRS Guidelines, City-provided clothing or uniforms are excludable from taxable wages of the employee if they are:

- 1. Specifically required as a condition of employment and are:*
- 2. Not worn or adaptable for general use as ordinary clothing.*

If a uniform or clothing allowance qualifies to be excludable from taxable wages, then the cleaning costs are also excludable from taxable wages. Uniforms or clothing, provided by the City or provided through an allowance to the employee are includable in taxable wages if they do not qualify for the above exclusions. Allowances that are includable in the taxable wages of an employee will be reimbursed/paid through payroll as miscellaneous pay.

General personal appearance guidelines for employees are as follows:

Shirts and other attire provided by the City are not to be altered, except to achieve appropriate fit. At no time will employees wear clothing or groom themselves in such a way that they appear dirty, ragged or frayed. Sexually provocative or distracting clothing such as tight fitting, revealing or sheer attire is prohibited. Employees are not permitted to wear clothing that is imprinted with illustrations or messages that are insulting or demeaning to co-workers, citizens or the general public. Clothing (including hats - normally worn with bills forward) with political slogans or advertisements for products are prohibited.

For Office Personnel:

Unacceptable clothing includes, but is not limited to denim jeans (including denim jeans jackets, skirts, and shirts), shorts, sweat pants, and T- shirts or sweat shirts with offensive slogans or pictures, cutoffs, beach attire, halter tops, and loose footwear such as flip-flops or thongs.

Exposed tattoos, nose rings, rings or jewelry in tongues, or any other form of exposed flesh piercing or body "art" (except moderate earrings) is prohibited. Excessively bright-colored or eccentric hairstyles are not acceptable for employees working in public areas or whose job duties require them to meet citizens and visitors in the workplace.

Business or operational reasons might require employees to wear formal business attire regularly or from time to time. Employees should consider the level of public contact and the types of meetings they are scheduled to attend in determining appropriate attire. Please contact your supervisor for specific information regarding acceptable attire and personal appearance for your position.

Special Attire Days

Special attire may be designated with the approval of the City Manager. On these days, employees may dress in comfortable, casual attire, as long as it is neat, clean, tasteful, and projects a positive image of the City of Gladstone.

For Personnel Working in the Field:

You must wear a firm boot or sturdy work shoe. Thongs, sandals, or other open style footwear that leaves the foot unprotected are prohibited. Provided uniforms, including footwear, are to be worn during work hours.

For Public Safety Personnel:

Please contact your supervisor for specific information regarding acceptable attire and personal appearance for your position and bureau, at the direction of the Department Director.