

RESOLUTION NO. R-22-18

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: Application and Hiring, Communicable and Life-Threatening Illness, Reasonable Accommodations, Conflict of Interest, Conduct & Employment Outside Work, Whistleblower, Conflicting Employment Relationship, Harassment Free Workplace, Substance Abuse, Personnel Records, Smoking and Tobacco Use, Operation of Vehicles, Use of Equipment, Positive Performance Management, Code of Conduct, Vacation, Holiday, Sick Leave, Overtime and Victims of Domestic and Sexual Violence Leave ; 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:

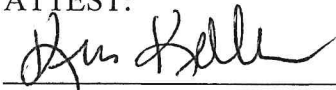
THAT the amendments to the personnel policies attached hereto as Exhibit "A" are hereby adopted and incorporated into the Employee Handbook of the City of Gladstone, to be effective May 10, 2022.

INTRODUCED, READ, PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI THIS 9TH DAY OF MAY, 2022.



Bill Garnos, Mayor

ATTEST:



Kris Keller, City Clerk



Request for Council Action

RES ☒ # 22-18

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 5/2/2022

Department: General Administration

Meeting Date Requested: 1/10/2022

Public Hearing: Yes ☐ Date: [Click here to enter a date.](#)

Subject: Employee Handbook Updates

Background: To address regulatory compliance (such as updates to the Federal Motor Carrier Safety Administration Act, the Missouri Whistleblower's Protection Act, and Missouri's Victim Economic Safety and Security Act) and to clarify expectations that foster an open cooperative work environment. Employee Handbook policy changes are recommended from time to time. Exhibit A denotes recent recommended edits and updates. Generally, it is the intent of the Application and Hiring policy revisions to further outline our practices. The Communicable and Life-Threatening Illness and Reasonable Accommodations policy updates address circumstances that have been brought to our attention with the onset of the COVID-19 virus pandemic. The Conflict of Interest policy and Conduct & Employment Outside Work policy updates and the addition of the Whistleblower policies provide clarification regarding the acceptance of gifts and other conflicts while addressing updates to Missouri law. The Conflicting Employment Relationship policy revisions address the Public Safety separation into Police and Fire/EMS while clarifying prior areas of confusion. The revisions to the Harassment Free Workplace policy encourage employees to inform the offender if they receive behavior is unwelcome and ask that it be stopped. The Substance Abuse Policy updates address amendments to the Federal Motor Carrier Safety Administration and the required reporting and use of the Commercial Driver's License Drug and Alcohol Clearinghouse. Applicable revisions and/or updates have been shared with various employee groups for feedback including but not limited to the City of Gladstone Workplace Improvement Team, the Employee Safety & Wellness Committee, the FOP and IAFF.

Budget Discussion: N/A

Public/Board/Staff Input:

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

Charlene Leslie
Department Director/Administrator

JM
City Attorney

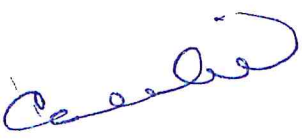
SW
City Manager



**General Administration
Human Resources CML 22-1014003**

DATE: May 1, 2022

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

FROM: Charlene Leslie, HR Administrator 

RE: Employee Handbook Policy Update

Over the last two years, we have reviewed 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 clarify expectations related to recruitment and hiring practices, reasonable accommodations, communicable diseases, whistleblower protection, conflicting employment relationships, harassment-free work environments, substance abuse, general conduct, tobacco use, vehicle operation, personal communication devices, positive performance management, and time off policies. The applicable revisions and/or updates have been shared with various employee groups for feedback including but not limited to the City of Gladstone Workplace Improvement Team (COG-WIT), the Employee Safety & Wellness Committee, the FOP and IAFF.

Generally, it is the intent of the *Application and Hiring* policy revisions to clarify and outline our practices. The *Communicable and Life-Threatening Illness* and *Reasonable Accommodations* policy updates address circumstances that have been brought to our attention with the onset of the COVID-19 pandemic.

The *Conflict of Interest* policy, *Conduct & Employment Outside Work* updates and the addition of the *Whistleblower Protections* provide clarification regarding the acceptance of gifts and other conflicts while addressing updates to Missouri law. The *Conflicting Employment Relationship* policy revisions address the Public Safety Department separation into Police and Fire/EMS while clarifying prior areas of confusion.

The revisions to the *Harassment Free Workplace* policy encourage employees to communicate with a potentially harassing offender informing them to stop unwelcome and unwanted conduct.

The *Substance Abuse* Policy updates address amendments to the Federal Motor Carrier Safety Administration and the required reporting and use of the Commercial Driver's License Drug and Alcohol Clearinghouse. The revisions to the *Operation of Vehicles* also addresses compliance

with the revised Federal Motor Carrier Safety Administration requirements and reinforces the proper use of city fleet vehicles. The *Use of Equipment* updates address the proper use of personal communication devices.

The *Personnel Records* policy revisions specifically confirm compliance with Missouri Statutes.

The *Tobacco Use* policy update provides a correction to a prior Scribner's error.

The *Positive Performance Management* updates enhance and clarify the City's Code of Conduct and further address the processing of second and third level notices.

The *Vacation* and *Holiday* policy updates support the payout of vacation accruals due to unique organizational or operational needs and/or financial hardship circumstances. Additionally, the *Holiday* Policy revisions add Juneteenth as an observed holiday in lieu of the City Manager's annual discretionary holiday. The addition of this holiday supports the Council goal to promote diversity and inclusion. The *Holiday* policy also clarifies that employees hired after June 30, 2020 may accrue holiday hours up to a maximum of 192 hours. The *Sick Leave* policy provides an accrual cap of 960 hours for those hired after June 30, 2020 and clarifies the use of accumulated sick leave hours for bonding with a new child. The addition of the *Victims of Domestic and Sexual Violence Leave* policy provides leave and accommodations according to the provisions outlined in the Missouri's Victims Economic Safety and Security Act (VESSA) – generally providing victims of violence two weeks of protected leave per year. This leave, much like the Family and Medical Leave Act protected leave, may be taken intermittently or on a reduced work schedule.

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

EXHIBIT A

GENERAL DESCRIPTION OF HANDBOOK

This Employee Handbook contains information about the employment policies and practices of The City of Gladstone ("City"). We expect each employee to read this Handbook carefully as it is a valuable reference for understanding our organization. During your initial orientation, you will be given an opportunity to sit down and carefully review this Handbook. This Employee Handbook supersedes all previously issued Handbooks and inconsistent verbal or written policy statements. The City reserves the right to revise, delete, and add to the provisions or policies described in this Employee Handbook, except for the policy of at-will employment, which can only be changed by the City Manager in writing. All such revisions, deletions, or additions must be in writing and must be signed by the City Manager. No oral statements or representations can change the provisions of this Employee Handbook.

None of The City's personnel documents and benefit plans, including this Employee Handbook, constitutes or is intended to constitute, an express or implied contract guaranteeing continued employment for any employee. No supervisor has any authority to enter into a contract of employment--express or implied--that changes or alters the at-will employment relationship. Only the City Manager has the authority to enter into an employment agreement that alters the at-will employment relationship and any such agreement must be in writing.

Not all City of Gladstone policies and procedures are set forth in this Employee Handbook. We have summarized only some of the more important ones. If you have any questions or concerns about this Handbook or any other policy or procedure, please ask your supervisor, department director or the Human Resources Division.

With the exception of employment at-will, the terms and conditions of your employment may be modified at the sole discretion of the City with or without cause or notice. No implied contract concerning any employment-related decision or term or condition of employment can be established by any other statement, conduct, policy, or practice. Examples of the types of terms and conditions of employment that are within the sole discretion of the City include, but are not limited to, the following: promotion; demotion; transfers; hiring decisions; compensation; benefits; qualifications; discipline; layoff or recall; rules; hours and schedules; work assignments; job duties and responsibilities; production; subcontracting; reduction, cessation, or expansion of operations; relocation, merger, or consolidation of operations; determinations concerning the use of equipment, methods, or facilities; or any other terms and conditions that the City may determine to be necessary for the safe, efficient, and economic operation of its business.

APPLICATION

Applications for vacant positions will only be accepted during the published open and closing dates and times. Where no specific opening is available, unsolicited applications or resumes will not be accepted and will be considered inquiries.

The City of Gladstone relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the City of Gladstone's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

Any applicant, following a job offer, may be required to take and pass a physical examination, **functional capacity assessment** and drug and alcohol test prior to commencing employment. In addition,

emergency services personnel applicants may also be required to take a written, oral, polygraph, Computerized Voice Stress Analysis (CVSA) and/or psychological examination. The offer of employment and assignment to duties is contingent upon satisfactory completion of the exam.

Information on an employee's medical condition or history will be kept separate from other employee information and maintained confidentially. Access to this information will be limited to those who have a legitimate need to know.

EXTENDING OR CANCELING THE RECRUITMENT PROCESS

If a sufficient number of qualified applicants have not made application for the vacant position, the Human Resources division, after consultation with the appropriate supervisor, may extend the closing date, re-advertise the position or postpone the screening process. The City reserves the right to cancel any screening process at any time.

HIRING

Individuals will be selected for employment with the City who most closely meet all the requirements and needs of the City. After an individual is selected for the position and an offer of employment has been extended, he/she is required to satisfactorily complete the following steps:

Post-Offer Records Check

Applicants receiving a conditional offer of employment are required to undergo a background investigation. An applicant who refuses to undergo a background investigation will be denied employment with the City. All records checks completed by an outside third party such as employment and credit histories are done in accordance with the Fair Credit Reporting Act (FCRA). In addition, emergency services personnel applicants utilize in-house reviews and database systems for criminal records checks and other such structures. The background/records checks conducted are based upon job related needs analysis.

Post-Offer Drug test

Applicants for all positions of employment with the City receiving a conditional offer of employment are required to undergo a drug test as part of the hiring process. Before a drug test is administered, job applicants must sign a consent form authorizing the test and permitting release of test results to those City officials with a need to know. All minors must have a release signed by a parent or a guardian. A job applicant who refuses or is unable to submit to or who tampers with a drug or alcohol test will be denied employment with the City. Job applicants will be denied employment with the City if a negative test result is unable to be reported in accordance with the Substance Abuse policy.

Post-Offer Physical Exam/Functional Capacity Assessment

Regular full-time candidates receiving a conditional offer of employment may take a physical exam based on the requirements of the job and/or functional capacity assessment, after which a determination will be made regarding whether the individual is able to perform the essential functions of the position with or without accommodation.

Driving Record

For positions that require driving on a regular or intermittent basis as an essential function of the job responsibilities, an individual's driving record will be a factor in consideration for employment.

INVESTIGATIONS & REFERENCE VERIFICATIONS

The City of Gladstone may occasionally find it necessary to investigate applicants or current employees, where behavior or other relevant circumstances raise questions concerning, for example, work performance, reliability, honesty, trustworthiness, or potential threat to the safety of coworkers or others. The City's investigations may, where appropriate, include credit reports and investigations of criminal

records, including appropriate inquiries about any arrest for which the employee is out on bail. Employees subject to an investigation are required to cooperate with the City's lawful efforts to obtain relevant information, and may be disciplined up to and including termination for failure to do so.

RESIDENCY REQUIREMENTS

The City Manager, Assistant City Manager, ~~City Clerk, City Counselor~~ and Department Directors shall live within City Limits or shall establish residency within a reasonable time upon hire. A waiver of the residency requirement for Department directors may be granted for exceptional circumstances, but only by the City Manager.

Certain positions and certain classes of positions may be subject to certain residency or response time requirements. These will be determined by departmental policies.

All other employees do not have to be residents of the City of Gladstone except in any instance where residency is required to conform to city ordinance, state law, or meet job responsibilities. However, residency may be a factor in the selection process of new employees and transfer or promotion of current employees.

RE-EMPLOYMENT

~~Former employees with a satisfactory service record may be considered for re-employment for any position. Former employees will be considered as applicants from outside the organization. An individual who is re-employed with the City is treated as a new employee for purposes of calculating leave accruals and any other seniority type privileges. Access and level of benefits are governed by the specific benefit plan.~~

EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER

The City of Gladstone is committed to fostering a culture of diversity and inclusion. Our employees are one of our most valuable assets. The collective sum of the individual differences, life experiences, knowledge, inventiveness, innovation, self-expression, unique capabilities and talent that our employees invest in their work represents a significant part of not only our culture, but our reputation and the city's achievement as well.

We embrace and encourage our employees' differences in age, color, disability, ethnicity, gender identity or expression, sexual orientation, national origin, physical and mental ability, race, religion, and other characteristics that make our employees unique.

The City of Gladstone' diversity initiatives are applicable – but not limited – to our practices and preserving a work environment built on the premise of maintaining effective working relationships with coworkers, other city employees and the public that encourages and enforces:

- Respectful communication and cooperation between all employees.
- Teamwork and employee participation, permitting the representation of all groups and employee perspectives.
- Employer and employee contributions to the communities we serve to promote a greater understanding and respect for the diversity.

All Employees of the City of Gladstone have a responsibility to treat others with dignity and respect at all times. All employees are expected to exhibit conduct that reflects inclusion during work, at work functions on or off the work site, and at all other city-sponsored and participative events.

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

records, including appropriate inquiries about any arrest for which the employee is out on bail. Employees subject to an investigation are required to cooperate with the City's lawful efforts to obtain relevant information, and may be disciplined up to and including termination for failure to do so.

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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.

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. The extent the City of Gladstone receive 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.

~~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.~~

REASONABLE ACCOMMODATION

In accordance with applicable federal and state law, the City will provide reasonable accommodation for qualified persons with disabilities who are employees or applicants for employment, and who can perform the essential functions of the job with or without accommodation, unless undue hardship to the City would result.

If an employee becomes disabled and needs a reasonable accommodation, the employee shall notify his department director who will work with the employee and Human Resources to determine if a reasonable accommodation can be made. The employee should request and complete a *Request for Reasonable Accommodation* form, which is available via Human Resources.

COMMUNICABLE DISEASES

The City of Gladstone's decisions involving persons who have communicable diseases shall be based on current and well-informed medical judgments concerning the disease, the risks of transmitting the illness to others, the symptoms and special circumstances of each individual who has a communicable disease,

and a careful weighing of the identified risks and the available alternative for responding to an employee with a communicable disease.

Communicable diseases include, but are not limited to, measles, influenza, viral hepatitis-A (infectious hepatitis), viral hepatitis -B (serum hepatitis), human immunodeficiency virus (HIV infection), AIDS, AIDS-Related Complex (ARC), leprosy, Severe Acute Respiratory Syndrome (SARS), including the SARS-CoV-2 (coronavirus) and tuberculosis. The City of Gladstone may choose to broaden this definition within its best interest and in accordance with information received through the Centers for Disease Control and Prevention (CDC).

The City of Gladstone will not discriminate against any job applicant or employee based on the individual having a communicable disease. Applicants and employees shall not be denied access to the workplace solely on the grounds that they have a communicable disease. The City of Gladstone reserves the right to exclude a person with a communicable disease from the workplace facilities, programs and functions if the organization finds that, based on a medical determination, such restriction is necessary for the welfare of the person who has the communicable disease and/or the welfare of others within the workplace.

The City of Gladstone will comply with all applicable statutes and regulations that protect the privacy of persons who have a communicable disease. Every effort will be made to ensure procedurally sufficient safeguards to maintain the personal confidence about persons who have communicable diseases.

LIFE-THREATENING ILLNESSES

An employee with a life-threatening illness is expected to meet the same performance requirements applicable to other employees. If an employee becomes disabled and requires reasonable accommodation, they should contact their department director or the Human Resources Division for assistance. The employee should request and complete a *Request for Reasonable Accommodation* form, which is available via Human Resources.

IMMIGRATION COMPLIANCE

The City of Gladstone will comply with applicable immigration law, including the Immigration Reform and Control Act of 1986 and the Immigration Act of 1990. As a condition of employment, every individual must provide satisfactory evidence of his or her identity and legal authority to work in the United States.

If you have any questions or need more information on immigration law issues, please contact the Human Resources Division.

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.

INAPPROPRIATE GIFTS

A City employee is not permitted to accept or solicit any gift, favor, or thing of greater than nominal value from any person, company or representative of companies having or seeking business relationship with the City of Gladstone. This shall not include gifts that may be made during holiday, celebratory or recognition times from vendors, such as popcorn, fruit, candy, etc.

City employees may accept give-aways at conferences, professional association meetings, trade shows, etc. that they may be attending on City business. Occasionally drawings or similar contest are held at such events. Employees may enter such contests and may keep any item they may win.

WHISTLEBLOWER PROTECTION

The City of Gladstone strives to operate in an ethical, honest and lawful manner and expects its staff, administrators, and volunteers to conduct their activities in accordance with City policies and applicable law. A whistleblower is defined by this policy as an employee of the City of Gladstone, who reports an activity that she/he considers illegal or dishonest to one or more of the parties specified in this policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures. Appropriate leadership officials are charged with these responsibilities. Examples of illegal or dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered, and any other fraudulent financial reporting.

If an employee has knowledge of, or a concern of illegal or dishonest fraudulent activity, the employee is to contact his/her department director or the HR Administrator. The employee must exercise sound judgment and good faith to avoid baseless allegations. An employee who intentionally files a false report of wrong doing will be subject to disciplinary action up to and including termination. Should an employee wish to make a good faith anonymous report, it should be directed to the HR Administrator, Assistant City Manager or City Manager.

Whistleblower protections are provided in two important areas, confidentiality and against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. No employee who makes a good faith report shall be subject to retaliation, including harassment or any adverse employment as a result of making a report. Any employee who believes she/he are being retaliated against must contact the HR Administrator, Assistant City Manager or City Manager. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged or investigated. The City will take whatever action is necessary and appropriate to address a violation of this policy.

HIRING RELATIVES- "CONFLICTING EMPLOYMENT RELATIONSHIPS"

The employment of relatives or significant others can cause various problems including but not limited to charges of favoritism, conflicts of interest, employee morale or discord concerns and scheduling conflict that may work to the disadvantage of the City and employees. The following guidelines are intended to aid in the avoidance of such circumstances; ~~this 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.~~

Generally, 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. 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.

- A. The employment of relatives of current employees in full-time or part-time positions is permitted only when the placement ensures that relatives (or those with conflicting employment relationships) are working in separate departments with the exception of police, fire/ems and support (emergency services) personnel. The employment of relatives in current emergency services positions in full and part-time position is permitted only when the placement ensures that relatives are working in non-emergency services positions.
- B. The employment of relatives (or those with conflicting employment relationships) of current employees in seasonal or variable part time positions within a department may be permitted as long as there is no supervisor/subordinate relationship, it does not create disruption or potential disruption in the work environment, does not create any actual or perceived conflict of interest or is not prohibited by any other law, regulation, or policy.

~~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 both 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.~~

- C. Members of the family (as defined above) of the City Manager, Assistant City Manager, department directors, Municipal Judge, City Clerk, City Attorney, and/or HR Administrator are not eligible for employment, except for seasonal positions. Members of the family (as defined above) of the Police Chief and Fire/EMS Chief are not eligible for employment within any emergency services positions. Immediate family members may not simultaneously hold positions on City Council and/or Leadership Team. 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.
- D. If two employees become married to each other, have a conflicting employment relationship or become otherwise related as immediate family members, they may continue to be employed by the City, provided that neither position is in the same department, has direct or indirect supervision over the other position, no special scheduling requirement exists, and the relationship does not create any job performance problems or negatives affect morale in the organization. If a conflicting employment relationship occurs after employment and the employees work in the same department or both hold emergency services positions, one of the affected employees must transfer to another open position (where they have the necessary qualifications to fill the vacancy) with 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. 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.
- E. Employees are expected to keep all aspects of personal relationships with any co-worker out of the workplace. Work-related problems which occur, in whole or in part, due to personal relationships between co-workers will be dealt with as any other performance issue. If a performance problem is not corrected, one or both of the employees, as determined by leadership to be in the best interest of the City, may be subject to discipline up to and including termination from employment.
- F. In order to maintain an atmosphere of impartiality, supervisors are strongly discouraged from developing personal intimate relationships with subordinates.

- G. **This policy must be considered when hiring, promoting, or transferring an employee.** 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 timeframe, the employee with the lesser term of service will be terminated.

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.

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. **The City reserves the right to exercise the appropriate managerial judgment to take such actions as may be necessary to achieve the intent of this policy. Unusual circumstances will be address on a case-by-case basis.**

HARASSMENT FREE WORKPLACE POLICY

Commitment to Harassment-Free Workplace. The City is committed to maintaining a workplace that is free from any form of harassment because of race, color, religion, sex, age, national origin, disability, or any other characteristics protected by law.

Prohibition Against Retaliation. This policy also prohibits retaliation or adverse employment action against any employee who exercises his/her rights under this policy, who cooperates or participates in any City investigation, or who participates in any manner in any investigation or proceeding conducted or pursued by any governmental agency.

Supervisory And Employee Responsibilities

All of our supervisors should ensure that employees are not subjected to harassment and should ensure that employees do not engage in harassment or retaliation. Each supervisor who observes or learns of any possible harassment in the workplace should immediately report it to his or her department director, City Manager or Human Resources Administrator.

The City also believes that cooperation from all employees is the best way to ensure that the work environment remains free of harassment and that any concerns about harassment are immediately addressed. Accordingly, each employee is responsible for conducting himself/herself in a manner that is consistent with this policy. Employees who believe they are being subjected to harassment are encouraged to take reasonable appropriate action to prevent and/or stop such harassment including but not limited to advising the harasser in a respectful manner that his/her conduct is unwelcome and offensive, and asking that he/she stop the behavior.

Definition Of Harassment

Harassment may encompass a wide range of verbal, physical and visual behaviors in the workplace and may be sexual in nature. "Sexual harassment" means unwelcome, unsolicited, uninvited, offensive or undesirable conduct of a sexual or non-sexual nature directed at or affecting an employee on the basis of his/her gender. "Non-sexual harassment " means conduct that is offensive or shows hostility toward an employee because of his/her race, color, religion, age, national origin, disability or other characteristic protected by law.

Forms of harassment that would violate the policy include the following:

1. If the employee is promised or given some favorable employment action or benefit only if the employee will submit to or tolerate the harassing behavior in question.

2. If the employee is threatened with or suffers adverse employment action because he/she rejected or refused to tolerate the harassing behavior in question.
3. If the harassing behavior in question unreasonably interferes with the employee's work performance or creates an intimidating, hostile, abusive or offensive work environment.

It is not possible to define every action or all words that could be interpreted as harassment. Each situation depends on a number of factors (including severity/seriousness, frequency, nature, presence or absence of a tangible job consequence, etc.). Each situation will be reviewed on a case-by-case basis. In some cases, one incident will be sufficient to constitute harassment. In other cases, a pattern or series of incidents may be necessary. In addition, even if the behavior in question may not constitute harassment under this policy, it may still be inappropriate in the workplace.

Examples

The examples listed below are not meant to be a complete list of behaviors that may be objectionable or that may constitute harassment. They are provided so that employees have a better understanding of the general range of behaviors that might constitute harassment:

Examples of "sexual-harassment" include but are not limited to:

- a) sexual advances, propositions or flirtations; request or pressure of any kind for sexual favors, activities or contact;
- b) sexually explicit, graphic, abusive, degrading, intimidating or offensive jokes, comments, remarks or gestures;
- c) physical contact or touching of a sexual nature, including physical or sexual assault;
- d) display, circulation or communication of any sexually suggestive, explicit, graphic, or offensive objects, pictures or materials of any kind; and
- e) other similar types of unwelcome sexually-related conduct.

Examples of "non-sexual harassment" include but are not limited to:

- a) epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to race, religious creed, color, national origin, ancestry, citizenship, age, physical disability, mental disability, medical condition, pregnancy, military status and any other characteristics protected by law;
- b) written or graphic materials that denigrate or shows hostility or aversion toward an individual or group because of race, religious creed, color, national origin, ancestry, citizenship, age, physical disability, mental disability, medical condition, pregnancy, military status and any other characteristics protected by law, and that is placed on walls, bulletins boards, E-mail, or elsewhere on City premises or is otherwise circulated in the workplace;
- c) other similar types of unwelcome non-sexual harassment.

Reporting and Investigating Violations

The City encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's position or identity. Multiple avenues of registering complaints are provided so that the employee may contact one or more of the designated individuals. An employee is encouraged and empowered, but not required, to advise the offender that the offender's behavior is unwelcome and to request that it be discontinued. Often this action alone will resolve the problem. However, the City recognizes that an individual may prefer to pursue the matter through the formal system as noted below:

What Situations Must Be Reported. Each employee should promptly report the following: (1) if he/she has been harassed by another employee or a non-employee; (2) if he/she has witnessed or observed first-hand the harassment of another employee; (3) if harassment has been reported to him/her by another employee; (4) if he/she has been retaliated against for reporting a violation of this policy or for cooperating or participating in any City or governmental investigation of harassment; and (5) if after reporting harassment, the harassment has continued.

When to Report. Any of the above situations are to be reported immediately. They should be reported as soon as they occur or immediately after an employee obtains knowledge that there has been a violation of this policy.

Where to Report. Any of the above situations may be reported to any of the following individuals: (1) your department director; (2) Human Resources Administrator; or (3) City Manager.

Investigation. Upon receipt of a report or complaint, the City will undertake an objective and thorough investigation.

Determination. Upon conclusion of the investigation, the City will determine if the behavior in question constitutes unlawful harassment or other form of inappropriate behavior (see below). Appropriate action will be taken as warranted under the circumstances.

Confidentiality. Confidentiality will be maintained by the City to the extent possible under the circumstances.

Communication of Outcome. To the extent that it would be appropriate to do so, the City will inform the reporting or complaining employee and others who have a legitimate need to know of the general outcome of the investigation.

Consequences for Violating this Policy. If the City believes that it is more likely than not that a violation has occurred, then the City will take appropriate action. Such action may include disciplinary action, up to and including termination.

Other Inappropriate Behavior. Behavior that is not unlawful harassment under the law or under any of our policies might still be inappropriate behavior for the workplace. Even if the City determines that an individual's behavior does not rise to the level of unlawful harassment, the City may still impose appropriate disciplinary action, up to and including termination. As a general rule, disciplinary action will be imposed if the City believes the behavior was otherwise inappropriate, unprofessional, unbecoming, objectionable, inconsistent with the spirit of the City's harassment-free workplace philosophy or policy, or not in the best interest of the City,

POLICIES AGAINST WORKPLACE VIOLENCE

The City of Gladstone recognizes that violence in the workplace is a growing nationwide problem necessitating a firm, considered response by employers. The costs of workplace violence are great, both in human and financial terms. We believe that the safety and security of City Employees are paramount. Therefore, the City has adopted this policy regarding workplace violence.

We do not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities.

Violations of this policy, by any individual, will lead to disciplinary and/or legal action as appropriate.

This policy is intended to bring the City of Gladstone into compliance with existing legal provisions requiring employers to provide a safe workplace; it is not intended to create any obligations beyond those required by existing law.

Definitions

Workplace violence is any intentional conduct that is sufficiently severe, offensive, or intimidating to cause an individual to reasonably fear for his or her personal safety or the safety of his or her family, friends, and/or property such that employment conditions are altered or a hostile, abusive, or intimidating work environment is created for one or several City employees. Workplace violence may involve any threats or acts of violence occurring within course or scope of employment, regardless of the relationship between the City and the parties involved in the incident. It also includes threats or acts of violence that affect the business interests of the City or that may lead to an incident of violence on City premises. Threats or acts of violence occurring off City premises that involve employees, agents, or individuals acting as a representative of the City, whether as victims of or active participants in the conduct, may also constitute workplace violence. Specific examples of conduct that may constitute threats or acts of violence under this policy include, but are not limited to, the following:

- a. Threats or acts of physical or aggressive contact directed toward another individual;
- b. Threats or acts of physical harm directed toward an individual or his/her family, friends, associates, or property;
- c. The intentional destruction or threat of destruction of City property or another employee's property;
- d. Harassing or threatening phone calls;
- e. Surveillance;
- f. Stalking;
- g. Veiled threats of physical harm or similar intimidation;
- h. Unauthorized possession or use of firearms, weapons or explosives while on city property or city business; or
- i. Any conduct resulting in the conviction under any criminal code provision relating to violence or threats of violence that adversely affects the City's legitimate business interests. Workplace violence does not refer to occasional comments of a socially acceptable nature. These comments may include references to legitimate sporting activities, popular entertainment, or current events. Rather, workplace violence refers to behavior that is personally and physically offensive, threatening, or intimidating.

Individual Situations: While we do not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform their supervisor or the Human Resources Division if any employee exhibits behavior, which could be a sign of potentially dangerous situations. Such behavior may include:

- Discussing weapons or bringing them to the workplace;
- Displaying overt signs of extreme stress, resentment, hostility or anger;
- Making threatening remarks;
- Sudden or significant deterioration of performance;
- Displaying irrational or inappropriate behavior.

Enforcement

Any person who engages in a validated threat or violent action on City property shall be removed from the premises as quickly as safety permits and may be required, at the City's discretion, to remain off City premises pending the outcome of an investigation of the incident. Violation of Federal, State, or Municipal Law may result in arrest.

When threats are made or acts of violence are committed by employee(s), a judgment will be made by the City management as to what actions are appropriate, including possible medical evaluation or mandatory referral to Employee Assistance Program Services and/or possible disciplinary action.

Once a threat or act has been substantiated, the City of Gladstone will put the offender on notice that he/she will be held accountable for his/her actions and then implement a decisive and appropriate response, which may lead to disciplinary actions.

Under this policy, decisions may be needed to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing. No existing policy or procedure of the City should be interpreted in a manner that prevents the making of these necessary decisions.

Employees shall cooperate fully with police and other law enforcement officials in the investigation and prosecution of violent acts.

POLICY REGARDING VIOLENT CRIME

Statement of Policy

The City of Gladstone recognizes the unfortunate reality that violent crimes do occur in the workplace. The potential commission of a violent crime in the workplace may threaten the safety of employees as well as citizens or customers. Therefore, it is the City's policy to provide guidelines to employees about the signs of developing violence and steps to take to prevent or address violence.

Guidelines for Protecting Employee and Customer Safety

Prevention is the threshold measure to protect employee and customer safety. Accordingly, you should make a conscious effort to observe your surroundings and report any suspicious persons or activities to the Public Safety Communications Office (ext: 3547 or 911).

In the unfortunate event of a holdup or robbery, you (except for commissioned law enforcement officers) should obey all orders issued by the perpetrator. Failure to follow the perpetrator's orders jeopardizes your safety as well as the safety of customers and other employees. Therefore, remember to stay calm, move slowly, and cooperate with the perpetrator. Do not argue, fight, display a weapon, or offer any other form of resistance. To the extent possible, employees should attempt to concentrate on the perpetrator's physical features, dress, voice, automobile, et cetera in hope of later identification.

Once the incident is over, you should remain where you are--do not attempt to follow or catch the perpetrator. Once you are certain that the perpetrator has left the immediate area, quickly secure the area and call the Public Safety Communications Office (ext. 3547 or 911). While waiting for the law enforcement personnel to arrive, avoid touching anything or disturbing the area. If possible, write down everything you can remember about the incident and the perpetrator. Employees are expected to cooperate fully with the enforcement authorities after the occurrence of an incident.

SUBSTANCE ABUSE POLICY

1. Policy Statement

The City of Gladstone, Missouri is dedicated to providing safe and efficient service to its citizens and a healthy workplace for its employees. The City believes that use of controlled substances and misuse of alcohol by City employees is detrimental to the achievement of these goals.

In order to meet the goals of providing safe and efficient service and a safe and healthy workplace, the City is implementing this policy to prevent alcohol and controlled substance abuse by its employees. This City will not tolerate unauthorized use, abuse, possession or sale of controlled substances or misuse of alcohol by any of its employees, including part-time and seasonal employees. Drug and alcohol testing will be an integral part of the City's program.

2. Purpose

The purpose of this policy is to assure worker fitness for duty and to protect our employees, passengers, and the public from the risks posed by the use of alcohol and prohibited drugs. This policy is also intended to comply with all applicable federal regulations governing workplace anti-drug programs.

Pursuant to the Omnibus Transportation Act of 1991, the United States Department of Transportation (DOT) has enacted regulations that mandate urine drug testing and breathalyzer alcohol testing for safety-sensitive positions and prevents performance of safety-sensitive functions when there is a positive test result. The DOT has also enacted 49 CFR Part 40 that sets standards for the collection and testing of urine and breath specimens. In addition, the DOT previously enacted 49 CFR Part 29, "The Drug-Free Workplace Act of 1988," which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses. This policy incorporates those requirements of safety-sensitive employees and others when so noted.

The Federal Motor Carrier Safety Administration's (FMCSA) amended its regulations to establish a database that will contain information about violations of DOT/FMCSA drug and alcohol testing programs for Commercial Driver's License (CDL) holders including test results and test refusals. This database is called the CDL Drug and Alcohol Clearinghouse. The purpose behind forming the clearinghouse and establishing regulations regarding the Clearinghouse is to improve roadway safety by identifying and making readily available information regarding CDL drivers who have committed drug and/or alcohol violations that would render them ineligible to operate a commercial motor vehicle.

3. City of Gladstone Safety-Sensitive Employees

Employees who perform safety-sensitive functions will be subject to random testing. The following is a list of City of Gladstone safety-sensitive positions:

- Any employee required to obtain a Commercial Driver's License (CDL)
- Commissioned Police Officers
- Firefighters/EMS Members
- Communication Officers
- Water Treatment Plant Operators
- Employees who are authorized and required to operate city vehicles, equipment or machinery.
- Swimming Pool/Life Safety employees

4. Application

This policy applies to all safety-sensitive and non-safety-sensitive employees, paid part-time employees and seasonal employees when they are on City property in an official capacity or when performing any City related business. This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work. Meetings and functions, which are primarily social in nature, are not defined as performance in an official capacity for the purpose of this policy. Visitors, vendors, and contractor employees are

governed by this policy while on City premises and will not be permitted to conduct City business if found to be in violation of this policy.

5. Employee Drug/Alcohol Education (All Employees)

Each employee shall be given a copy of the City's policy and such other educational matters as may be deemed appropriate from time to time. All new employees shall receive this information upon hiring. Employees receiving this information shall sign a statement certifying they have received this information and this receipt shall be retained by the Human Resources Division.

Employee Drug and Alcohol Educational materials shall have at least the following content:

The identity of the person(s) designated to answer employee questions about the City's policy and testing programs.

Information explaining the effects of alcohol and drugs on health, work and personal life, the symptoms of alcohol or drug problems and available methods of intervention including confrontation, referral to the employee assistance program (EAP) and discipline.

Information explaining when CDL drivers are subject to Federal Drug and Alcohol testing rules, if applicable.

Explanations of Employee conduct which is prohibited by this policy and the circumstances under which an Employee will be tested.

The drug and alcohol test procedures.

An explanation of when testing is required by State and/or Federal rules.

An explanation of what constitutes a refusal to test.

An explanation of the consequences of violations of this policy.

An explanation of the consequences of having an alcohol concentration greater than 0.02% but less than 0.04%.

An explanation of the City of Gladstone's requirement to report certain actions, violations, test results and knowledge to the Commercial Driver's License Drug and Alcohol Clearinghouse.

Supervisors shall receive, in addition to the general Employee information, training in alcohol misuse and training in drug use. The training shall cover physical, behavioral, speech, and performance indicators of drug use and alcohol use and may also cover the physiological and psychological aspects of addiction, how to detect and document early deterioration of job performance, the issues of drug testing and prevention and educational strategies, including how to implement them.

6. Prohibited Substances

Prohibited substances addressed by this policy include the following:

Illegally Used Controlled Substances or Drugs: Federal regulations as outlined by the Department of Transportation identify illegal drugs and substances. This includes, but is not limited to: marijuana, amphetamines, opioids, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the United States Drug Enforcement Administration or the United States Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.

Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. However, the use of any substance which carries a warning label that indicates the mental functioning, motor skills, or judgment may be adversely affected should be reported to supervisory personnel and medical advice should be sought, as appropriate, before performing work-related duties.

A legally prescribed drug means that an individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing City business is prohibited.

Alcohol: The use of beverages containing alcohol or substances including any medication such that alcohol is present in the body while performing City business is prohibited. The concentration of alcohol is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath-testing device.

7. Prohibited Conduct

Manufacture, Trafficking, Possession, and Use: Any employee engaging in manufacture, distribution, dispensing, possession, or use of prohibited substances on City premises, in City vehicles, in uniform, or while on City business will be subject to disciplinary action up to and including termination. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

Intoxication/Under the Influence: Any employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty shall be suspended from job duties pending an investigation and verification of condition. Any employee found to be under the influence of prohibited substances or who fail to pass a drug or alcohol test shall be removed from duty and subject to disciplinary action, up to and/or including termination. A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in federal regulations administered by the Department of Transportation.

Alcohol Use: No employee should report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her blood alcohol concentration is 0.04 or greater. No employee shall use alcohol while on duty. No employee shall have used alcohol within four hours of reporting for duty. No employee shall use alcohol during the hours that they are on compensated stand-by. Violation of these provisions is prohibited and punishable by disciplinary action up to and including termination.

8. Employee Responsibilities

An employee must:

- a) Not report to work or be subject to duty while his/her ability to perform job duties is impaired due to alcohol or drug use, on or off duty;
- b) Not possess or use, or have the odor of alcohol or drugs on his/her breath during work hours, on breaks, during meal periods, while on City property in an official capacity, or while operating any City vehicle, or while on compensated stand-by time;
- c) Not directly or through a third party sell or provide drugs or alcohol to any person or to any other employee while either employee or both employees are on duty or on compensated stand-by;
- d) Consent to and submit immediately to reasonable requests for alcohol and/or drug analysis when requested by a supervisor, department director, and/or the City Manager or their designee;
- e) Notify his/her supervisor, before beginning work, when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of job duties or operation of City equipment; and

- f) Provide within twenty-four (24) hours of request a current valid prescription for any drug or medication identified when a drug screen/analysis is positive. The prescription must be in the employee's name.

9. Supervisor Responsibilities and Guidelines

The City is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action up to and including termination.

Supervisors may request that an employee submit to a drug and/or alcohol analysis when a supervisor has a reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol. Reasonable suspicion is a belief based on objective and articulate facts sufficient to lead a reasonably prudent supervisor to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform his/her job safely is reduced. For example, any of the following, alone or in combination, may constitute reasonable suspicion:

- Slurred Speech
- Alcohol on breath
- Inability to walk a straight line
- An accident involving City property
- Physical altercation
- Verbal altercation
- Behavior which is so unusual that it warrants summoning a supervisor or anyone else with authority
- Use or possession of alcohol or drugs
- Information on use or possession of alcohol or drugs provided either by a reliable and credible source or independently corroborated
- Arrest or conviction for a substance abuse offense or being the subject of a criminal investigation into illegal drug possession, use, or trafficking
- Evidence that the employee has previously tampered with a previous drug test

This list is not intended to be all inclusive of conduct, which constitutes reasonable suspicion.

Drug/alcohol tests are required for employees whenever there is a pattern of on-duty accidents/incidents or an accident/incident resulting in severe property damage or bodily injury.

Any supervisor who has a reasonable suspicion that an employee is impaired on the job by alcohol or other substance will, with the approval of the Department Director and the City Manager or his/her designee, immediately arrange for a substance screening. If a screening is required after normal business hours, the supervisor will make direct contact with the facility that has been designated to perform screenings for the City. The following procedures shall be followed:

- a) The supervisor should document in writing the facts constituting reasonable suspicion that the employee in question is impaired on the job by alcohol or other substances.
- b) Any supervisor requesting an employee to submit to a drug and/or alcohol analysis shall be responsible for the employee's transport to the City's designated facility where a drug and/or alcohol analysis will be performed.
- c) Any supervisor encountering an employee who refuses to submit to a drug and/or alcohol analysis upon request shall remind the employee of the requirements and consequences of this policy. Such continued refusal will constitute grounds for termination.
- d) Supervisors shall not physically search employees.
- e) Supervisors shall notify the Public Safety Department when they have reasonable suspicion to believe that an employee may have illegal drugs in his/her possession or in an area not jointly or fully controlled by the City.
- f) Supervisors shall not confiscate, without consent, prescription drugs or medication from an employee.

Supervisors must produce employees for post-accident drug and alcohol testing within two hours of the accident or explain in writing why the employee was not produced. The employee may be given necessary medical treatment and if such treatment prevents normal drug or alcohol testing, the supervisor shall immediately inform the Human Resources Division.

Whenever drug or alcohol tests are required under this policy, supervisors must produce the employee for those tests, and when current impairment is reasonably suspected, the supervisor shall not allow the employee to drive.

Observations supporting a supervisor's reasonable suspicion of drug or alcohol use must be made just before, during or after the employee performs his/her job. These observations must be reduced to writing within 24 hours of the observation.

Whenever drug or alcohol tests are required by this policy and the employee is not tested within eight (8) hours of notice of the need to test, the supervisor shall explain in writing why the test or tests were not performed.

Supervisors are responsible for maintaining the confidentiality of all substance abuse issues.

10. Results of Drug and/or Alcohol Analysis

Upon a negative result, the employee shall return to work.

If the test result is positive, the employee will then be given the opportunity, at the employee's expense, to have a second screen using a different technique given on the same sample. If the second screen shows a negative result, it will be assumed that the individual is not under the influence of or impaired by alcohol or drugs, and the employee shall return to work. If negative, the City will reimburse the employee for the expense of the second screen.

If all tests indicate a positive result, the following shall apply:

- An employee may be ordered to seek assistance through the Employee Assistance Program. Written notice of referral to the Employee Assistance Program shall be given to the employee. As a condition of continued employment the employee must follow and provide evidence of participation in the rehabilitation program recommended by the Employee Assistance Program. Rehabilitation may consist of, but is not limited to, in-depth

counseling and/or hospitalization all of which is at the employee's expense, and

- Formal disciplinary proceedings may be instituted against an employee up to and including termination.

Reporting Results: Under the amended FMCSA regulations, all Medical Review Officers, Substance Abuse Professionals and other service agencies are required to report violations of the DOT drug and alcohol testing regulations by applicants and employees to the CDL Drug and Alcohol Clearinghouse. Additionally, the City of Gladstone is required to conduct a query of the Clearinghouse pursuant to consent from an applicant, as part of the pre-employment driver investigation process, as well as a query for each current CDL driver employee on an annual basis. Essentially, the City must conduct a search of the Clearinghouse to see if the applicant or employee has tested positive for drugs or alcohol in violation of DOT drug and alcohol rules, and if so, if they have completed the required evaluation and treatment before being eligible to operate a commercial motor vehicle.

11. Testing for Prohibited Substances

Analytical urine drug testing and breath testing for alcohol may be conducted when circumstance warrant or as required by federal regulations. All employees shall be subject to testing prior to employment, for reasonable suspicion, and following an accident. In addition, all employees will be tested prior to and after return-to-duty after failing a drug test and/or after completion of rehabilitation treatment. Those employees who perform safety-sensitive functions as defined in this policy shall also be subject to testing on a random, unannounced basis.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities, which have been approved by the U.S. Department of Health and Human Services (DHHS). All testing will be conducted consistent with the procedures put forth in federal regulations administered by the Department of Transportation.

The drugs that will be tested for include marijuana, cocaine, opioids, amphetamines, and phencyclidine. An initial drug screen will be conducted on each specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in federal regulations administered by the Department of Transportation.

Tests for alcohol concentration will be conducted utilizing a National Highway Safety Administration (NHTSA)-approved evidential breath-testing device (EBT) operated by a trained breath alcohol technician (BAT). If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. An employee who has a confirmed alcohol concentration greater than 0.02 but less than 0.04 will result in removal from his/her position for twenty-four (24) hours unless a re-test results in a concentration measure of less than 0.02. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy.

Any employee that has a confirmed positive drug or alcohol test will be removed from his/her position, informed of educational and rehabilitation programs available, and evaluated by a Substance Abuse Professional (SAP). A positive drug and/or alcohol test will also result in disciplinary action up to and including termination.

The City of Gladstone will report to the Clearinghouse, as required by law:

- A verified positive, adulterated or substituted drug test result
- An alcohol confirmation test with a concentration of 0.04 or higher
- A refusal to submit to a drug or alcohol test
- As defined at 49 CFR 382.107, the City's knowledge regarding:
 - On duty alcohol use pursuant to 49 CFR 382.205
 - Pre-duty alcohol use pursuant to 49 CFR 382.207
 - Alcohol use following an accident pursuant to 49 CFR 382.209
 - Controlled substance (including Cannabis) use pursuant to 49 CFR 382.213
- A Substance Abuse Professional's report of the successful completion of the return-to-duty process

- A negative return-to-duty test
- The report of completion of follow-up testing.

The City of Gladstone affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process.

Pre-Employment Testing: All applicants, including part-time and seasonal, shall undergo urine drug testing and breath alcohol testing prior to employment. Receipt by the City of satisfactory test results is required prior to employment and failure of a drug or alcohol test will disqualify an applicant for employment for a period of 120 days. Evidence of the absence of drug and alcohol dependency from a Substance Abuse Professional (SAP) and negative drug and alcohol tests will be required prior to further consideration for employment.

Reasonable Suspicion Testing:

All employees may be subject to a fitness for duty evaluation, to include appropriate urine and/or breath testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances, which are consistent with the long or short-term effects of substance abuse. Examples of reasonable suspicion include, but are not limited to the following:

- Adequate documentation of unsatisfactory work performance or on-the-job behavior.
- Physical signs and symptoms consistent with prohibited substance use.
- Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substances.
- Occurrence of a serious or potentially serious accident that may have been caused by human error.
- Fights (to mean physical contact), assaults, and flagrant disregard or violations of established safety, security, or other operating procedures.

Reasonable suspicion determinations will be made by a supervisor who is trained to detect the signs and symptoms of drug and alcohol use and who repeatedly concludes that an employee may be adversely affected or impaired in his/her work performance due to prohibited substance abuse or misuse.

Post-Accident Testing:

Employees will be required to undergo urine and breath testing if they are involved in an accident with a City vehicle that results in a fatality. This includes all employees that are on-duty in the vehicles and any other whose performance could have contributed to the accident. In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility; and/or one or more vehicles incurs substantial damage, and/or the employee receives a citation under state or local law for a moving traffic violation arising from the accident.

Following an accident, the employee will be tested as soon as possible, but not to exceed eight hours for alcohol testing and 32 hours for drug testing. Any employee involved in an accident must refrain from alcohol use for eight hours following the accident or until he/she undergoes a post-accident alcohol test. Any employee who leaves the scene of the accident without appropriate authorization prior to submission to drug and alcohol testing will be considered to have refused the test and their employment terminated. Employees tested under this provision will include not only the operations personnel, but also any other covered employees whose performance could have contributed to the accident.

Random Testing:

Employees in safety-sensitive positions will be subjected to random, unannounced testing. Employees will be randomly selected for testing from a pool of employees subject to testing. Each employee will have an equal chance of being tested more than once. The testing dates and times will be unannounced and will be conducted throughout the year.

Each year, the number of random tests conducted by the City must equal at least 50% of all the safety-sensitive employees or other percentage as required by the federal regulations.

Return-to-Duty Testing:

All employees who previously tested positive on a drug or alcohol test must test negative and be evaluated and released to duty by the Substance Abuse Professional before returning to work. Employees will be required to undergo frequent unannounced random urine and breath testing during the period of their re-entry statement of conditions. The Department of Transportation requires at least six (6) tests within the first twelve (12) months and the return-to-duty testing can be as long as sixty months.

Employee Requested Testing:

Any employee who questions the results of a required drug test under this policy may request an additional test be conducted. This must be conducted at a different testing DHHS-certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. All costs for such testing are paid by the employee unless the second test invalidates the original test. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in federal regulations administered by the Department of Transportation. The employee's request for a re-test must be made to the Medical Review Officer (MRO) within 72 hours of notice of the initial test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee and the split sample remains available.

12. Medical Review Officer

The City will employ a Medical Review Officer (MRO) to review the drug test results. The MRO shall be licensed physician with knowledge of drug abuse disorders.

Return to Work; Drug Test: In order to recommend return to work after a positive drug test, the MRO shall ensure the employee has subsequently tested drug free, the employee has been evaluated by a Substance Abuse Professional, and the employee is in compliance with rehabilitation conditions.

- The MRO shall determine whether and when a return to duty recommendation shall be made for an employee who has failed a drug test or refused to be tested and shall determine the schedule for return to work drug testing.
- Only the MRO may review and interpret each positive drug test and after meeting with the employee, report the results to the City.

13. Substance Abuse Professional

The City will also employ a Substance Abuse Professional (SAP). The SAP shall be a licensed physician (M.D. or D.O.) or a licensed psychologist, social worker, employee assistance professional or an addiction counselor (certified by MHADACCC) with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related disorders.

Return to Work; Alcohol Test: In order to recommend return to work after an alcohol test, which indicates a blood alcohol content greater than 0.04%, the SAP must first evaluate the employee to determine whether the employee has an alcohol problem.

If it is determined by the SAP that an employee has an alcohol problem, which requires assistance, the employee shall be subject to counseling, treatment and follow-up alcohol testing as directed by the SAP. Follow-up testing shall only occur just before, during or just after the employee performs City business.

14. Actions Taken in Response to Test Results/Refusal to be Tested

Refusal/What Constitutes Refusal: An employee who refuses to be tested will be treated as having had a positive test. Failure to report to a collection site on a timely basis, sign any required consent form or otherwise fail to fully cooperate with the testing procedure shall be treated as a refusal to be tested.

Employees refusing to be tested shall be subject to immediate disciplinary action up to and including termination.

Positive Drug Test. An employee whose drug test result is reported to the City as positive shall be immediately referred to the Substance Abuse Professional for evaluation and may be subject to disciplinary action up to and including termination.

Positive Alcohol Test. An employee whose breath test results in a reading of 0.02-0.039% blood alcohol content shall be removed from duty and not returned to work for at least twenty-four (24) hours, and all hours not worked shall be recorded as uncompensated time. An employee who has a continuing pattern of breath test results between 0.02-0.039% blood alcohol content shall be referred to the Substance Abuse Professional for evaluation and may be subject to disciplinary action up to and including termination.

An employee whose breath test results in a reading of 0.04% blood alcohol content or greater shall be removed from duty and not returned to work for at least twenty-four (24) hours, and all hours not worked shall be recorded as uncompensated time. Additionally, the employee shall be referred to a SAP for evaluation and may be subject to disciplinary action up to and including termination.

Subsequent Positive Test(s). An employee whose drug test result is reported to the City as positive or whose breath test result is 0.04% blood alcohol content or greater and who has previously had positive drug tests or previous breath tests with a result greater than 0.04% blood alcohol content or who has previously been referred to a rehabilitation program under the provisions of this policy shall be subject to disciplinary action up to and including termination.

Rehabilitation. Failure to immediately begin an approved rehabilitation program, successfully complete the program and/or participate in required or recommended after-care may result in disciplinary action up to and including termination. Rehabilitation may consist of, but is not limited to, in-depth counseling and hospitalization and will be paid directly by the employee or their insurance provider. Employees will be allowed to take accumulated sick leave, vacation leave, and compensatory time to participate in the prescribed rehabilitation program.

City's Right to Discipline. The above notwithstanding, the City has the right to take immediate disciplinary action for a violation of this policy, including termination, based on the severity of the violation.

Federal Highway Administration Consequences. Besides the penalties set out by the City for violations of this policy, the following consequences for those with a CDL are required by FHA rules:

- a) No employee shall drive if they have used a listed drug (marijuana, cocaine, amphetamines, opioids, PCP), and no employee may drive within four hours of using alcohol or at any time when an alcohol test indicates an alcohol concentration of 0.04% or greater.
- b) A driver violating these rules may not return to work until evaluated and released by a SAP, and subsequently tested for alcohol and drugs with negative results.
- c) An employee tested with an alcohol concentration greater than 0.02% and less than 0.04% may not drive or perform other safety sensitive functions for twenty-four (24) hours after the test.
- d) Federal Civil penalties for breach of the federal rules range between \$1,000 to \$10,000 for each offense. Federal criminal penalties for violations of the Federal rules range between \$1 and \$25,000 for each offense or up to 1-year imprisonment for each offense.

15. Re-Entry Statement of Conditions

Employees who re-enter the workforce must comply with a re-entry statement of conditions. The statement may include (but is not limited to):

- a) A release to work statement from an approved Substance Abuse Professional.
- b) A negative test for drugs and/or alcohol.
- c) An agreement to unannounced frequent follow-up testing.
- d) A statement of expected work-related behaviors.
- e) An agreement to follow specified after care requirements with the understanding that violation of the re-entry agreement is grounds for termination.

16. Policy Contact

Any questions regarding this policy or any other aspect of the drug-free and alcohol-free program should contact the Human Resources Division.

SECURITY

You should be alert at all times and should report the presence of any suspicious persons to your supervisor/manager or the Department Director immediately. You should also maintain in a secure location your keys and ~~(for Public Safety Employees)~~ identification badge(s). Do not lend these items to anyone who is not authorized to possess them. Similarly, computer passwords, electronic door codes, and any other security access information should not be disclosed to anyone who is not authorized to have that information.

CONFIDENTIALITY

No employee shall disclose confidential information concerning the property, government or affairs of the City, nor shall he/she use such information to advance the financial or other private interest of himself/herself or others.

Confidential information about the City of Gladstone, its employees, customers, and citizens is to be kept confidential and divulged only to individuals within the City with both a need to receive and authorization to receive the information. If in doubt as to whether information should be divulged, err in favor of not divulging information and discuss the situation with your supervisor.

The City protects the privacy and confidentiality of protected health information (PHI) whenever it is used by city employees. The private and confidential use of such information will be the responsibility of all individuals with job duties requiring access to PHI in the course and scope of their job duties. See department policies and guidelines for details. Employees may be required to enter into written confidentiality agreements confirming their understanding of the City's confidentiality policies.

All records and files maintained by the City remain the property of the City. Confidential records and files are not to be disclosed to any outside party without express authorization. Confidential information includes, but is in no way limited to: protected health information and personnel records regarding current and former employees. Confidential information may not be removed from City premises without express authorization.

CONDUCT & EMPLOYMENT OUTSIDE WORK

Prior approval must be obtained from an employee's respective department director for employment outside of city work. It is important to ensure that there is no conflict of interest. Reassurance should be confirmed that the employee's working hours, and the employee's efficiency in his/her City job is not

reduced. Each Department director may be asked to provide a list to the Human Resources Division of employees working outside and where employed.

The City of Gladstone prohibits the off-duty use of the City's work uniform or logo, except in the case of Police Officers as specifically approved.

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 or personal appearance accommodation based on religious beliefs and/or other protections 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 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 and/or spaghetti strap 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) 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 **or be visible** to 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 Emergency Services 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.

EMPLOYEE PROPERTY

Employees should not bring valuables to work. If necessary to do so, all valuables should be kept in a secure location. The City assumes no responsibility for the loss, theft, or damage of employees' personal property.

EMPLOYEE PARKING

The City provides employees with parking on a first-come first-served basis. You may park your vehicle in a non-reserved space. Some parking areas, however, may be reserved for disabled drivers, vendors, citizens, vehicles belonging to the City, and others. The City will not be responsible for any damage to your vehicle or the contents of your vehicle while parked on City property.

HOUSEKEEPING

All employees are expected to maintain their desks and/or work areas in an orderly fashion. Also, please pick up after yourself when you use common areas, such as the break room, locker room, restroom or City vehicles.

BULLETIN BOARDS

Bulletin boards are reserved for the exclusive use of the City for posting work-related notices or notices that must be posted pursuant to local, state, and federal law. From time to time, special notices and information for Employees will be posted by the City on the bulletin boards. Please check the boards

regularly for these notices. Employee postings are permitted on specifically designated bulletin boards only. The City reserves the right to remove any posting at its sole discretion.

PERSONNEL RECORDS

The information recorded in your personnel file is extremely important. Please report any change of address, phone number, emergency contact, marital status, additional dependents, et cetera, as soon as possible to the Human Resources Division.

In compliance with Section 610.021, RSMo., individually identifiable personnel records are considered closed records. As required, some records pertaining to employees are maintained in separate files relating to medical issues and internal investigations. Only authorized supervisors and management personnel and authorized entities/agencies will have access to your personnel file. However, the City will cooperate with and provide access to your personnel file to law enforcement officials, or local, state, or federal agencies, and to you, in accordance with applicable law. All requests to review an employee's personnel file should be referred to the Human Resources Division.

Confidential health/medical records are not included in your personnel file. The City will safeguard confidential health/medical records from disclosure and will divulge that information only (1) as allowed by law; (2) to the employee's personal physician upon written request of the employee; or (3) as required for workers' compensation cases.

USE OF TECHNOLOGY AND THE INTERNET

The City's technical resources—including desktop and portable computer systems, fax machines, Internet and World Wide Web (Web) access, voice mail, electronic mail (e-mail), electronic bulletin boards, and its intranet—enable employees quickly and efficiently to access and exchange information throughout the City and around the world. When used properly, we believe these resources greatly enhance employee productivity and knowledge. In many respects, these new tools are similar to other City tools, such as stationery, file cabinets, photocopiers, and telephones. Because these technologies are both new and rapidly changing, it is important to explain how they fit within the City and within your responsibilities as an employee.

This policy applies to all technical resources that are owned or leased by the City, that are used on or accessed from City premises, or that are used on City business. This policy also applies to all activities using any City-paid accounts, subscriptions, or other technical services, such as Internet and World Wide Web access, voice mail, and e-mail, whether or not the activities are conducted from City owned premises.

NOTE: As you use the City's technical resources, it is important to remember the nature of the information created and stored there. Because they seem informal, e-mail messages are sometimes offhand, like a conversation, and not as carefully thought out as a letter or memorandum. Like any other document, an e-mail message or other computer information can later be used to indicate what an employee knew or felt. You should keep this in mind when creating e-mail messages and other documents. Even after you delete an e-mail message or close a computer session, it may still be recoverable and may even remain on the system.

Acceptable Uses

The City's technical resources are provided for the benefit of the City and its citizens, vendors, and suppliers. These resources are provided for use in the pursuit of City business and are to be reviewed, monitored, and used only in that pursuit, except as otherwise provided in this policy.

Employees are otherwise permitted to use the City's technical resources for occasional, non-work purposes with permission from their direct supervisor. Nevertheless, employees have no right of privacy

as to any information or file maintained in or on the City's property or transmitted or stored through the City's computer, voice mail, e-mail, or telephone systems.

Unacceptable Uses

The City's technical resources should not be used for personal gain or the advancement of individual views. Employees who wish to express personal opinions on the Internet are encouraged to obtain a personal account with a commercial Internet service provider and to access the Internet without using City resources. The City may choose to block or filter Internet content that is unrelated to City business or poses a potential security risk.

Solicitation for any non-City business or activities using City resources is strictly prohibited. Your use of the City's technical resources must not interfere with your productivity, the productivity of any other employee, or the operation of the City's technical resources. ~~Employees may not play games on the City's computers and other technical resources~~ **should not use City resources for personal uses including but not limited to social media, shopping or video streaming.**

It is prohibited to send e-mail or other communications that either mask your identity or indicate that someone else sent them. You should never access any technical resources using another employee's password. Similarly, you should only access the libraries, files, data, programs, and directories that are related to your work duties. Unauthorized review, duplication, dissemination, removal, installation, damage, or alteration of files, passwords, computer systems or programs, or other property of the City, or improper use of information obtained by unauthorized means, is prohibited.

Material stored and/or transmitted by computer, voice mail, e-mail, or telephone systems must not contain content that may reasonably be considered offensive to any employee. Offensive material includes, but is not limited to, sexual comments, jokes or images, racial slurs, gender-specific comments, or any comments, jokes or images that would offend someone on the basis of his or her race, color, creed, sex, age, national origin or ancestry, physical or mental disability, as well as any other category protected by federal, state, or local laws. Any use of the Internet/World Wide Web, intranet, or electronic bulletin board to harass or discriminate is unlawful and strictly prohibited by the City. Violators will be subject to discipline, up to and including termination.

The City of Gladstone does not consider conduct in violation of this policy to be within the course and scope of employment or the direct consequence of the discharge of one's duties. Accordingly, to the extent permitted by law, the City reserves the right not to provide a defense or pay damages assessed against employees for conduct in violation of this policy.

Access to Information

The City asks you to keep in mind that when you are using the City's computers you are creating City documents using a City asset. The City respects the individual privacy of its employees. However, that privacy does not extend to an employee's work-related conduct or to the use of City-provided technical resources or supplies.

The City's computer, voice mail, e-mail, or telephone systems, and the data stored on them are and remain at all times the property of the City. As a result, computer data, voice mail messages, e-mail messages, and other data are readily available to numerous persons. If, during the course of your employment, you perform or transmit work on the City's computer system and other technical resources, your work may be subject to the investigation, search, and review of others in accordance with this policy.

All information, including e-mail messages and files, that is created, sent, or retrieved over the City's technical resources is the property of the City, and should not be considered private or confidential. Employees have no right to privacy as to any information or file transmitted or stored through the City's computer, voice mail, e-mail, or telephone systems. Any electronically stored information that you create, send to, or receive from others may be retrieved and reviewed when doing so serves the legitimate business interests and obligations of the City. Employees should also be aware that, even when a file or message is erased or a visit to an Internet or Web site is closed, it is still possible to recreate the message or locate the Web site. City Management reserves the right to monitor your use of its technical resources at any time. All information including text and images may be disclosed to law enforcement or to other third parties without prior consent of the sender or the receiver.

Confidential Information

E-mail and Internet/Web access are not entirely secure. Others outside the City may also be able to monitor your e-mail and Internet/Web access. For example, Internet sites maintain logs of visits from users; these logs identify which organization, and even which particular person, accessed the service. If your work using these resources requires a higher level of security, please ask your supervisor or the MIS Division for guidance on securely exchanging e-mail or gathering information from sources such as the Internet or World Wide Web.

All employees should safeguard the City's confidential information, as well as that of citizens and others, from disclosure. Messages containing confidential information should not be left visible while you are away from your work area.

E-mail messages containing confidential information should include the following statement, in all capital letters, at the top of the message: **CONFIDENTIAL: UNAUTHORIZED USE OR DISCLOSURE IS STRICTLY PROHIBITED.**

Security of Information

Although you may have passwords to access computer, voice mail, and e-mail systems, these technical resources belong to the City, are to be accessible at all times by the City, and are subject to inspections by the City with or without notice. The City may override any applicable passwords or codes to inspect, investigate, or search an employee's files and messages. You should not provide a password to other employees (except to MIS professionals for repair purposes) or to anyone outside the City and should never access any technical resources using another employee's password.

In order to facilitate the City's access to information on its technical resources, you may not encrypt or encode any voice mail or e-mail communication or any other files or data stored or exchanged on City systems without the express prior written permission from the MIS Division and your department director. As part of this approval, the MIS Division will indicate a procedure for you to deposit any password, encryption key or code, or software with the MIS Division so that the encrypted or encoded information can be accessed in your absence.

Software Policy

You are prohibited from installing software on City computers. You must contact the MIS Division and obtain your supervisors approval to have the software installed. Employees are prohibited from installing any software on any City technical resource without the express prior written permission from the MIS Division.

Involving the MIS Division ensures that the City can manage the software on City systems, prevent the introduction of computer viruses, and meet its obligations under any applicable software licenses and copyright laws. Computer software is protected from unauthorized copying and use by federal and state law; unauthorized copying or use of computer software exposes the City and the individual employee to substantial fines and exposes the individual employee to imprisonment. Therefore, employees may not load personal software onto the City's computer system and may not copy software from the City for personal use. If you require specialized software to perform your job duties, work with your supervisor to submit a request to the MIS Division. If the request is approved, MIS will be responsible for installation of software and maintaining the media and licensing material.

Your Responsibilities

Each Employee is responsible for the content of all text, audio, or images that they place or send over the City's technical resources. Employees may access only files or programs, whether computerized or not, that they have permission to enter. Transmission of audio or video files are prohibited unless approved by the MIS Division and your department director.

Violations of any guidelines in this policy may result in disciplinary action up to and including termination. In addition, the City may advise appropriate legal officials of any illegal violations.

USE OF COPYRIGHTED MATERIAL POLICY

Much of the information accessible on the Internet is protected by Federal Copyright Laws. Use of copyrighted material without the permission of the author, such as copying and/or distribution, is illegal and may subject you to civil or even criminal penalties. This applies to all types of copyrighted works, including music, movies, software and other literary and artistic works.

Employees must not make, store, transmit or make available unauthorized copies of copyrighted material using the City of Gladstone's computers, networks or storage media. If you have stored unauthorized copies of music, movies, software or other copyrighted works on the City of Gladstone's computer systems, you must delete those copies promptly.

USE OF STATIONERY & MAIL SERVICES

All engraved or printed City stationery, envelopes, and other work materials are for City business only. These materials may not be used for personal correspondence or non-business matters. When signing business letters on City letterhead, the employee's name and title or position should be used.

Employees are requested to limit the sending or receipt of personal mail using the City's mail services and fax machine. Employees will be asked to reimburse the cost of postage for non-business related materials sent through the City's mail services.

SMOKING AND TOBACCO USE POLICY

In keeping with the City's intent to provide a safe and ~~healthful environment~~ **healthy workplace**, employees, customers, vendors, and other guests are not allowed to smoke, **vape** or use any form of tobacco products in any City buildings or garage/bay areas. Smoking, **possession of lighted cigarettes, pipes, cigars, vaping (the use of electronic nicotine delivery systems, e-cigarettes, e-hookahs, e-pipes, e-cigars)** or the use of tobacco products is prohibited in front of any city building entrance **or within the grounds of all public parks within the city**. Nor may an employee smoke, **vape** or use any form of tobacco products while operating motor vehicles, maintenance or construction equipment at any time. This policy applies to any City-owned, leased, or rented vehicle(s). This policy may be further restricted if department policy prohibits tobacco use to promote greater public interest.

Designated Smoking/Tobacco Use Areas:

The designated employee smoking areas where smoking, **vaping** and other forms of tobacco use shall be permitted include (1) outside the Public Works/Animal Control Facility at the outer shed, (2) the patio area of Station I (3) the patio area of Station II, and (4) outside the Water Treatment Plant Building where posted and (5) outside City Hall near the picnic table. Employees are not permitted to smoke or use any tobacco products directly outside the door of any building entrance. The designated smoking/**vaping** area will be located at least ~~20~~ **25** feet from any City building entrance (that has a ventilation system or is occupied by City employees) or garage bay door entrance. All material used for smoking or tobacco use, including cigarette butts and matches will be extinguished and disposed of in appropriate containers. If the designated smoking/tobacco use area is not properly maintained (for example, if cigarette butts are found on the ground), smoking/tobacco may be eliminated in that area.

Smoking/Tobacco Use Breaks:

In fairness to all employees, individuals who use tobacco products are expected to comply with existing City guidelines regarding break time. Multiple breaks beyond the accepted break time are prohibited.

Smokers who wish to quit are encouraged to contact Human Resources for information on smoking cessation options available to them.

OPERATION OF VEHICLES

The purpose of this policy is to ensure the safety of those individuals who drive city vehicles and to provide guidance on the proper use of City fleet vehicles. Employees must at their own expense secure and maintain driver's licenses and endorsements appropriate to the types of vehicles they are required to operate for the City. The term "vehicle" as used in this policy, includes, but is not limited to, cars, trucks, backhoes, front-end loaders, and other motorized craft.

All employees authorized to drive City-owned or City-leased vehicles or to rent vehicles for use in conducting City business, must possess a current, valid driver's license and an acceptable driving record. Any change in license status or driving record must be reported to management immediately. Employees must report any accident, theft or damage involving a city vehicle to their supervisor, regardless of the extent of damage or lack of injuries. Such reports must be made as soon as possible. From time to time, the City or its insurance trust or carrier will request reports from the Department of Motor Vehicles regarding the license status and driving record of employees whose job responsibilities include driving. In the event that the license status or driving record of any employee whose job responsibilities include driving becomes unacceptable to management or the City's insurance carrier, that employee may be restricted from driving, temporarily reassigned, suspended, or terminated, at management's discretion.

The use of City-leased vehicles and rental of vehicles must only be used in work-related activities and may not be used for personal business or activities without the express prior approval of management. Specific to taking home vehicles, all employees must receive prior authorization to use City vehicles and only those employees that live in the City of Gladstone are allowed to take home a City vehicle. Non-employees shall not be permitted to operate any City vehicle.

Vehicle accidents are costly to the City, but more importantly, they may result in injury to you or others. It is the driver's responsibility to efficiently operate the vehicle in a safe courteous manner and to drive defensively to prevent injuries and property damage. As such, the City endorses all applicable state motor vehicle regulations relating to driver responsibility. All drivers and passengers operating or riding in a city vehicle must wear seat belts. The City expects each driver to drive in a safe and courteous manner pursuant to the all traffic, vehicle safety and parking laws or regulations. The attitude you take when behind the wheel is the single most important factor in driving safely.

No driver shall operate a city vehicle when his/her ability to do so safely has been impaired by illness, fatigue, injury or prescription medication. Any employee who has a driver's license revoked or suspended shall immediately notify their department director or Human Resources. Failure to do so may result in disciplinary action up to and including termination of employment.

Employees must comply with state and federal laws regarding the use of electronic devices, included, but not limited to, cell phones, when driving a City vehicle. Drivers need to be aware when use of the cell phone is creating a distraction from safe driving and adjust their usage accordingly, including the use of hands-free appliances and pulling off the road to participate in/finish the conversation if needed. While driving, attention to the road and safety should always take precedence over conducting business over the phone. See Personal Communication Device policy.

In compliance with Federal and State law, it is the Commercial Driver's License (CDL) holder's responsibility to be familiar with the requirement of maintain a valid CDL license, however the City wishes to emphasize the following:

- You are not allowed to hold a mobile phone to conduct a voice communication or dial a mobile phone by pressing more than a single button while driving.
- You are not allowed to send or read text messages while driving.

- You must be properly restrained by a safety belt at all times while operating a commercial motor vehicle.
- The City may not let you drive a commercial motor vehicle if your CDL is suspended or revoked.
- You must notify your supervisor immediately if there has been any action taken against your license for any traffic violations (except parking), including but not limited to suspension, revocation, cancellations, or if you are disqualified from certain driving privileges.
- You must participate in the City's alcohol and controlled substance testing program. Medical marijuana, even if legally prescribed, is an illegal drug under federal law. The use of medical marijuana is prohibited conduct.

Certain employees may drive their own personal vehicles while conducting City business. These employees must possess a current, valid driver's license and maintain adequate personal automobile liability insurance. Employees doing so should promptly submit an expense report detailing the number of miles driven on City business. The City will pay mileage reimbursement in accordance with applicable reimbursement rates. Employees are expected to observe the above policies while on City business, even if driving their own personal vehicles.

USE OF EQUIPMENT

All City property—including, but not limited to desks, storage areas, work areas, lockers, file cabinets, credenzas, computer systems, office telephones, cellular telephones, modems, facsimile machines, duplicating machines, and vehicles—must be used properly and maintained in good working order. Employees who lose, misuse or take unauthorized possession of City property may be personally liable for replacing or fixing the item and may be subject to discipline, up to and including termination.

The City reserves the right, at all times and without prior notice, to inspect and search any and all of its property for the purpose of determining whether this policy or any other policy of the City has been violated, or when an inspection and investigation is necessary for purposes of promoting safety in the workplace or compliance with state and federal laws. These inspections may be conducted during or after business hours and in the presence or absence of the employee.

Employees are not to consider any office, desk, or other work area as providing personal privacy, and all employees are assumed, as a condition of employment, to have authorized a search of their work area at the direction or discretion of their department director or the City Manager.

The City maintains a video monitoring system for the protection of its employees' and the City's interests. The City's premises are subject to video surveillance.

Employees are otherwise permitted to use the City's equipment for occasional, non-work purposes with permission from their direct supervisor or department director. Nevertheless, employees have no right of privacy as to any information or file maintained in or on City property or transmitted through the City. For purposes of inspecting, investigating, or searching employees' files or documents, the City may override any applicable passwords, codes, or locks in accordance with the best interests of the City, its employees, or its citizens or visitors. All bills and other documentation related to the use of City equipment or property are the property of the City and may be reviewed and used for purposes that the City considers appropriate.

Employees may access only files or documents that they have permission to enter. Unauthorized review, duplication, dissemination, removal, damage, or alteration of files, or other property of the City, or improper use of information obtained by unauthorized means, may be grounds for disciplinary action, up to and including termination.

TELEPHONES

While you are at work, you are expected to perform your job duties and responsibilities. Personal calls, both incoming and outgoing, regardless of the phone used, must be kept to a minimum and must not interfere with your work duties and responsibilities or the City policies. In the event it is necessary to make a personal long-distance call, **incur roaming, data or other special charges**, you shall reimburse the City for the cost. Abuse of the long-distance telephone call policy or **incurring special charges** may result in discipline, up to and including termination.

PERSONAL COMMUNICATION DEVICES

The purpose of this policy is to establish guidelines for the use of City/Department-issued mobile telephones and personal communication devices, and the on-duty use of such devices or when used for authorized work-related purposes.

Because of technical advances and varying manufacturer nomenclature, this policy will generically refer to all Personal Communication Devices (PCD) as such, but is intended to include all mobile or cell phones, Personal Digital Assistants (PDA) and other such wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and micro-blogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

Privacy Policy

Any employee utilizing any computer, Internet service, telephone service or other wireless service provided by or funded by the City of Gladstone expressly acknowledges and agrees that the use of such service, whether for city business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communications utilizing such service might otherwise have, including the content of any such communications. The City of Gladstone also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored using such service at any time.

Employees are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for city business-related purposes may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

City Issued PCD

Depending on an employee's assignment and needs of the position, the City of Gladstone may, at its discretion, issue a PCD. Such devices shall remain the sole property of the City and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without reason.

Incoming and outgoing calls of personal nature are prohibited, except for essential use, emergencies or 'de minimus' use. Examples of essential personal calls are calls to arrange for unscheduled or immediate care of a dependent, address a family emergency, or to alert others of an unexpected delay due to a change in work, operation or travel schedule, etc. Employees should not expect that any calls made using City-owned or City issued phones, PCDs or systems, even if for "personal" reasons, are "private." City provided cellular device records are subject to public disclosure in accordance with the Missouri Sunshine Law.

Use of Personal Communication Devices While Driving

The use of a PCD while operating a motor vehicle can cause unnecessary distractions. Employees are required to be familiar with and comply with local, state and federal laws regarding driving and the use of PCDs. Employees who operate city vehicles as commercial vehicle drivers (CDL licensed employee drivers) may not use PCDs while driving city vehicles of any kind and are prohibited from using data services on their device, such as texting, answering a call (no reaching for a call) or accessing the mobile web while driving. Should a personal or work related call be necessary, the CDL licensed employee must

pull off to the side of the road or into a parking lot and safely stop the vehicle before placing or accepting a call.

Employees operating emergency vehicles may use a PCD that is configured to allow hands-free listening and talking to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communication. Employees who are operating non-emergency vehicles or their own vehicle for City business shall not use PCDs while driving unless the device is specifically designed and configured to allow hands-free listening and talking. Employees should restrict the use of these devices while driving to matters of an urgent nature and should where practicable, stop the vehicle at an appropriate safe location while utilizing the device.

Under no circumstances are employees allowed to place themselves or others at risk to utilize a cell phone to fulfill city business or personal needs. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all fines that result from such actions and may be subject to disciplinary action.

Use of Personal Communication Devices

PCDs, whether provided by the City of Gladstone or personally owned, should only be used by on-duty employees for legitimate City business except as provided for below.

PCDs may not be used to conduct personal business while on-duty, except when brief personal communications may be warranted by the circumstances (e.g., to inform family of extended hours). While employees may use personally owned PCDs for personal business during authorized breaks, such usage should be limited as much as practicable to areas where the communication will not be seen or heard by the public.

Employees are prohibited from taking pictures, video or making audio recordings or making copies of such picture or recording media unless it is directly related to official city business. Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

The on-duty use of PCDs, including personally owned PCDs, for purposes other than what is specifically permitted within this policy is prohibited and may be subject to discipline up to and including discharge.

~~1. Personal Use of City-Provided Cellular Phones~~

~~Where job or operational needs demand immediate access to an employee they may be issued a City r cell phone for work-related communications. Such phones should be used for city business reasons only. Phone statements may be audited regularly to ensure no inappropriate or unauthorized use has occurred.~~

~~Employees in possession of company equipment such as cellular phones are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone for return or inspection. Employees unable to present the phone in good working condition within the time period requested may be expected to incur the cost of a replacement.~~

~~Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.~~

~~2. Safety Issues for Cellular Phone Use~~

~~Employees should exercise good judgment in using a cellular phone while driving.~~

~~In situations where job responsibilities include regular driving and accepting of business calls, hands-free equipment will be provided to facilitate the provisions of this policy.~~

Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all fines that result from such actions.

Violators of this policy will be subject to discipline up to and including termination.

CAMERA-EQUIPPED MOBILE DEVICE POLICY

While the City does not wish to unreasonably constrain the use of camera-equipped phones and other mobile devices capable of taking still and/or moving photos, the City has a more fundamental responsibility to ensure that they are used in a reasonable manner and to ensure the integrity of confidential, proprietary or protected health information. Therefore, the following policy applies to all employees and all visitors while on City premises, except for public City parks. Employees who have visitors on City premises are responsible for ensuring that the visitors are made aware of this policy and that use is prohibited in City facilities.

General Rules

1. Employees with camera-equipped devices are prohibited from taking pictures on the premises except in employee break areas, public City parks or at City sponsored social events. While at work, employees should plan to keep devices locked in their personal vehicles or maintained in personal storage (unless maintained in their personal bag or purse); camera-equipped devices are not to be used as such in the facility.

2. Camera-equipped devices issued by the City to designated employees are permitted in most work areas with the exceptions noted in rules 3 and 4.

3. No camera-equipped devices are permitted to be used as such in the City's designated storage areas of protected health information or confidential personnel files at any time without the express written permission of the City Manager.

4. No camera-equipped devices are to be used while in any City restroom, in-door exercise area, shower facility or Fire/EMS sleeping chamber at any time

POSITIVE PERFORMANCE® MANAGEMENT GUIDELINES

Purpose

This guideline sets forth the organization's commitment to enhance employee performance, stimulate individual accountability and foster commitment through a performance management approach that develops individuals to excel, recognizes exceptional performance and addresses performance problems through proactive, non-punitive measures.

Accountability

This guideline applies to all regular full- and regular part-time employees of the organization.

Overview

A committed workforce is vital to the effective operation of the City. To maintain standards of excellence, supervisors must insure that the organization's expectations of safety, performance and productivity are met. This is done most effectively through strong relationships built on trust, a commitment to developing expertise and a willingness to address deficiencies in a professional manner.

Positive Performance Management is a system that builds individual ownership for results and relationships and acknowledges the supervisor's obligation to actively participate in the development of individuals and teams. Individual and team performance is essential to the accomplishment of organizational goals. Good performers make valuable contributions and should be recognized for their efforts. Unacceptable performance is cause for reminding the employee of job expectations, as well as the need to improve. In all cases, employees deserve to know what is expected, receive feedback on their results and have their supervisor work to create opportunities for them to succeed.

This guideline is not intended as a contract, either expressed or implied, guaranteeing employment for any employee. No supervisor has any authority to enter into a contract of employment – expressed or implied – that changes or alters the at-will employment relationship. Only the City Manager has the authority to enter into an employment agreement that alters the at-will employment relationship and any such agreement must be in writing.

Temporary, seasonal and introductory employees in their training period are excluded from the formal corrective action aspects of this guideline. If counseling is not sufficient to notify such an employee of his/her need to meet performance expectations and formal corrective action is warranted, the employee should be discharged according to the guidelines outlined in this policy.

This guideline does not alter the grievance or appeals procedures for eligible employees.

The Positive Performance Management System

Coaching

Coaching is the primary tool for insuring commitment to the team/division/department objectives, communicating expectations, removing barriers to good performance, developing skills to insure excellence, providing effective feedback and encouraging good performance. Supervisors will take an active role in coaching employees. Special attention should be given to encouraging good performance through recognition and positive feedback. Coaching is the day-to-day job of every supervisor and the vehicle for building trust, loyalty and commitment.

Examples of effective coaching behaviors include:

- communicating positive expectations and citizen/customer requirements
- helping individuals, or teams, identify and remove barriers to success
- assisting individuals in setting personal performance or professional goals
- providing ongoing feedback
- recognizing performance that exceeds job standards
- encouraging employees and teams to continue their improvement
- insuring employees have the knowledge and skills necessary to accomplish objectives

An important aspect of encouraging good performance is recognizing performance that exceeds expectations. Supervisors should make a special effort to genuinely acknowledge employees who exemplify:

- dedication to safety
- commitment to the highest ethical standards
- initiative and dependability
- innovation and sound problem-solving
- effective and appropriate response to an emergency or crisis
- positive team spirit
- technical or professional excellence

Coaching is not an event that must be documented. Rather, it is a process for developing individuals and teams. Supervisors should document activities and discussions that will assist him/her in the development of individuals or teams. This may include meeting minutes; written memos recognizing individual or team performance placed in an employee's personnel file; training records; or notes about professional or performance goals.

Counseling

Counseling is one-to-one communication between an employee and supervisor to address emerging or minor performance problems before formal corrective action is required.

The purpose of counseling is to bring performance that does not meet expectations to the employee's attention; achieve agreement about causes and responsibility; build ownership for individual results and relationships; and develop action plans for problem resolution. The supervisor and employee are both active participants in the counseling process since each shares a responsibility to the organization and their coworkers.

Documentation of counseling should be at the supervisor's discretion. However, the supervisor should keep notes about the time, date and subject of counseling sessions if it is an ongoing issue or the problem is serious enough that formal discipline could result unless there is immediate improvement.

Formal Corrective Action

Administrative Guidelines

Performance problems requiring formal corrective action or discipline are divided into four general categories:

Category	Definition	Examples
Safety/loss control	Those behaviors that are loss control related or violate standards for safe and efficient operation.	Failure to use safety equipment Reporting to work under the influence
Conduct	Those behaviors that violate work rules, guidelines or department standards.	Sleeping on the job Smoking in unauthorized areas

		Insubordination or willful failure to follow a direct order Theft (unauthorized possession)
Job performance	Those behaviors that influence the quality of work, quantity of work, work relationships with team members, team contribution, timely completion of work, etc.	Excessive errors Not meeting deadlines Not following procedures Unacceptable quality of work Insufficient quantity of work

Attendance/punctuality	Those behaviors that result in being at work on time every scheduled day/shift.	Tardiness Leaving early Overstaying lunch periods or breaks Absences without notification
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Formal correction action may be taken at three notice levels. (See page 48 for application, approval and documentation details.)

The following guideline should be used:

- No more than three active First Level Notices may be in effect at any time
- No more than two active Second Level Notices may be in effect at any time
- No more than one active Third Level Notice may be in effect at any time.

An employee may have a maximum of three First Level Notices in effect at one time. Each must be in a separate category. Should a performance problem occur which warrants formal discipline in a category where there is already an active First Level Notice, the disciplinary action must escalate to a higher level, usually a Second Level Notice.

An employee may have a maximum of two Second Level Notice in effect at one time. Each must be in a separate category. Should a performance problem occur which warrants formal corrective action in a category where there is already an active Second Level Notice, the disciplinary action must escalate to a higher level, usually a Third Level Notice.

Because the Third Level Notice represents a commitment to maintaining acceptable performance in all areas, there may be only one active Third Level Notice. Should a performance problem occur which warrants formal corrective action while there is an active Third Level Notice, discharge will be recommended.

Leaves of absence sufficient to remove employees from regular work, greater than 2 weeks, will temporarily discontinue the active period for any of the formal corrective action levels. When the employee returns to work, the time for calculating the active period for the formal corrective action level will be extended by the time the employee was off work.

Repeat Violations

If an employee commits an offense in the same category as that in which a specific level of formal corrective action is currently active, the second offense would normally escalate to the next level of formal discipline. In such an instance, the first disciplinary action would not deactivate until subsequent disciplinary action(s) deactivate(s).

Seriousness of Performance Problems

Performance problems may be organized into three categories of seriousness to facilitate the administration of formal corrective actions with the Positive Performance system. The categories of seriousness help supervisors select the most appropriate level of corrective action for the offense.

The following is a general guideline:

Seriousness	Definition	Example
Minor Offense	<p>Acts that do not:</p> <p>Involve issues of honesty</p> <p>By themselves constitute a threat to the operation of the department or City; and/or</p> <p>Pose a threat to the safety and well being of the individual, fellow employees or persons receiving services.</p>	<p>Poor housekeeping</p> <p>Minor work inefficiency</p> <p>Overstaying lunch periods or breaks</p> <p>Missing report deadlines</p> <p>Infrequent tardiness</p> <p>Making excessive personal phone calls during duty hours</p> <p>Smoking in unauthorized area</p>
Serious Offense	<p>Acts that constitute:</p> <p>A threat to the operation of the department or City; and/or</p> <p>A threat to the safety and well-being of the individual, fellow employees or persons receiving services and/or</p> <p>A serious problem through continued minor offense.</p>	<p>Reporting a false reason for absence</p> <p>Absence without notification</p> <p>Failure to use safety equipment</p> <p>Excessive and/or repeated tardiness</p> <p>Failure to work in harmony with others</p>
Major Offense	<p>Acts that pose a definite, immediate or serious threat to:</p> <p>The operation of the department or City; and/or</p>	<p>Deliberate falsification of records</p> <p>Sleeping on the job</p> <p>Reporting to work under the influence of alcohol or substances</p>

Major Offense Cont.	The safety and well being of the individual, fellow employees, or persons receiving services.	Striking or fighting with another employee Insubordination or willful failure to follow a direct order Arson, unauthorized possession of City property or theft Unauthorized possession of weapons, firearms, or explosives
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Supervisors use the seriousness of the offense as a guide to select the most appropriate level of corrective action for the infraction committed.

FIRST LEVEL NOTICE

Application

The First Level Notice is the least serious level of formal corrective action. It is used when an employee does not correct his/her performance after counseling or when the seriousness of the problem warrants this level of discipline. The First Level Notice is often the initial and only level of formal corrective action required to help an employee take responsibility for his/her performance and move back to accepted levels.

The First Level Notice is the supervisor's verbal description of employee performance deficiencies. The supervisor explains to the employee job expectations and the good business or operational reasons for their existence. The employee is told that this is the first level of formal corrective action and is asked to take ownership for his/her performance and make a commitment to correct the problem. The supervisor's role in the First Level Notice is to emphasize the employee's responsibility for performance and create a partnership for problem solving.

Approvals

The immediate supervisor has the authority to issue a First Level Notice. However, it may be appropriate to consult with their next level supervisor for guidance before taking this action.

Documentation

The First Level Notice is documented by completing the Performance Discussion Guide, providing a copy to the employee, the next level supervisors and forwarding a copy to Human Resources to be included in the employee's personnel file. The supervisor may wish to retain a copy of the Performance Discussion Guide for his/her reference.

If the employee corrects the problem, the Performance Discussion Guide will be deactivated in the personnel file and the supervisor's working file six months later. In addition, a deactivated copy will be given to the employee with verbal recognition for the improvement. If the employee does not correct the problem, or a similar infraction occurs within six months, the formal level of corrective action should be escalated to the next level unless a higher level of discipline is warranted.

SECOND LEVEL NOTICE

Application

A Second Level Notice is the next level of seriousness in the formal corrective action system. It is used when an employee does not meet a commitment to improve following a First Level Notice or when a single infraction is serious enough to warrant this level of discipline.

The supervisor (in conjunction with the next level supervisor) describes the performance deficiencies to the employee, explains job expectations and the good business or operational reasons for their existence and the individual outcomes that can be expected if the problem is not corrected. The employee is told that this is the second level of formal discipline and is asked to take ownership for his/her performance and make a commitment to correct the problem. Following the conversation, the supervisor sends a letter to the employee documenting the discussion. The supervisor's role in the Second Level Notice is to emphasize the employee's responsibility for performance and create a partnership for problem solving.

Approvals

Supervisors shall consult with the next level supervisor before issuing a Second Level Notice.

Documentation

A Second Level Notice is documented by writing a letter to the employee summarizing the conversation and forwarding a copy to Human Resources to be included in the employee's personnel file. A second copy shall be provided to next level supervisor. The supervisor may wish to retain a copy of the documentation for his/her working reference.

If the employee corrects the problem, the letter will be deactivated in the personnel file and supervisor's file after nine months. In addition, a deactivated copy will be given to the employee with verbal recognition for improving. If the employee does not correct the problem or a similar infraction occurs within nine months, discipline should be escalated to the next level unless a termination is warranted.

THIRD LEVEL NOTICE

Application

A Third Level Notice is the most serious level of formal corrective action—a one-day paid leave

of absence or Decision Making Leave from work. It is used when an employee does not meet a commitment to improve following a Second Level Notice, or when a single infraction is serious enough to warrant this level of discipline.

The department director and/or the designee in conjunction with the supervisor describe the performance deficiencies to the employee, the severity of the problem, and the need for the employee to make a decision concerning continued employment. The employee is told that this is the third and final level of discipline then given the following workday off with pay to make a decision regarding his/her desire to continue employment. The employee reports to the department director on the first workday following the paid Decision Making Leave. The employee is asked to communicate his/her decision to make a total commitment to meeting expectations or to resign. If the employee makes a decision to stay, specific notice should be given that any performance problem requiring formal corrective action during the time the Third Level Notice remains active, may result in discharge. If the employee refuses to make a total commitment to meeting expectations, his/her failure to do so, may result in immediate discharge.

Approvals

The decision to give a Third Level Notice should be approved by the department director. The Human Resource Administrator is available for consultation before meeting with the employee to announce the action.

Documentation

If the employee decides to continue employment, the Third Level Notice is documented by writing a letter to the employee outlining the employee's decision and his/her commitment to improve. A copy of the Third Level Notice will be forwarded to Human Resources for inclusion in the employee's personnel file. The supervisor may wish to retain a copy of the documentation for his/her working reference.

If the employee corrects the problem, the letter will be deactivated in the employee's personnel file and the supervisor's file twelve months later, and the department director will give a deactivated copy to the employee with written recognition of the improvement.

If the employee chooses to resign, the department director should initiate the necessary steps to process this resignation. The Third Level Notice should be noted on the discharge record.

CODE OF CONDUCT

In order to assure orderly operations and provide the best possible work environment, the City expects employees to follow rules of conduct that protect the interests and safety of all employees. Employees who violate any City rules of conduct will be disciplined in proportion to the seriousness of the circumstances. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace, but the following are examples of behavior that may result in disciplinary action, up to and including discharge of employment for the first offense:

- Falsification of employment records, employment information, reports or other records, or other forms of dishonesty.
- Removing or borrowing the City's property without prior authorization. Unauthorized use, neglect or misuse of the City's equipment, vehicles, uniforms, time, materials, or facilities.
- **Illegal, dishonest or fraudulent conduct, including but not limited to: fraud, forgery, falsification; offering or accepting a bribe, unlawful kickback, unauthorized disclosure of confidential or proprietary information, conviction of any crime or serious traffic infraction that relates to the duties and responsibilities of the employee's position and affects the employee's ability to perform those duties, or otherwise reflects negatively on the City.**
- Working with alcohol or illegal substances in your system. Possessing, distributing, selling, transferring, using, or having alcohol or illegal drugs in the workplace.
- Insubordination, including but not limited to failure or refusal to obey the orders or instructions of any supervisor or member of management, or refusal to fully disclose information in the course of a City investigation. Willful disregard for or defiance of authority.
- Failing to personally notify the appropriate supervisor when unable to report to work. Failing to obtain permission from your immediate supervisor to leave work for any reason during normal working hours. Abusing sick leave.
- The use of abusive, **discourteous, offensive, unlawful discrimination** or threatening language, conduct or gestures toward **the public**, any fellow employee or elected official ~~or citizen~~ while on duty.
- **Failure to report immediately to the supervisor any job-related accident or injury or unsafe work condition.**
- **Failure to report an off-the-job accident or injury which may affect the performance of your job.**
- Violating any safety, health, or security policy, rule, or procedure of the City.

Although employment may be terminated-at-will by either the employee or The City at any time, without following any formal system of corrective action or warning, The City may exercise its discretion to utilize

forms of discipline that are less severe than termination. Examples of less severe forms of discipline include First Notice, Second Notice and Third Notice (Decision-making Day).

CONTINGENCY LEAVE

Contingency Leave is used to remove the employee from the workplace while the organization investigates serious or alleged infractions. These infractions may include, but are not limited to, theft, fighting, fitness-for-duty, certain safety violations, insubordination, alleged harassment, violation of alcohol or substance drug policy and alleged criminal involvement.

Immediate supervisors may place an employee on Contingency Leave; however, this leave should be reserved for very serious situations requiring immediate removal from the workplace.

The employee may, or may not, be paid while on contingency leave depending on the outcome of the investigation. The employee will be paid his/her regular straight time wage should the investigation determine that discharge is not the appropriate outcome for this performance. The employee will not be paid for time off on Contingency Leave if the investigation reveals that discharge is the appropriate outcome for this behavior. The discharge will be effective the day of the employee's removal from the workplace and placement on Contingency Leave. Contingency Leave is not a level of formal corrective action and is not to be used in lieu of disciplinary actions.

The length of Contingency Leave may be determined by the seriousness of the alleged infraction. The City will make every effort to complete the investigation in a timely manner. Should an investigation take greater than 2 weeks, an employee may be given the opportunity to take accrued time off, such as vacation, floating holiday, etc.

Active Periods For Formal Discipline Levels

Formal levels of corrective action remain active for a specified time provided the employee satisfactorily corrects the problem and has no further discipline. Discipline levels remain active as follows:

First Level Notice	6 months
Second Level Notice	9 months
Third Level Notice	12 months

Documentation of disciplinary action is deactivated in the personnel file and the supervisor's working file and will not be used as a basis for further disciplinary action unless there is a pattern of entering and exiting the discipline system. In this case, a more serious notice level of the program may be warranted. Additionally, a deactivated copy is returned to the employee when it is no longer active.

Unacceptable performance, inappropriate personal conduct and/or failure to observe applicable rules may subject an employee to a delay in the processing of any annual pay increase. Any employee who receives a 2nd level notice within the performance period may have any pay increase delayed for 6 months. An employee who receives a 3rd level notice within the performance period may have any pay increase delayed for 12 months.

Supervisors should contact their department directors or Human Resources for assistance in administering this guideline.

Exceptions

Exceptions to any section or standard outlined in this policy will require approval of the City Manager.

DISCHARGE/TERMINATION

Discharge is the result of an employee's failure, refusal or inability to meet acceptable standards of performance. It is not a step in the formal disciplinary or corrective action process. Discharge may occur when an employee fails to show the required improvement during the active period of a Third Level Notice, indicates by word or action that he/she will not commit to improvement, or commits an infraction so serious that progression through the formal levels of discipline is not warranted. If the department director believes the discharge is warranted, the department director should include the reasons for dismissal, the effective date of the dismissal and the employee's opportunity to grieve the stated reasons for dismissal to the City Manager pursuant to Handling of Employee Grievances policy. A copy of this notice should immediately be provided to the City Manager and the Human Resources Department.

An employee may be placed on Contingency Leave (see this section of the policy) if, in the opinion of the department director or their designee, the employee represents a danger to self, others or property or department policy warrants it.

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	4.93	128 hours	256 hours
9 years to less than 11 years	5.24	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 or more	6.16	160 hours	320 hours
20 to less than 25 years	7.08	184 hours	368 hours
25 years or more	7.7	200 hours	400 hours

Fire/EMS/EMS personnel, with the exception of those on regular eight-hour shifts, shall accrue vacation leave as noted below:

Regular Full-time Employees Assigned to a 24 hour Shift:

Years of Service	Accrue Each Pay Period	Accrue Annually	Maximum Accrual
Less than 5 years	3.70	96 hours	192 hours
5 years to less than 7 years	5.56	144 hours	288 hours
7 years to less than 9 years	6.47	168 hours	336 hours
9 years to less than 11 years	6.92	180 hours	360 hours
11 years to less than 13 years	7.39	192 hours	384 hours
13 years to less than 15 years	7.85	204 hours	408 hours

15 years or more	8.31	216 hours	432 hours
20 years to less than 25 years	9.27	241 hours	482 hours
25 or more years	9.93	258 hours	516 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 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	2.30	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 overstates 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. However, with the approval of the City Manager, if an employee is unable to take their vacation due to unique organizational situations, operational need or financial hardship circumstances, vacation accruals may be paid out to the applicable employee.

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.

FUNERAL OR BEREAVEMENT TIME OFF

Any regular full-time employee may take up to twenty-four (24) hours (twelve (12) hours for regular part-time employees) of time off with pay per occurrence following the death of the employee's current spouse, parent, child, sister, or brother – including step relations and in-laws in each case - grandparents and grandchildren.

Bereavement pay is calculated based on the base pay rate at the time of the absence and will not include any special forms of compensation. Bereavement pay is not counted as hours worked for the purpose of calculating an employee's overtime.

VOTING TIME OFF

If you cannot vote in a public state or any primary election before or after working hours due to your standard work schedule, then you will be allowed sufficient time off to go to the polls. The City will pay you for up to the first two hours of absence from regularly scheduled work that is necessary to vote in any public or primary election. Any additional time off will be without pay. You must give reasonable notice (at least 3 days but no less than 1 day) in advance to your department director or supervisor of the need to have time off to vote. Employees may be required to show current eligible voter registration cards to their department director or supervisor prior to release for voting purposes and no employee shall be granted time off with pay for voting who is not eligible to participate in a given election.

This policy does not apply to employees who on the day of the election have three consecutive hours while the polls are open in which he/she is not on duty.

JURY DUTY

The City of Gladstone encourages employees to fulfill their civic responsibilities by serving jury duty when required. You must notify your department director of the need for time off for jury or witness duty as soon as a notice or summons from the court or a subpoena is received.

Regular full-time and regular part-time employees shall be granted leave with pay when required to be absent from work for jury duty. You may also keep any jury pay provided. Employees must show the jury duty summons to their supervisor as soon as possible to accommodate your absence. Verification from the court clerk of having served may be required, and you will be expected to report or return to work for the remainder of your work schedule on any day you are dismissed from jury or witness duty.

Either the City of Gladstone or the employee may request an excuse from jury duty if in the City's judgment, the employee's absence would create serious operational difficulties.

Part-time employees may request unpaid jury duty leave for the length of absence required.

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
➤ Juneteenth Day	June 19
➤ 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

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. Generally, regular full-time employees hired after June 30, 2020 may accrue holiday hours up to a maximum of 192 hours. Any new holiday accruals above the 192 hours will be paid out to the employee (at their regular base rate). Holiday leave will begin to accrue again when the banked hours fall below the maximum.

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 not 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" after completing six months of active employment. Hours will be credited in January 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 in January of each year and may 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 their separation, provided that he/she has successfully completed their introductory period. Floating holiday hours cannot be taken once employment separation is announced without City Manager approval.

SICK LEAVE POLICY

The City of Gladstone provides paid accrued sick leave to all eligible employees for periods of temporary absence due to illness or injury including doctor/healthcare and dental appointments. Sick leave may be taken only for an employee's own illness or injury, or that of the employee's immediate family. For the purposes of this policy, immediate family includes, but is not limited to, spouse, parents, brothers, sisters, sons and daughters, grandparents and grandchildren – including in-laws and step relations in each case. Sick leave is not for "personal" absences.

Regular full-time employees (including those employees within introductory status) except Fire/EMS personnel assigned to a 24/7 schedule shall accrue sick leave without limit at a rate of 8 hours per active month or 96 hours per year (credited at approximately 3.7 hours per pay period). Employees hired on July 1, 2020 and after, who have reached the sick leave cap of 960 hours will cease to accrue additional sick leave. Sick leave will begin to accrue when the leave balance falls below the cap.

Regular full-time Fire/EMS employees (including those employees within introductory status) assigned to a 24/7 schedule shall accrue sick leave without limit at a rate of 12 hours per active month or 144 hours per year (credited at approximately 5.5 hours per pay period). Employees hired on July 1, 2020 and after, who have reached the sick leave cap of 1280 hours will cease to accrue additional sick leave. Sick leave will begin to accrue when the leave balance falls below the cap.

Regular part-time employees accrue sick leave at a rate of 30 hours per year (credited at approximately 1.15 hours per pay period). Regular part-time employees may accrue sick leave to a maximum of 30 hours. Any accrued sick leave that is greater than 30 hours, which is earned but not taken, will be forfeited. Regular part-time employees will not be paid for unused sick leave at separation from the City.

In the event an employee's work schedule is modified the sick leave accrued pursuant to this policy will be subject to the following conversion factors:

Sick Leave Accrued within 40-hr work week or 80-hr work period	Sick Leave Accrued on 24/48 Schedule	Conversion Ratio 40-hr week to 24-hr shift	Conversion Ratio 24-hr shift to 40-hr week
96	144	1.5	.6666

Sick leave may not be advanced except by special action of the City Manager.

Notification

The employee's department director shall determine the form and time of notice of absence due to sickness. Employees who are unable to report to work due to illness or injury should notify their direct supervisor prior to the scheduled start of their workday. Department policy and operation may require a greater notice form or time period. The direct supervisor must also be contacted on each additional day of absence.

Certification by your health care provider - at the employee's expense, may be required for absences of two or more consecutive workdays or for intermittent absences due to the same reason. A health care provider's certification may also be required prior to reinstatement after unpaid or medical leave of absences. It is your responsibility to apply for any disability benefits for which you may be eligible as a result of illness or disability, workers' compensation insurance, and/or any long-term disability insurance benefits for which you qualify.

Sick leave shall not be granted to employees who become ill or injured while absent from work during normal days off, holidays or while taking off for holiday. Employees will not accrue sick leave during unpaid leave of absence, except during the first 6 months.

In the event an employee has used all his/her accrued sick leave and still requires time off due to the illness or injury, he/she may elect to use any or all of his/her accrued vacation leave, floating holiday or compensatory time. Sick leave is paid at the employee's base rate at the time of leave.

Sick Leave for Bonding with New Child

Employees who are on an approved Family & Medical Leave of absence to care for their child after birth or placement for adoption or foster care may take two weeks of accumulated sick leave hours to bond with their new child, if taken within the first four weeks of the child's birth or placement for adoption or foster care. The leave may be taken over two continuous weeks or intermittently during the first four weeks. If taken intermittently, the employee's department director must pre-approve the schedule for coverage purposes. If a longer leave of absence is requested, the employee must use other accumulated leave and if none is available, the employee will be on unpaid leave. If the employee is eligible to use paid sick leave during that same period for their own health condition or to care for the child or spouse who has a qualifying serious health condition, the use of paid sick leave will be considered to be for both bonding with the child and due to the employee's own health condition.

Abuse of Sick Leave

If sick leave is misused, sick pay will not be awarded and you may be disciplined and even terminated. Supervisors, in their discretion may request a health care provider's certification certifying the reason for absence(s) by notifying the employee in writing that future absences will require a medical certificate to verify illness of the employee or family member. Failure to produce such evidence shall be grounds for disciplinary action.

Sick Leave Donation

In the event that an ill or injured regular full-time or regular part-time City employee has exhausted all sick leave, accrued vacation, accrued holiday and any accumulated compensatory time and is anticipating being off work for at least one full work week, he/she may be eligible for a donation from any full-time employee of any department. Regular full-time or regular part-time employees who have exhausted their accrual banks to care for an injured or ill immediate family member may also be eligible for sick leave donation. The following guidelines apply:

- ◆ Both the eligible employee and the donating employee must have at least one year of service with the City.
- ◆ Any donated sick leave hours must have been accrued in prior calendar years.
- ◆ The donating employee must maintain a 96 hour sick leave accrual balance in the prior years accrued.
- ◆ The eligible employee may receive sick leave donations until he reaches his/her 91st consecutive calendar days of leave or until disability insurance benefits are received.
- ◆ The employee receiving the donation will be credited with one hour's compensation at the employer's normal hourly rate for that employee. Any hour donated will be deducted from the sick leave time available by the donating employee.
- ◆ An employee may donate floating holiday time.
- ◆ An employee may not donate sick leave to an eligible employee who is actively working.
- ◆ Donated time must be in increment of four (4) hours. Names of individuals donating sick leave or floating holiday will remain anonymous.
- ◆ Donated sick leave and floating holiday(s) will be distributed as received and shall not exceed the expected absence duration. Once sick leave and floating holiday hours have been donated, the hours will be given to the eligible employee and not returned to the donating employee.

Compensation for Unused Sick Leave

A regular full-time employee may be compensated for unused sick leave in the following manner, provided that he/she has been with the City for at least six (6) full months:

- ◆ At termination or retirement:
 - Most regular full-time employees with five (5) up to ten (10) years of service may receive one hour of regular earnings, at the employee's current base rate, for each five (5) hours of total accumulated unused sick leave. Regular full-time Fire/EMS employees assigned to 24/7 schedule, with five (5) up to ten (10) years of service, will receive one hour of regular earnings, at the employee's current base rate, for each seven and one-half (7.5) hours of total accumulated unused sick leave.
 - Most regular full-time employees with ten (10) up to twenty (20) years of service, may receive one hour of regular earnings, at the employee's current base rate, for each three (3) hours of total accumulated unused sick leave. Regular full-time Fire/EMS employees assigned to 24/7 schedule, with ten (10) up to twenty (20) years of service, will receive one hour of regular earnings, at the employee's current base rate, for each four and one-half (4.5) hours of total accumulated unused sick.
 - Most regular full-time employees retiring with twenty (20) or more years of service, qualify for a Retirement Health Savings Account (RHS) employer contribution, using a formula of one hour of regular earnings, at the employee's current base rate, for each two (2) hours of total accumulated unused and forfeited sick leave. The RHS employer contribution formula for Regular Full-time Fire/EMS employees assigned to 24/7 schedule, with twenty (20) or more years of service, will be formulated on receiving one hour of regular earnings, at the employee's current base rate, for each three (3.0) hours of total accumulated unused and forfeited sick leave.
 - Most retiring employees with 500 or greater hours of accrued sick will qualify for a RHS employer contribution based on the forfeited sick leave and their years of service.
 - Regular full-time employees hired June 30, 2020 and later with five (5) up to twenty (20) years of service will receive a payout up to a maximum of 480 hours. Regular full-time Fire/EMS employees assigned to 24/7 schedule, hired after June 30, 2020 with five (5) up to twenty (20) years of services will receive a payout up to a maximum of 640 hours.

VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE LEAVE

The City of Gladstone provides leave and accommodations for Victims of Domestic and Sexual Violence according to the provisions outlined in the Missouri's Victims Economic Safety and Security Act (VESSA). Eligible employees will be granted up to two (2) weeks of unpaid leave per year, though the employee may choose to substitute paid leave from their accrued leave banks. Domestic and Sexual Violence leave (DSVL), however, is not available where such leave would result in an employee taking more leave than the amount of leave allowed under the Family and Medical Leave Act (FMLA). Much like FMLA leave, DSVL leave can be taken intermittently or on a reduced work schedule.

Qualifying Reasons for Leave

DSVL Leave is available for any of the following reasons:

- Seeking medical attention for or recovering from, physical or psychological injuries caused by domestic or sexual violence against the employee or the employee's family or household member;
- Obtaining victim service for the employee or the employee's family or household member;
- Obtaining psychological or other counseling for the employee or the employee's family or household member;
- Participating in safety planning, including temporary or permanent relocation or other actions to increase the employee or the employee's family or household member's safety from future domestic or sexual violence; and
- Seeking legal assistance to ensure the health and safety of the employee or the employee's family or household member, including participating in court proceedings related to the violence.

Employee Eligibility

Employees working the City are eligible to DSVL leave if:

1. They are victims of domestic or sexual violence, **or**
2. They have a family or household member who is a victim of domestic or sexual violence.

DSVL defines the term "family or household member" to include spouses, parents, children and "other blood relatives and relatives through a present or prior marriage."

Notice of Leave and Documentation Requirements

Employees who wish to take DSVL leave must provide:

1. At least forty-eight (48) hours' advance notice of the need for leave unless such notice is impractical, in which case the notice must be given as soon as possible; **and**
2. A sworn statement of the employee and documentation showing that the employee is eligible for the leave, such as a police report or document from a victim services organization, or medical professional corroborating eligibility.

Safety Accommodations

Upon request, the City will attempt to make reasonable accommodations unless such accommodations would result in undue hardship for the City. Such an accommodation shall be made timely to the known limitations resulting from the domestic or sexual violence experiences of an employee or an employee's family or household member.

Reasonable safety accommodations may encompass the following action by the City:

- Adjustment to a job structure, workplace facility or work requirement;
- A transfer or reassignment;
- A modified schedule;
- Leave from work;
- A changed telephone number or seating assignment;
- Installation of a lock or implementation of a safety procedure; or
- Assistance in documenting domestic violence that occurs at the workplace or in work-related settings, in response to actual or threatened domestic violence.

An employee requesting such accommodation is required to provide a written statement signed by the employee or someone acting on the employee's behalf certifying the requested accommodation is for purposes authorized under VESSA.

This shall be accomplished through the completion of the DSVL Accommodation Request Form, available from the Human Resource Office. The completed DSVL Accommodation Request Form shall be submitted to the Human Resources Office. All documentation collected in connection with DSVL leave will be maintained separate from the employee personnel files and with the strictest of confidence. The City will maintain health coverage for an employee on DSVL Leave similar to the process under FMLA. This provision does not apply if the employee fails to return to work or because of the continuation, reoccurrence, or onset of domestic violence, sexual violence assault or human trafficking or other circumstances beyond the control of the employee.

Retaliation Prohibited

Retaliation against employees for exercising their rights under VESSA is prohibited. Likewise, employees who take DSVL leave shall be restored to their job or an equivalent employment position upon returning from leave.