

RESOLUTION NO. R-16-74

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: Conflict of Interest – Hiring Relatives, Lactation/Breastfeeding 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 December 1, 2016.

INTRODUCED, READ, PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI THIS 28TH DAY OF NOVEMBER, 2016.


Jean B. Moore, Mayor

ATTEST:



Ruth Bocchino, City Clerk



**Department of General Administration
Human Resources Memorandum CML16-1005**

DATE: November 21, 2016

TO: Scott Wingerson, City Manager
Chris Williams, City Counselor

FROM: Charlene Leslie, HR Administrator 

RE: Employee Handbook Policy Update

From time to time, it is appropriate for us to review the policies, practices and procedures outlined in the Employee Handbook. The City values the talents and abilities of our employees and seeks to foster an open, cooperative environment in which employees and the City alike can thrive. In line with these efforts, attached please find recommended policy changes (noted in red) to address regulatory compliance and to clarify expectations related to salary pay practices, nursing mother breaks, employee dress/personal appearance and potential conflict of interest situations.

It is the intent of the Salary Pay policy revisions to meet the requirements of the Department of Labor's final rule updating the overtime regulations, which become effective December 1, 2016. The Final Rule focuses primarily on updating the salary and compensation levels needed for Executive, Administrative and Professional workers to be exempt. The policy revisions describe the City's good faith commitment to prohibiting improper deductions of exempt employee's compensation and clarify the complaint procedures, as outlined in the Fair Labor Standards Act (FLSA). The Employee Dress and Personal Appearance revisions clearly outline compliance with IRS guidelines regarding taxable wages and uniforms. The Lactation/Breastfeeding policy formalizes the City's practice to support breastfeeding mothers by accommodating the mother who wishes to express breast milk during her workday. The Conflict of Interest – Hiring Relatives policy modifies the hiring restriction of family members and further addresses the City's expectations of active employees who after hire become members of each other's immediate family.

These revisions are respectfully submitted for Council review and approval with the attached resolution and exhibit. Thank you.

EXHIBIT A

LACTATION/BREASTFEEDING POLICY

As part of our family-friendly policies and benefits, the City of Gladstone supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during her workday when separated from her newborn child. It is the intent of the provisions within this policy to meet the requirements of Fair Labor Standards Act as it relates to breaks for nursing mothers.

For up to one year after the child's birth, any employee who is breastfeeding her child will be provided reasonable break times to express breast milk for her newborn. It is the responsibility of the employee to communicate their lactating needs to their supervisor to satisfy the needs of both the employee and the City of Gladstone. A schedule will be coordinated with the employee to breast feed and pump during their working hours. There will be at least one designated location available within City Hall where breastfeeding and/or pumping can be accomplished in an environment shielded from view and free from intrusion from coworkers and the public. Employees who work off-site or in other locations will be accommodated with a private area as necessary. It is expected that all employees will assist in providing a positive atmosphere of support for breastfeeding employees.

Any breast milk stored in the refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any non-conforming products stored in the refrigerator may be disposed. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration and tampering.

Breaks of more than 20 minutes in length will be unpaid, and the employee should indicate this break period on her time record. Employees may contact Human Resources to obtain breastfeeding educational materials.

SALARY PAY POLICY

It is the City's policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws, including the Fair Labor Standards Act (FLSA). 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, i.e. penalties imposed in good faith for infractions of safety rules of major significance or for weeks in when an exempt employee takes unpaid leave under the Family and Medical Leave Act. In these circumstances, either a partial-day or full-day deduction may be made. As a public sector employer, the City operates under the principles of public accountability, which permits deductions from the pay of an exempt employee for partial day or full-day absences due to illness, injury or personal reasons when accrued paid leave is not used by an employee because accrued leave has been exhausted, permission for leave has been sought or has been sought and denied or the employee chooses to use leave without pay, if such leave is available. Salary may also be reduced for certain types of deductions, such as: your portion of healthcare insurance premiums, taxes, social security, contributions to a pension plan, etc.

The City complies with the salary basis requirements of the Fair Labor Standards Act (FLSA). We make every effort to ensure our employees are paid correctly. Occasionally, however,

inadvertent mistakes can happen. Please review your pay stub when you receive it to make sure it is correct. If you believe a mistake has occurred or if you believe that ~~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. These Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction or mistake has occurred, you will be promptly reimbursed. 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. 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. *Note: Denim may be deemed acceptable if specifically approved by the City Manager – See "Special Attire Days."

Exposed tattoos, nose rings, rings or jewelry in tongues, or any other form of exposed flesh piercing or body "art" (except moderate earrings) are 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 division, at the direction of the Department Director.

CONFLICT OF INTEREST

No employee shall have a financial interest, direct or indirect, in any contract with the City, or be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies, equipment or services. Any employee violating this section shall forfeit his/her office or employment.

No employee shall engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his/her official duties or that would tend to impair his/her independence of judgment or effectiveness in the

performance of his/her official duties. The City Manager shall have the final determination of incompatibility or impairment.

No employee shall sell or barter anything to the City. No employee shall make any contract with the City or purchase anything from the City other than those things which the City offers generally to the public (i.e., utility services), and then only on the same terms as are offered to the public.

Any financial or other private interest in any proposed City legislation by an employee shall be promptly disclosed to the City Manager upon learning of the proposed legislation, regarding the nature and extent of such interest.

No employee shall appear on behalf of a private interest before any officer, department or agency of the City government and no employee shall represent private interests in any action or proceeding against the interest of the City, in any litigation to which the City is a party or in any action or proceeding in the Municipal Court in which the City or any agency or any officer or employee of the City, in the course of his/her duties, is a complainant.

HIRING RELATIVES- "CONFLICTING EMPLOYMENT RELATIONSHIPS"

The employment of relatives within an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships. This policy pertains to all employees and elected officials of the City.

For purposes of this policy, a conflicting employment relationship includes, but is not limited to, parents, brothers, sisters, sons and daughters- including in-laws and step relations in each case- husband, wife, aunts, uncles, nieces, nephews and cousins, grandparents and grandchildren. In addition, guardians and wards will constitute conflicting employment relationships.

The City will not hire, on a regular full-time or regular part-time basis, another person with whom a present employee or elected official has a conflicting employment relationship. This restriction does not apply to family members who are either seasonal or part-time employees, as long as there is no supervisor/subordinate relationship.

This restriction does not apply to family members of regular full-time or regular part-time employees (except for members of the City Council) whose relative is hired as a regular full-time, seasonal or part-time employee in another department. Members of the family (as defined above) of the City Manager, Assistant City Manager, department directors, Municipal Judge, City Clerk, City Attorney and HR Administrator are not eligible for employment, except for seasonal positions. Members of the family of an appointee to a City Board or Commission are not eligible for employment if the Board or Commission has assigned duties or provides advisory oversight to the department in which the employment is sought.

If a conflicting employment relationship occurs after employment, one of the affected employees must transfer from the subordinate/supervisor position to another open position within in a different department (where they have the necessary qualifications to fill the vacancy) within the City or resign. Such transfer or resignation must be made within 30 days from the date the relationship is established. If one of the employees does not resign within this time frame, the employee with the lesser term of service will be terminated. The City is not obligated to create a new or open position to accommodate a transfer required under this section. Two employees within the same department, who marry or otherwise obtain a relationship whereby they become members of each other's immediate family, shall be treated in accordance with these guidelines. In the case of an elected municipal official – the employee must resign prior to the elected official assuming office or upon marrying or otherwise establishing a relationship whereby they become

members of each other's immediate family. Questions about this policy can be addressed with Human Resources.

A temporary assignment, approved by the City Manager or his/her designee, based on the operational needs of the City that creates a conflicting employment relationship is an exception to this policy.

This policy does not apply to employment relationships existing prior to the formal adoption of this policy, provided:

- the affected employees may at no time (through promotion, demotion, transfer or other) have direct supervisory authority one over the other.

If through a future act of promotion, demotion, transfer or other employment action one of the affected employees assumes a position with direct supervisory authority over another affected employee, one of the affected employees must resign. Such resignation must be made within 30 days from the effective date of the employment action. If one of the employees does not resign within this time frame, the employee with the lesser term of service will be terminated.