

Chapter 19 - PERSONNEL POLICIES, PROCEDURES, RULES AND REGULATIONS

***Charter reference**—Council to adopt personnel code, § 23.

***Cross reference**—City officers and employees generally, § 2-121 et seq.; data processing department, § 2-191 et seq.; finance department, § 2-206 et seq.; arts commission, § 2-231 et seq.; Boone County community services advisory commission, § 2-326 et seq.; environment and energy commission, § 2-346 et seq.; youth advisory commission, § 2-361 et seq.; office of community services, § 2-436 et seq.; special business district board, § 2-436 et seq.; purchasing, § 2-456 et seq.; fire department, § 9-36 et seq.; human relations, Ch. 12; parks and recreation department, § 17-26 et seq.; pensions, Ch. 18; planning department, Ch. 20.

ARTICLE I. - IN GENERAL

Sec. 19-1. - Authority.

These policies, procedures, rules, and regulations are established pursuant to and in conformance with authority granted to the city council by the citizens of the city pursuant to section 23 of the city charter.

(Code 1964, § 22.010)

Sec. 19-2. - Purpose.

The purpose of these rules is the formulation of sound personnel policies designed to promote efficiency and economy, reward merit, provide for the impartial settlement of grievances, develop and maintain morale, and establish equitable non-discriminatory standards for the classification and compensation of city employees.

(Code 1964, § 22.020)

Sec. 19-3. - Intent.

The provisions of these policies and procedures shall not be inconsistent with, but complementary to, related state and federal legislation. Provisions which may become invalid due to subsequent passage or interpretations of related legislation or court rulings shall be modified through appropriate proceedings without harm to the remaining provisions.

(Code 1964, § 22.030)

Sec. 19-4. - Definitions.

As used in this chapter, the following terms shall have the meanings indicated in this section:

Classification. A grouping of city positions which are substantially alike in duties and responsibilities and which require substantially the same qualifications.

Classified employee. An employee occupying a classified position.

Classified position. A position in the classified service.

Classified service. All government offices and positions (full- and part-time) not specifically placed in exempt or unclassified service by these policies and procedures.

Complaints. Any inequitable, unsafe, or malicious imposition upon an employee by a superior, coworker, subordinate, employee from another department or division or individuals somehow associated with official business being conducted by the employee.

Confidential employee. Any public employee who works with or has access to information subject to use by the public employer in negotiating or who works in a close continuing relationship/capacity with public officers or representatives associated with negotiating on behalf of the employer.

Curtailment of work. A situation in which the need for the employee's services are no longer required because the city no longer performs the function to which the employee was assigned, to the degree that the same number of employees are needed.

Exempt service. Officers, appointments and positions of the city that are exempt from the provisions of this chapter unless specifically provided otherwise. The following are in the exempt service: city council members; city manager; municipal judge; city clerk; members of boards and commissions, and committees; volunteer and other personnel who serve without pay; medical director; and consultants and counsel rendering temporary professional service.

Grievance. Any dispute regarding the meaning, interpretation, application, or alleged violation of the terms and provisions of the existing personnel procedures, or any determination involving suspension, dismissal or disciplinary demotion.

Lack of funds. A situation in which the city is forced to drop positions because it does not have the funds to pay the salaries

of the incumbent employees.

Overtime rate. The overtime rate is the rate of pay equal to one and one-half times the regular rate of pay.

Pay status. An employee is in pay status when the employee is on duty or on an authorized leave other than leave of absence.

Permanent employees. A permanent appointment is one made to a position created without intent of limitation, and intended to exist for at least one budget year. A permanent appointment may be for a full-time position or a part-time position. In order to be considered a permanent appointment, a part-time position shall be specifically planned, approved and budgeted for a minimum of one thousand (1,000) hours per year.

Position. A unit of duties and responsibilities to be carried out by one employee, normally on a full work-year basis.

Probationary period. The period of time (either six (6), twelve (12) or eighteen (18) months as established in section 19-192) following initial placement in a city position, and regarded as an integral part of the examination process and which shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to the position, and for replacing any employee whose performance does not meet the required work standards. An employee who has not successfully completed a probationary period and/or extension thereof shall not have access to grievance or appeal privileges.

Qualifying period. The period of time (either six (6), twelve (12) or eighteen (18) months as established in section 19-192) following transfer or promotion from one classification to another within city service, subsequent to the completion of a probationary period, shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a transferred or promoted employee to the position, and for replacing any employee whose performance does not meet the required work standards. An employee who has completed a probationary period and is serving a qualifying period shall have grievance/complaint appeal privileges except in matters relating to the employee's status in the position in which the employee is serving the qualifying period.

Supervisory employee. Any individual having the authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other public employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend such actions, if in connection with the foregoing, exercise of such authority is not merely of a routine or clerical nature, but requires the use of independent judgment.

Temporary employees. Those individuals retained by the city on a limited, indefinite basis with the intention of limiting their total number of hours worked as provided in this chapter.

Unclassified employee. An employee occupying an unclassified position.

Unclassified position. A position in the unclassified service.

Unclassified service. The following offices and positions are in the unclassified service: All department heads; all assistant department heads; assistant city manager; assistant to city manager; internal auditor; manager of cultural affairs; manager of neighborhood services; sustainability manager; secretary to city manager; emergency communications and management administrator; deputy fire chief; deputy police chief.

(Code 1964, § 22.110; Ord. No. 12386, § 1, 10-16-89; Ord. No. 14617, § 1, 9-18-95; Ord. No. 15035, § 1, 10-21-96; Ord. No. 15958, § 1, 4-19-99; Ord. No. 17016, § 1, 9-17-01; Ord. No. 17074, § 1, 10-15-01; Ord. No. 18710, § 1, 9-19-05; Ord. No. 18887, § 1, 2-6-06; Ord. No. 19677, § 1, 9-17-07; Ord. No. 20258, § 1, 4-20-09; Ord. No. 20327, § 1, 7-6-09; Ord. No. 20438, § 1, 9-21-09)

Cross reference—Definitions and rules of construction generally, § 1-2

Secs. 19-5—19-20. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - GENERALLY

Sec. 19-21. - Responsibility.

Administration and implementation of these provisions shall be the responsibility of the city manager as delegated to a suitably trained, experienced, and educated professional in the field of personnel/employee management whose duties and responsibilities shall be the administration and implementation of these policies, the refinement and improvement of these policies, coordination/administration of activities related to these policies (labor/management relations, safety, benefits, performance) and such other activities as required by the city manager. The individual carrying these responsibilities and hereinafter referred to as the director, shall have the title of director of human resources, and shall be in charge of personnel operations.

(Code 1964, § 22.310; Ord. No. 14984, § 1, 9-16-96)

Sec. 19-22. - Department rules and regulations.

With the approval of the city manager, department heads may establish departmental rules and regulations that are consistent with the provisions of this chapter.

(Code 1964, § 22.320; Ord. No. 16191, § 1, 9-20-99)

Sec. 19-23. - Personnel advisory board.

- (a) *Appointment; composition; chair, compensation.* The council shall appoint a personnel advisory board composed of seven (7) members who shall designate one (1) member as chair. Members shall serve without compensation.
- (b) *Qualifications; oath.* Members of the personnel advisory board shall be residents and qualified registered voters of the city, shall hold no other lucrative public office nor lucrative position in city government during their terms, and shall be appointed to staggered three (3) year terms of office. They shall be required to take the oath prescribed for city officers, including a statement therein that they are fully supportive of a merit, affirmative action, equal opportunity, fair and impartial system for employee management. Members of the board shall have, by virtue of their total background, significant, substantive knowledge of social, legislative, political, and administrative factors affecting personnel management and employee relations; and shall in their deliberations and recommendations consider the best interest of effective, efficient services to the public as well as consistent, equitable application of those rules, policies, procedures and regulations.
- (c) *Responsibilities.* The responsibilities of the board shall be to:
- (1) Advise the council, the city manager and the director at least once each year concerning its findings, opinions, various conclusions and recommendations on: the status of the personnel system including the city's affirmative action plan in terms of effectiveness and current state of affairs, desirable goals for improvement, identifiable problems and remedial recommendations and their activities as a board of the council.
 - (2) Review, comment on, and advise the director concerning changes in personnel policies.
 - (3) Hear appeals from corrective/disciplinary actions against city employees which result in disciplinary demotion, suspension, or dismissal of an individual.
 - (4) Perform such other adjudicatory/advisory duties with reference to personnel/employee relations management as the council may require or the city manager may request.
 - (5) Answer questions on the guidelines for personal, financial and professional conduct for municipal officials and employees.
- (d) *Members to serve until successors selected; actions require majority vote, quorum; meetings.* Members of the board shall serve until such time as a successor is selected by the city council. Five (5) board members shall constitute a quorum for the transaction of business. All actions of the board must be approved by a simple majority of those present at a meeting. Meetings shall be held at the request of the director or the chairperson.
- (e) The chair of the board is authorized to excuse any member from attendance at a board meeting; provided, that the member requested to be excused before the meeting. Any member who is absent, without being excused, from twenty-five (25) per cent of the regular board meetings held in a calendar year shall automatically forfeit the office. Any member who is absent, without being excused, from three (3) consecutive regular meetings shall automatically forfeit the office. It shall be the duty of the chair of the board to promptly notify the city council of the vacancy.

(Code 1964, § 22.330; Ord. No. 9993, § 1, 11-7-83; Ord. No. 11957, § 1, 8-1-88; Ord. No. 17658, § 1, 4-21-03)

Sec. 19-24. - Applicability.

All offices and positions of the city are hereby divided into the exempt, unclassified, and classified service. The provisions presented in this chapter shall apply only to the classified and unclassified service unless specifically provided otherwise. Except as is specially provided by charter, employees in the unclassified service serve at the pleasure of the city manager and may be removed without cause.

(Code 1964, § 22.340; Ord. No. 17016, § 1, 9-17-01)

Sec. 19-25. - Employee relations.

- (a) The city manager shall have the authority to recommend to the city council (following certified elections or other assurances of interest deemed appropriate by the city manager and not inconsistent with state legislation) recognition of appropriate representative units of employees with a mutually acceptable community of interest for the purpose of meeting, conferring and discussing salaries and other conditions of employment which are mutually agreed upon as proper subjects for such discussions.

- (b) The city manager shall designate representatives of the city to meet and confer with employee group representatives.
- (c) The city council, as a council or as individuals, shall not, in any manner, engage in any form of collective bargaining with employees, employee groups, or employee representatives; and the city council shall issue instructions on labor relations matters and working agreement provisions only to the city manager, and the city manager shall keep the council informed of all developments and potential impacts in a timely manner.
- (d) The following timetable is established as a guideline for the meet-and-confer process. It is not intended to limit the right of employee groups to present proposals to the city relative to salaries and other conditions of employment. Neither is it intended to establish absolute deadlines.
- (1) *April.* Representatives of the city and the various employee groups may meet to discuss goals and objectives for the meet and confer process.
- (2) *May.* Representatives of the various employee groups shall prepare written summaries of their goals and objectives for the meet-and-confer process. The summaries shall be submitted to the city council prior to the first meeting in May. At the first regular meeting in May, or at a work session meeting in May, the various employee groups shall be given the opportunity to make oral presentations to the council. The city council shall establish policy guidelines to be followed by the city's representatives during the meet-and-confer process.
- (3) *May and June.* Discussion sessions proceed.
- (4) *July.* After July 1, any employee group dissatisfied with the progress of the meet-and-confer sessions may present their views directly to the city council at a work session meeting. The council shall meet at least once with the employee group requesting the opportunity of presenting its views directly to the city council.
- (5) *August.* After August 1, the city's representatives or any employee group dissatisfied with the progress of the meet-and-confer sessions may request the services of a mediator from the federal mediation and conciliation service or any other mediator mutually agreed upon by the employee group and the city's representative. The cost of any such mediation shall be borne equally by the employee group and the city.
- (6) *September.* After September 1, if discussions have reached an impasse, any employee group or the city's representatives may request the services of a fact finder mutually agreed upon by the employee group and the city's representatives. The cost of any fact-finding shall be borne equally by the employee group and the city.

(Code 1964, § 22.350; Ord. 12597, § 1, 4-16-90; Ord. No. 17442, § 1, 9-16-02)

Sec. 19-26. - Reserved management rights.

Specific areas of responsibility shall be reserved to management if the public service mission of the city is to function effectively and if rules and regulations are to be administered fairly, consistently, equitably and without discrimination and these rights shall not be diminished by action of labor organizations and any related working agreements. The management of the city shall:

- (1) Determine the nature, scope, and definition of the city organization including: classification, selection, number, retention, promotion, reorganization, transfer, deployment, assignment, lay-off, recall and scheduling of employees;
- (2) Determine the methods, means, tools and equipment and personnel by which operations are to be conducted, including the right to contract and subcontract existing and future work;
- (3) Direct employees;
- (4) Discipline, suspend, demote, and/or discharge employees in accordance with the ordinances of the city;
- (5) Require as a part of normal employee development, and in order to attain at least the minimal skills required of the classification, and in order to aid in the professionalization and general upgrading of the department, that employees take appropriate related training either on or off duty, in order to fulfill the responsibility of the position;
- (6) Take the necessary measures to maintain optimum productivity in operations;
- (7) Determine the necessity for and assignment of overtime in compliance with appropriate related legislation and/or court rulings;
- (8) Determine the scope, priority, and amount of budget allocations;

(9)

Determine eligibility for employee participation in employee representative unit activities in terms of the following exclusions: supervisory, confidential, or temporary employees, or those employees lacking community of interest with the general orientation of recognized representative unit activities, and where such community of interest may conflict with aforementioned management responsibilities ((1) through (8) above). This provision shall not serve to prevent supervisory employees from participating in representative unit activities as a separate unit with their own respective community of interest.

(Code 1964, § 22.360; Ord. No. 17442, § 1, 9-16-02)

Sec. 19-27. - Administrative personnel policies, procedures, rules and regulations.

The city manager shall promulgate and establish administrative personnel policies, procedures, rules and regulations including, but not limited to, the following subjects:

(a)

Additional terms and conditions of work:

(1)

Hours of work;

(2)

Maximum hours worked;

(3)

Mandatory overtime;

(4)

Schedule changes;

(5)

Clean-up time;

(6)

Multiple job assignments;

(7)

Undercover special assignments;

(8)

Outside employment;

(9)

Service interchangeability;

(10)

Pay period;

(11)

Premium pay;

(12)

Part-time employee salary rates;

(13)

Seniority;

(14)

Leave use;

(15)

Performance evaluations;

(16)

Personnel records;

(17)

Use of city vehicles, accidents and parking;

(18)

Efficient operation suggestion policy;

(19)

Credit Union;

(20)

Nepotism/relatives in the workplace;

(21)

Employee assistance program.

(b)

Conduct in the workplace:

(1)

Attitude cordiality;

- (2) Harassment;
- (3) Tardiness;
- (4) Unacceptable sick leave use;
- (5) Political action;
- (6) Smoking, refreshments;
- (7) Dress, hygiene, grooming;
- (8) Identification badges;
- (9) Personal effects;
- (10) Long distance phone calls;
- (11) Cash drawers and petty cash funds.
- (c) Drug or alcohol use.
- (d) P.C. and network computer policy.
- (e) Web policies.
- (f) Official travel expenses.
- (g) Safety.

(Code 1964, § 22.370; Ord. No. 17016, § 1, 9-17-01; Ord. No. 17850, § 1, 9-15-03)

Sec. 19-28. - Job descriptions.

The director shall establish and maintain comprehensive, up-to-date job descriptions for active classifications, and each description shall include: minimum qualifications; desirable knowledge, skills, and abilities; examples of work; and related information as needed and determined by the director.

(Code 1964, § 22.380)

Sec. 19-29. - Aide/trainee positions.

Aide/trainee positions may be established as needed by the city manager specifically for the purpose of assisting socially and/or economically disadvantaged individuals in qualifying for possible subsequent competitive merit appointment to a permanent city position. Such aide/trainee appointments shall be exempt from the city's merit system provisions; shall not exceed six (6) months per individual; shall be established, as practicable, to facilitate EEO affirmative action goals; shall not over-extend departmental operating budgets; and shall be administered by the director.

(Code 1964, § 22.390)

Secs. 19-30—19-35. - Reserved.

DIVISION 2. - PROHIBITIONS AND VIOLATIONS

Sec. 19-36. - False statements, etc.

No person shall willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any test, certification, or appointment held or made under the personnel provisions of the charter or ordinances of the city, or in any manner commit fraud preventing the impartial execution of such personnel provisions or of the rules and regulations made thereunder.

(Code 1964, § 22.210(1))

Sec. 19-37. - Candidacy for public office.

No appointive, salaried officer or employee of the city shall continue in his/her position after becoming a candidate for any

public office, provided that such employee may utilize a leave of absence during his/her campaign for such office properly granted under the provisions of this chapter. An employee, upon election to any public office, shall immediately resign his/her position with the city.

(Code 1964, § 22.210(2))

Sec. 19-38. - Payments, gifts, etc., in connection with appointments and promotions.

No person seeking appointment to or promotion with the city shall either directly or indirectly give, render or pay any money, service, or other valuable thing to any person for or on account of or in connection with his/her test, appointment, proposed appointment, promotion, or proposed promotion.

(Code 1964, § 22.210(3))

Sec. 19-39. - Political activities.

(a)

No appointive, salaried or elected officer or employee of the city shall solicit any thing of value to the campaign funds of any candidate for any office, nor to the campaign or permanent fund of any candidate for local office; nor shall any person solicit contributions for any political office, cause, or party from any officers or employees during any time at which the officer or employee is performing paid services for the city. No appointive, salaried or elected officer or employee of the city shall coerce or dissuade or attempt to coerce, command, advise or dissuade a city officer or employee to or from giving, lending or contributing any thing of value for political purposes.

(b)

Nothing in this section shall be construed to prevent the exercise of the rights of appointive officers or employees as citizens to express their opinions and to cast their votes.

(Code 1964, § 22.210(4), (7))

Sec. 19-40. - Council and commission member actions; permitted and prohibited.

(a)

Neither the council nor any of the members shall direct or request the appointment of any person to, or his removal from, office by the city manager or any subordinates, nor in any way interfere with the appointment or removal of officers and employees in the administrative service to the city.

(b)

Except for the purpose of inquiry, or as otherwise provided for in the charter, the council, its members, and members of city boards and commissions shall expedite their responsibilities with the aid of appropriate administrative officers who shall be assigned such commission duties as deemed appropriate by the city manager. Neither the council nor any member thereof shall give orders to the subordinates of the city manager, either publicly or privately.

(Code 1964, § 22.210(5), (6))

Sec. 19-41. - Conflict of interest.

(a)

No officer or employee of the city shall have a financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly, in the sale to the city of any land, materials, or supplies, or services except on behalf of the city as an officer or employee.

(b)

No person shall be entitled to hold any office or employment with the city who is in arrears for any city obligation (taxes, court orders, parking tickets, traffic citations, etc.).

(c)

A city employee shall not engage in any business, activity, or transaction and shall not have a substantial financial or personal interest, direct or indirect, which might reasonably be expected to interfere with the proper discharge of his/her official duties, or which would impair his/her independence of judgment or action in the public interest, or would impair his/her independence of judgment or action in the performance of his/her official duties. This standard shall apply to an employee's personal and outside activities including outside employment, investments, property holdings, financial interests and source of income. Furthermore, this standard shall apply to an employee's actions in the performance of his/her official duties including the acceptance of gifts and favors and the inspection or regulation of properties or activities in which the employee has an interest and would prohibit an employee from disclosing confidential information, receiving or making ex parte communications relating to official actions, or granting any improper favors, services, promises or things of value, in the performance of his/her official duties.

(Code 1964, § 22.210(8)–(10))

Sec. 19-42. - Violations.

(a)

Any person who shall violate, or conspire to violate, any provisions of the rules set out in this chapter shall be guilty of a misdemeanor, and upon conviction thereon shall be punished as provided for in section 1-8 of this Code.

- (b) Any council member, board or commission member, violating the prohibitions set forth in section 19-40, shall forfeit his/her office.
- (c) Any violation of the prohibitions set forth in section 19-41(a) shall render the contract or sale void, and any officer or employee so violating the section shall thereby forfeit his office or employment.
- (Code 1964, § 22.220)*

Secs. 19-43—19-50. - Reserved.

ARTICLE III. - CLASSIFICATION PLAN

***Editor's note—**

Ord. No. 15958, § 2, adopted April 19, 1999, repealed the former Art. III, §§ 19-51—19-59 and enacted a new Art. III as set out herein. The former Art. III pertained to similar subject matter, and derived from Code 1964, §§ 22.410—22.490.

Sec. 19-51. - Classification plan.

- (a) The city council shall adopt a classification plan which shall consist of a listing of all permanent employee positions grouped in classifications with pay grades.
- (b) Classifications in the same pay grade are not necessarily equal in organizational status, difficulty, risk or required hours of work.
- (c) The city manager may establish classifications for temporary employees.
- (Ord. No. 15958, § 2, 4-19-99; Ord. No. 16191, § 1, 9-20-99)*

Sec. 19-52. - Annual budget.

The annual budget shall establish the permanent positions authorized for each department. An employee shall not be hired, transferred or promoted to a permanent position unless the position is authorized in the budget. The city council, by ordinance, may amend the budget to change the number and classification of authorized personnel.

(Ord. No. 15958, § 2, 4-19-99)

Sec. 19-53. - Classification reviews.

- (a) All permanent city positions will be reviewed for appropriate classification on a schedule to be determined by the city manager.
- (b) Reorganization, reclassification, new classification and special requests will be reviewed by the director on an annual basis, normally during preparation of the annual budget.
- (c) Reclassification recommendations shall normally be considered by the city manager during preparation of the annual budget. The city manager may, however, consider reclassifications at any time. The city manager shall not reclassify a permanent position unless the city council has provided for the reclassified position in the authorized personnel section of the annual budget.

(Ord. No. 15958, § 2, 4-19-99; Ord. No. 17016, § 1, 9-17-01; Ord. No. 19230, § 1, 9-18-06)

Secs. 19-54—19-70. - Reserved.

ARTICLE IV. - COMPENSATION AND BENEFITS

DIVISION 1. - GENERALLY

Sec. 19-71. - Minimum and maximum pay ranges.

The minimum and maximum pay ranges of city employees shall be established by the city council by ordinance as a part of the annual budget process. The pay ranges once established by ordinance shall be in force and effect for the applicable fiscal year and thereafter until altered by ordinance of the city council. The pay ranges established by the council may include educational incentives as the council deems appropriate.

(Code 1964, § 22.530)

Secs. 19-72—19-80. - Reserved.

DIVISION 2. - PAY PLAN

Sec. 19-81. - Description.

- (a) *Generally.* The city manager shall present to the city council a uniform and equitable pay plan which shall consist of the minimum and maximum rates of pay for each classification in the classification plan. In arriving at salary rates, consideration will be given to the maintenance of salary grades of the classifications in the city service in a correct relationship to one another, to prevailing rates for comparable work in other public employment and private business, the current cost of living, the suggestions of the department head, responsibilities of the position, and the policy of the city council.
- (b) *Compensation level for supervisors.* Supervisors shall be paid at a higher base salary rate (excluding overtime and other special considerations) than their subordinates, except as unusual circumstances may justify otherwise, with written approval of the director. If, because of differences in length of service, a supervisor is paid a rate of pay equal to or lower than one or more of his duly assigned subordinates, the supervisor shall be advanced to a level within the paygrade for his/her class which will provide a rate of pay higher than any subordinate, regardless of the supervisor's length of service.
- (c) *Compensation of temporary employees.* Temporary employees occupying classified or unclassified positions shall be employed within the pay ranges established by the city manager. If the duties and responsibility level of the temporary assignment closely parallel those of an established classification in degree and magnitude, then the salary range of the established classification shall be the basis for remuneration of the temporary classification. Temporary positions not paralleling full-time classifications shall have salary ranges established by the city manager. Temporary employees are eligible for pay adjustments within the established pay ranges as allowed by the department head.
- (d) *Temporary trainee classes.* The director, with the approval of the city manager, may establish temporary trainee classes and rates of pay (renewable six (6) month terms). An individual appointed to a trainee classification will be required to develop the necessary skills, knowledge and abilities for appointment to a permanent position by the conclusion of the individually arranged training program.
- (e) *Limited service compensation.* An employee, who suffers a notable decrease in ability to perform normal assignments may, upon recommendation of the appropriate department head, and approval (or requirement) of the city manager, be transferred to a limited service status in the same or other department. The extent to which the employee is able and needed to perform useful work, as determined by the department head and director, shall be the governing factor in determining the salary to be paid. An employee on such assignment may utilize appropriate leave accruals in conjunction with time worked in order to achieve a full paycheck.

(Code 1964, § 22.510; Ord. No. 16191, § 1, 9-20-99; Ord. No. 18254, § 1, 9-20-04)

Sec. 19-82. - New appointees.

- (a) Generally, a new permanent classified employee shall be paid the minimum rate of pay for the classification. Exceptions may be made with the approval of the director. For example, an exception may be made if the new employee exceeds the minimum qualifications or if the city has experienced difficulty in recruiting and retaining employees in the classification.
- (b) The city manager may authorize pay adjustments for current employees in a work unit when a new employee in the work unit is hired at a rate of pay that creates an inequity in pay for current employees in the work unit. A department head who wishes to make a pay adjustment under this subsection shall submit a request for pay adjustment to the director. The director shall forward the request, along with the director's recommendation, to the city manager. In adjusting pay under this subsection, consideration shall be given to the employee's experience, qualifications, work performance and any disciplinary action taken against the employee.

(Code 1964, § 22.520(1); Ord. No. 17850, § 1, 9-15-03; Ord. No. 18254, § 1, 9-20-04)

Sec. 19-83. - Amendments to maximum salaries.

Amendments to maximum salaries in the pay plan may be recommended by the city manager when changes in responsibility or work of classes, living costs, recruiting experience, prevailing rates of pay, the city's financial condition and policies, or other pertinent conditions warrant such action. The city manager shall submit such recommendations to the council for approval.

(Code 1964, § 22.520(1))

Sec. 19-84. - Promotions, reclassifications, changes in pay grade, transfers and demotions.

- (a) *Promotion.* When an employee is promoted, the employee's rate of pay shall be increased to at least the minimum rate for the new position.

(b)

Upward reclassification. When an employee's position is reclassified to a classification in a higher pay grade, the employee's rate of pay shall be increased, if necessary, to fall within the pay range of the new position. Subject to any guidelines established by the city manager, the department head, with the approval of the director, may increase the reclassified employee's rate of pay to any amount within the pay range of the new position.

(c)

Downward reclassification. When an employee's position is reclassified to a classification in a lower pay grade, the employee's rate of pay shall not be lowered. If, after reclassification, the employee's rate of pay is higher than the maximum for the pay grade, the employee's rate of pay shall remain unchanged and shall not be increased before the maximum for the pay grade is increased to exceed the employee's rate of pay.

(d)

Upward change in pay grade. When a classification is placed in a higher pay grade, the rate of pay of employees in that classification shall not automatically be increased, except that the rate of pay of employees paid below the minimum of the new pay grade shall be increased to the minimum of the new pay grade.

(e)

Downward change in pay grade. When a classification is placed in a lower pay grade, the rate of pay of employees in that classification shall not be lowered. If, after the classification is placed in a lower pay grade, an employee's rate of pay is higher than the maximum for the pay grade, the employee's rate of pay shall remain unchanged and shall not be increased before the maximum for the pay grade is increased to exceed the employee's rate of pay. This provision shall not apply to voluntary transfers or demotions or to competitive appointments.

(f)

Transfers. When an employee is transferred, the employee's rate of pay shall be adjusted, if necessary, to fall within the pay range of the new position. Subject to any guidelines established by the city manager, the department head, with the approval of the director, may increase the transferred employee's rate of pay to any amount within the pay range of the new position.

(g)

Demotions. When an employee is demoted (voluntarily or as a result of disciplinary actions or reductions in departmental operations), the employee's rate of pay shall be lowered, if necessary, to fall within the pay range of the new position.

(Code 1964, § 22.520(3); Ord. No. 14617, § 1, 9-18-95; Ord. No. 18254, § 1, 9-20-04; Ord. No. 20767, § 1, 9-20-10)

Sec. 19-85. - Pay schedules.

(a)

The pay of permanent city employees shall be on the basis of established schedules of salaries for their respective classifications. An allocated salary rate may consist of an entrance rate, intermediate rates, and a maximum rate or a flat rate depending on the nature of the needs of the classification as established by the city manager. The salary rates prescribed are based on full-time employment at normal working hours for the respective classes. The salaries of supervisory, professional and administrative positions are fixed according to responsibilities to be fulfilled and are not based on a fixed number of hours of work per week and shall not be adjusted with variations in work schedules. All permanent classified employees shall be paid within the salary range prescribed in the pay plan for their respective job classification subject to the provisions of section 19-84(e). The minimum and maximum salaries established for a particular classification shall be changed by city council action only.

(b)

All salary transactions shall be effective at the start of a new pay period unless specifically approved by the director.

(Code 1964, § 22.520(4)(A); Ord. No. 18254, § 1, 9-20-04; Ord. No. 20767, § 1, 9-20-10)

Sec. 19-86. - Step-up pay; multiple positions.

(a)

Step-up pay. When a permanent or temporary employee other than a fire department emergency service employee, is required to assume the full responsibilities of a higher level budgeted position for at least one-half (½) shift of at least four (4) hours, the employee shall be paid at the entrance (base) rate of the higher level position or five (5) per cent above the employee's present rate, whichever is greater, while so assigned.

Step-up assignments for employees, other than fire department emergency service employees, shall be approved in writing by the department head. The employee's time sheet will specify the position to be filled, the circumstances which make the assignment necessary and the starting date of the assignment. Step-up assignments shall not exceed thirty (30) work days or shifts, unless recommended by the department head and approved by the director, at which time the department head shall request a permanent reclassification or appointment of the stepped-up employee to an acting position.

Fire department emergency service employees may be assigned to step-up pay pursuant to procedures established by the fire chief and approved by the city manager. Clerical and administrative employees working for the fire department on a forty-hour basis shall be subject to the same step-up rules as other city employees. Fire department emergency service employees required to assume the full responsibilities of a higher level of employee shall be paid a flat rate of fifty cents (\$0.50) per hour in addition to their present salary for each level of responsibility above their present rank, on an hour by hour basis. The step-up pay rate of pay shall apply only for that time actually worked in the higher level classification.

An employee shall be eligible for step-up pay only if fully qualified for the higher level assignment (as determined by proficiency examination or by the judgment of the duly authorized supervisor, considering such characteristics as the individual's training, experience, education, reliability, and total work performance record). "Fully qualified" means the individual is capable of

performing the tasks without any closer supervision than is normally required of the position.

Step-up pay shall not be used to avoid requesting reclassification, to reward employees for outstanding service, or any purpose other than filling an existing position temporarily vacant or as specially authorized by the department head.

(b)

Policy against employment in multiple positions; exceptions. It shall be the policy, insofar as possible, to employ individuals in not more than one (1) permanent position at one (1) time. Exceptions to this provision must have the written approval of the director and the city manager. (See administrative rules for further clarification.)

(Code 1964, § 22.520(4)(B)(1)–(4); Ord. No. 14617 § 1, 9-18-95; Ord. No. 14984, 9-16-96; Ord. No. 17016, § 1, 9-17-01; Ord. No. 18254, § 1, 9-20-04; Ord. No. 20064, § 1, 9-15-08; Ord. No. 20767, § 1, 9-20-10; Ord. No. 20789, § 1, 10-18-10)

Sec. 19-87. - Performance pay increases.

(a)

Advancement to a higher salary rate within an established salary range shall be called a performance pay increase. The salary of each permanent classified employee shall be reviewed by the department head in conjunction with performance evaluations for the purpose of determining eligibility for salary increase. All personnel records, attendance, citations, and length of service shall be considered in making recommendations with major emphasis placed on the evaluation of efficiency and effectiveness of performance of services rendered. After the above analysis by the department head, and subject to the review of the director, a permanent classified employee may be entitled to upward salary adjustments until the established maximum salary for the classification has been reached.

(b)

The department head shall submit the recommended increase and an evaluation of the employee on appropriate forms to the director for review sufficiently in advance of the effective date of the increase to allow time for review and consideration.

(c)

Department heads may recommend to the director that performance pay increases be granted to individual employees at intervals more often than the normal increments. Such specific performance pay increases shall be based upon exceptional performance of duties expected of the position.

(d)

Required minimal performance and salary reviews (as prescribed by the city manager for a given classification) shall be conducted as follows:

(1)

Employees, other than police officers, firefighters and airport safety officers, shall receive performance reviews, or salary reviews, or both at mid-point and completion of probationary and qualifying periods, on the first day of the pay period one (1) year after completion of the probationary/qualifying period, then annually thereafter.

(2)

Police officers shall receive annual performance reviews on the anniversary of their date of hire. Police officers shall serve an eighteen-month probationary period. Performance pay increase eligibility begins one (1) year from date of hire, then annually thereafter.

(3)

Firefighters and airport safety officers shall receive performance reviews every six (6) months during the eighteen-month probationary period. Performance pay increase eligibility begins one (1) year from date of hire and annually thereafter.

(e)

Service requirements for advancement within pay ranges and for other purposes as specified in these regulations, shall have the implication of continuous service, which means employment in the city service without break or interruption, such as resignation, leave without pay for more than two (2) calendar weeks, unauthorized leave, extended military leave, and so forth.

(Code 1964, § 22.520(5)(a)–(e); Ord. No. 16618, § 1, 9-18-00; Ord. No. 18254, § 1, 9-20-04; Ord. No. 19230, § 1, 9-18-06; Ord. No. 20064, § 1, 9-15-08; Ord. No. 20438, § 1, 9-21-09)

Sec. 19-88. - Additional payments.

(a)

The city manager may authorize the establishment of employee incentive programs based generally on the following set of criteria and subject to available funding from the city's procurement card rebate program:

(1)

Department level incentive program. The city manager may authorize department heads to provide additional compensation to employees in an amount not to exceed one hundred dollars (\$100.00) based on the following criteria:

a.

Performance above and beyond what is expected;

b.

Providing exceptional customer service; or

c.

For successfully assuming additional or advanced responsibilities on a temporary basis.

Funds available for this program shall be prorated among the city departments based generally on the number of full time employees in each department at the beginning of the fiscal year. No employee shall receive more than one hundred dollars (\$100.00) under this program in any fiscal year. Department heads must document the reason for the additional compensation.

(2)

Major cost savings incentive program. This program is designed specifically for actions or suggestions that provide a major cost savings to the city. Department heads will forward nominees to a committee, established by the city manager, that will make the recommendations to the city manager for approval. The city manager shall establish guidelines for payment amounts based on the level of savings and fiscal impact. Documentation is required to justify the cost savings and employees are eligible for a maximum of one (1) payment per year not to exceed ten (10) percent of the employee's prevailing rate of pay without the approval of the city council.

(Code 1964, § 22.520; Ord. No. 18254, § 1, 9-20-04; Ord. No. 20767, § 1, 9-20-10)

Sec. 19-89. - Awards programs.

The city manager may establish award programs to encourage job safety and to acknowledge length of city service.

(Ord. No. 13532 § 1, 12-21-92; Ord. No. 20767, § 1, 9-20-10)

Sec. 19-90. - Pay plan beneficiary designation.

To the extent authorized by Chapter 461 RSMo, an employee may designate a beneficiary to receive pay for work or accrued leaves due the employee upon the employee's death while still employed by the city subject to the following rules:

(1)

The employee must make the beneficiary designation in writing, signed and dated by the employee, witnessed by an employee designated by the director. The director is authorized to create forms for the designation, revocation or change of beneficiary.

(2)

The employee may only designate one (1) beneficiary but may change or revoke that designation at any time in writing, witnessed as above.

(3)

The beneficiary must be a natural person at least eighteen (18) years of age at the time of the designation.

(4)

If a beneficiary is disqualified as being too young or shall predecease the employee, the designation shall be revoked and the final pay check from the city shall be paid to the decedent's estate. If the beneficiary does not survive the employee by more than twenty-four (24) hours, the beneficiary shall be deemed to have predeceased the employee.

(5)

Except as set out in these rules, the designation of a beneficiary, including the designation of a spouse as beneficiary, shall not be automatically terminated or revoked.

(6)

The amount due the beneficiary under this section may be reduced by amounts owed the city by the employee and any amounts lawfully garnished or owed in taxes, social security or otherwise authorized as deductions from pay by the decedent.

(Ord. No. 18710, § 1, 9-19-05)

Secs. 19-91—19-94. - Reserved.

DIVISION 3. - SPECIAL

Sec. 19-95. - Mutual aid emergency pay.

(a)

Whenever the city manager either requests the emergency assistance of others under a mutual aid agreement or authorizes city employees to provide emergency assistance to others under a mutual aid agreement, overtime eligible city utility employees working in response to the emergency shall be paid mutual aid emergency pay as described in subsection (b). The city manager shall determine when the period for receiving mutual aid emergency pay begins and when it ends.

(b)

For every twenty-four-hour period during which an overtime eligible city utility employee works in response to the emergency, the employee shall be paid at the employee's overtime rate for sixteen (16) hours and at the employee's regular rate of pay for eight (8) hours.

(Ord. No. 20595, § 1, 4-5-10)

Sec. 19-96. - Overtime.

(a)

Positions eligible for overtime pay shall be designated on the classification plan and the pay plan.

(b)

Work periods for city employees are defined as follows:

(1)

Fire department shift employees shall work a twenty-seven-day work period (fifty-six (56) hours per week average) and shall be paid at the overtime rate (or compensatory time in accordance with FLSA standards) for all hours worked in excess of two hundred four (204) hours during the work period.

(2)

Police officers and sergeants shall work a twenty-eight-day work period and shall be paid at the overtime rate (or compensatory time in accordance with FLSA standards) for all hours worked in excess of one hundred sixty (160) hours during the work period.

(3)

Airport fire/safety officers shall work a fourteen-day work period and shall be paid at the overtime rate (or compensatory time in accordance with FLSA standards) for all hours worked in excess of eighty (80) hours during the work period.

(4)

All other overtime eligible employees shall work a seven-day work period beginning midnight on Sunday morning and shall be paid at the overtime rate (or compensatory time in accordance with FLSA standards) for all hours worked in excess of forty (40) hours during the work period; except, however, the city manager may establish work periods beginning on a day and time other than Sunday midnight for any group of employees working in any facility requiring twenty-four-hour day, seven-day a week staffing.

(c)

Overtime work shall be kept to a minimum, and in order to be considered as overtime, the work and the time of doing it must have been assigned by the employee's department head or duly authorized supervisor.

(d)

Overtime pay shall be based on hours worked and not on time in pay status, except that holiday hours shall be included as hours worked for purposes of overtime eligibility.

(e)

The positions of those city employees and officials excepted from the payment of overtime:

(1)

Shall be noted in the classification and pay plan and shall generally include administrative, professional and supervisory positions.

(2)

Shall have salary ranges based on all services rendered and the realization that the employee will not be separately compensated for overtime.

(f)

Employees in positions not eligible for overtime pay:

(1)

Shall not be specifically compensated for overtime in either money or compensatory time.

(2)

Shall be expected to average at least forty (40) hours per week.

(3)

May have their contributions to the development and accomplishment of departmental goals evaluated in terms of total performance, output, effectiveness, and achievement rather than on adherence to set specific working hours.

(4)

Shall, at the discretion of the department head, not be held rigidly to the established city schedule of leave accumulation and usage. Time absent from work and deviations from the official work hours of the employee's department must be with the approval of the employee's department head who shall have the responsibility for evaluating the employee's performance and justifying permitted deviations from established hours of work and earned leaves.

(g)

The city does not make deductions from the salaries of overtime exempt employees because of variations in the quality or quantity of work performed. Rather, unsatisfactory quantities or quality of work are addressed through regular performance management methods including the evaluation and discipline processes. The city also does not make deductions from overtime exempt employees' salaries for any of the following:

(1)

Absences of less than a full workweek occasioned by the city;

(2)

Absences of less than a full workweek caused by jury duty, or attendance as a witness in a judicial proceeding, or due to temporary military leave (although the city may offset against the regular salary any amount paid as jury, witness or military pay); and

(3)

Approved partial day absences for personal reasons.

Based on principles of public accountability which require that employees not be paid for time not worked, deductions from an overtime exempt employee's salary will be made in the following circumstances:

- (1) Full-day and unapproved partial day absences for personal reasons other than sickness or disability;
 - (2) Full-day and partial day absences caused by sickness or disability if the employee is not yet eligible for paid leave or paid leave has been exhausted under the city's sick leave or other policies providing pay for those absences;
 - (3) Hours taken as unpaid leave under the Family and Medical Leave Act (FMLA);
 - (4) Disciplinary suspensions of one (1) or more full days for infractions of written workplace conduct rules;
 - (5) All disciplinary suspensions for infractions of safety rules of major significance; and
 - (6) Where an overtime exempt employee works less than a full workweek in the initial or final week of employment or due to a budget-required furlough (overtime exempt employees who work less than forty (40) hours during their first or last week of employment or due to a furlough will be paid a proportionate part of their full salary for the time actually worked).
- (h) Any overtime exempt employee whose salary has been subject to improper deductions should promptly report the problem to the director. Any improper deductions will be reimbursed, and there will be no retaliation against any employee.
- (i) Overtime assignments will be distributed as equally as practicable among members of each overtime equalization unit. Such overtime equalization units shall consist of the qualified employees in a job classification or employee work group. No employee will be given an overtime assignment unless he is qualified to perform it. The department head or supervisor shall maintain a roster showing the overtime hours worked by employees in each overtime equalization unit, or work group. If an employee refuses an overtime assignment he will be credited, for purposes of overtime equalization, with the number of hours refused.
- (j) Overtime eligible police officers shall be paid at the overtime rate for court appearances and emergency call-outs that occur during scheduled time off only if they are entitled to overtime pay under subsection (b).

(Code 1964, § 22.610; Ord. No. 10733, § 1, 9-16-85; Ord. No. 12386, § 2, 10-16-89; Ord. No. 15754, § 1, 9-21-98; Ord. No. 16191, § 1, 9-20-99; Ord. No. 17850, § 1, 9-15-03; Ord. No. 18254, § 1, 9-20-04; Ord. No. 19230, § 1, 9-18-06; Ord. No. 20438, § 1, 9-21-09; Ord. No. 20767, § 1, 9-20-10)

Sec. 19-97. - Standby/on-call provisions.

- (a) A department head or duly authorized supervisor shall prepare a roster of employees assigned to standby duty. Employees shall receive, insofar as possible, a month's notice, and assignments shall be posted on accessible bulletin boards. Emergency employees such as police and fire may be excluded from this provision pursuant to departmental rules and regulations.
- (b) All personnel assigned to standby shall be instructed that they must be easily reached, capable, sober and ready to work at any time during their standby period. This condition shall be a mandatory part of the assignment.
- (c) No employee on standby duty is expected to attempt any procedure which the employee considers unsafe within requirements of the operation. If additional help is required to perform a job, the employee shall follow specified department procedures. Safety equipment and procedures shall be used as during regular working hours.
- (d) Standby duty normally shall be one (1) week in duration, rotated among qualified employees. An employee shall be removed from standby duty if deemed incapable due to illness, or other sanctioned, cleared emergency as determined by the duly authorized supervisor; and remunerated on a daily basis. An employee must have been in pay status during the normal working day in order to be eligible for the daily thirteen dollars (\$13.00) standby remuneration, except on weekends or normally scheduled days off. If an employee requests sick leave during a part or whole day standby duty is assigned, it shall be up to the supervisor to determine whether or not the employee should be allowed to remain on standby, taking into account all circumstances pertinent to the matter.
- (e) Employees designated by the city manager or department head may be provided with beepers or cellular telephones so that they may be reached in the event of an emergency. Unless such employees are specifically told that they are in on-call status or are instructed as set out in subsection (b) above they are not on standby or on-call status and are not entitled to additional compensation.
- (f) An employee on standby shall receive standby compensation of thirteen dollars (\$13.00) per day except that an employee on standby during the employee's scheduled day off shall receive standby compensation of sixteen dollars (\$16.00) per day. An employee on standby during a recognized city holiday shall receive an additional thirteen dollars (\$13.00) for being on standby on such a day.

(Code 1964, § 22.615; Ord. No. 9936, § 1, 9-19-83; Ord. No. 10314, § 1, 9-17-84; Ord. No. 13112, § 1, 9-16-91; Ord. No. 14208, § 1, 9-19-94; Ord. No. 15355, § 1, 9-15-97; Ord. No. 15754, § 1, 9-21-98; Ord. No. 15947, § 1, 4-3-99; Ord. No. 16191, § 1, 9-20-99; Ord. No. 17850, § 1, 9-15-03)

Sec. 19-98. - Minimum call-in compensation.

(a)

Employees in positions eligible for overtime pay who have left their normal place of work for their residence or elsewhere and have completed at least one (1) full, normal shift of work (time on the job) and who are called back to work shall be credited a minimum of three (3) hours pay for the first occurrence of call-back. If more than one (1) call is received, the employee shall continue to earn pay in addition to the first three-hour minimum. In all cases, the minimum call-in of three (3) hours shall be counted as hours worked, and the standard overtime pay provisions shall apply. Only one (1) minimum three-hour call-in allowance shall be provided per day. Employees called in from outside the city limits shall not have call-in travel time reimbursed or included in the three-hour allocation to the extent such travel time is outside the city limits. An employee actually working more than three (3) hours shall not receive any special travel-time pay. Minimum call-in compensation shall not be allowed during normal shift hours, breaks or meal periods.

(b)

Employees who report for snow removal work within one (1) hour after being contacted will receive "reporting time" payment equal to one-quarter hour of pay.

(Code 1964, § 22.620; Ord. No. 9936, § 1, 9-19-83; Ord. No. 16618, § 1, 9-18-00; Ord. No. 20438, § 1, 9-21-09; Ord. No. 20595, § 2, 4-5-10)

Sec. 19-99. - Show-up time.

An employee who reports to work and is reassigned by the supervisor to another shift due to operational requirements shall be paid either the total time worked or a minimum of three (3) hours straight time to pay for that shift for appearing on the job, whichever is greater.

(Code 1964, § 22.625)

Sec. 19-100. - Meal allowance; job site meal compensation.

(a)

Budgeted full-time permanent employees who normally work eight (8) hours per day with a half-hour lunch break and are normally assigned to consume lunch in the field shall be allowed a job site meal compensation of twenty cents (\$0.20) per hour in addition to their regular pay.

(b)

Eligible employees whose job does not normally require them to eat lunch in the field (but are assigned to do so fewer than ninety (90) days per year) shall be reimbursed two dollars twenty-five cents (\$2.25) for each day so assigned.

(c)

Eligible fire department employees on a fifty-six-hour week schedule shall be allowed thirteen dollars (\$13.00) per day for meal reimbursements for days actually worked. Eligible airport fire/safety officers on a sixteen-hour shift assignment shall be allowed eight dollars and sixty-six cents (\$8.66) per day for meal allowance for days actually worked.

(d)

Except as otherwise indicated, an employee shall be allowed a maximum reimbursement of ten dollars (\$10.00) for a meal after having worked a continuous two (2) hours in excess of the employee's regular shift of at least eight (8) hours without time off for meals. An additional maximum meal reimbursement of ten dollars (\$10.00) will be allowed for every five (5) consecutive hours worked thereafter. Time for the meal shall not exceed thirty (30) minutes, will be counted as working time, and will be at a place designated by the supervisor. Individuals on continuous sixteen- or twenty-four-hour shift assignments shall be exempt from this provision.

(Code 1964, § 22.630; Ord. No. 9936, § 1, 9-19-83; Ord. No. 13113, § 1, 9-29-91; Ord. No. 14208 § 1, 9-19-94; Ord. No. 14617 § 1, 9-18-95; Ord. No. 14716 § 1, 1-2-96; Ord. No. 14984, § 1, 9-16-96; Ord. No. 15355, § 1, 9-15-97; Ord. No. 15754, § 1, 9-21-98; Ord. No. 19230, § 1, 9-18-06; Ord. No. 20064, § 1, 9-15-08; Ord. No. 20767, § 1, 9-20-10)

Sec. 19-101. - Shift differential.

(a)

All overtime eligible city employees assigned to second, third, split shift or rotating relief shifts shall be paid a shift differential of sixty-five cents (\$0.65) per hour. Employees regularly scheduled to work three (3) or more different shift schedules each pay period shall be paid the shift differential for all shifts.

(b)

All classified employees regularly scheduled for second, third, split or rotating relief shift work will receive shift differential for all authorized paid absences including payment for unused accruals.

(c)

Shift work generally starting on or after 2:00 p.m. but before 10:00 p.m. is considered second or "afternoon" shift. Work assignments generally starting on or after 10:00 p.m. but before 6:00 a.m. are considered third or "midnight" shift.

(d)

Employees eligible for shift differential who work overtime over the course of the pay period shall receive overtime pay based on salary plus shift differential times one and one-half (1.5).

(e)

Temporary employees are eligible for shift differential pay.

(f)

Employees not normally eligible for shift differential who work overtime into another shift shall not receive shift differential in addition to normal overtime remuneration.

(Code 1964, § 22.635; Ord. No. 9936, § 1, 9-19-83; Ord. No. 10514, § 1, 4-1-85; Ord. No. 13114, § 1, 9-16-91; Ord. No. 14208 § 1, 9-19-94; Ord. No. 14984, § 1, 9-16-96; Ord. No. 15355, § 1, 9-15-97; Ord. No. 15754, § 1, 9-21-98; Ord. No. 16191, § 1, 9-20-99; Ord. No. 17850, § 1, 9-15-03; Ord. No. 18254, § 1, 9-20-04; Ord. No. 19230, § 1, 9-18-06)

Sec. 19-102. - Severance pay.

(a)

A classified employee who is discharged shall be paid severance pay in addition to other entitlement; provided that termination is due to one of the following reasons:

(1)

Reduction in force;

(2)

Inability to perform duties for the reason of age or poor health, except retirement by reason of reaching the mandatory retirement age; or

(3)

General incompetence or inefficiency; provided, the employee has been cooperative and has made a sincere effort to perform satisfactorily (as recommended and documented by the department head).

(b)

A classified employee discharged for such reasons as gross incompetence, insubordination, willful neglect or abuse of duties and/or authority, committing an illegal act, deliberate disregard of regulations or other reasons of a similar nature shall not be entitled to severance pay.

(c)

Any classified employee who resigns shall not be entitled to severance pay.

(d)

Those eligible to receive severance pay shall be paid in accordance with the following schedule:

Length of Service	Amount of Pay (Weeks)
Less than six (6) months	None
Six (6) months to one (1) year	1
One (1) year to five (5) years	2
Five (5) years to ten (10) years	4
Over ten (10) years	8

(e)

Unclassified employees shall not be eligible for severance pay provisions. Unclassified employees shall, however, upon termination of employment with the city, receive separation pay equivalent to one (1) month's salary.

(f)

In addition to, or in lieu of, the foregoing, the city manager, in the manager's sole discretion and on a case by case basis, may provide separation pay to classified employees equivalent to eight (8) weeks pay and additional separation pay to unclassified employees equivalent to two (2) months salary.

(Code 1964, § 22.640; Ord. No. 14617, § 1, 9-18-95; Ord. No. 15355, § 1, 9-15-97)

Sec. 19-103. - Professional dues and licensing fees.

(a)

The city shall pay the job-related professional organization dues of permanent city employees when approved by their department head.

(b)

The city shall pay fees for professional and other licenses required by permanent employee job descriptions other than basic drivers licenses. Such payments made by the city shall be deducted from an employee's last pay check if the employee leaves the city service within six (6) months after the payment was made.

(Code 1964, § 22.645; Ord. No. 19230, § 1, 9-18-06; Ord. No. 19677, § 1, 9-17-07; Ord. No. 20064, § 1, 9-15-08)

Sec. 19-104. - Tools and personal protective equipment.

(a)

Tools. Department heads may at their discretion (provided funds are budgeted for this purpose) establish departmental policies providing and/or replacing professional tools of a trade used specifically for city operations, depending on the need of the operations in the best interest of efficient, effective work.

(b)

Personal protective gear. Department heads may at their discretion require that employees wear safety boots and glasses which meet departmental safety standards (as defined by the department head and coordinated with the director). When

additional protective footwear is required of current employees, the department head may aid in securing appropriate and approved safety boots or shoes by reimbursing the employee for the safety-portion cost of the footwear up to a maximum of seventy-five dollars (\$75.00) per individual per year. Department heads may likewise establish policies concerning needed eye protection, and allowing up to a maximum of fifty dollars (\$50.00) per person per year for safety glasses (plainos, tinted, peripheral protection, or safety prescription lenses). The city will allow eligible employees to have a four-year accumulation of the safety shoe allowance.

(c)

Reimbursement for personal protective equipment. Reimbursement for personal protective equipment shall be contingent upon appropriate budgetary allocations; and once current employees are equipped as needed, department heads may elect to require such equipment as a condition of employment depending on the needs of their respective operations.

(Code 1964, § 22.650; Ord. No. 9936, § 1, 9-19-83; Ord. No. 10733, § 1, 9-16-85; Ord. No. 13817 § 1, 9-20-93; Ord. No. 14208 § 1, 9-19-94; Ord. No. 15355, § 1, 9-15-97; Ord. No. 15754, § 1, 9-21-98; Ord. No. 16191, § 1, 9-20-99; Ord. No. 18254, § 1, 9-20-04; Ord. No. 20064, § 1, 9-15-08)

Sec. 19-105. - Employee development—Generally.

(a)

In order to be eligible for development incentive programs an employee must be eligible for the city's full benefit package pursuant to relevant provisions of the rules and regulations set out in this chapter and be a permanent full-time employee in a regularly budgeted position, having completed at least one (1) full year of service and a probationary period successfully. An employee's total performance record shall be considered in determinations of eligibility and desirability for participating in these incentive programs.

(b)

Individual departments may establish, with the aid of the human resources department, employee development programs in terms of specific needs of their operations. These development programs may consist of in-service training, seminars, short courses, lectures, reading materials, formal course work, films, tapes and so forth. Funds for programs shall be appropriated in the departmental budget, and remain effective within the limit of allocation of funds for this purpose. Implementation of development programs shall be within the purview of the EEO affirmative action program.

(c)

The purpose of employee development programs is to promote professionalism in all areas of city employment with the ultimate goal of upgrading the working scope, ability, and total effectiveness of city employees, thereby improving productivity, efficiency, and economy of operations. Such training programs shall be considered as a benefit to those individuals interested in continued employment with the city; and approval of an individual's participation shall be relative to the employee's present or probable future city position and relative worth of such activity to the city organization (as determined by the department head and the director).

(d)

Where applicable (police and fire operations specifically) educational incentive and tuition reimbursement programs shall be considered as temporary, interim steps toward a more valid proficiency evaluation of relative worth of employee services. Once the desired, increased capability and educational level of current employees has been developed, new employees will be placed requiring the same higher level of competence, thereby perpetuating quality service and eventually phasing out of formalized incentive education/training oriented programs.

(e)

Employees may be allowed time off from work to attend approved formal classes or training sessions; provided, the employee makes up the hours in full, on the job, in a meaningful, responsible work assignment; and such absence does not impose additional expense to the department in terms of overtime pay or burden on other employees, as determined by the department head.

(f)

Attendance at training sessions of any type shall be on the employee's own time unless such attendance is required by the department head, and under no circumstances shall class/training time and associated travel time be considered as time on the job for overtime eligibility or extra pay unless specifically designated so eligible by the department head. Participation in development programs shall be considered a mutually rewarding situation, with an employee's commitment of interest, job dedication, and personal sacrifice being inherent, required elements for eligibility to participate.

(Code 1964, § 22.655(l)(A)—(F); Ord. No. 15754, § 1, 9-21-98)

Sec. 19-106. - Cost reimbursement.

(a)

Employees required to attend special training-development on city time by the department head shall be reimbursed in full for course and travel costs. Basic training, enabling the employee to meet the primary responsibility level of a position may be required at any time in the course of the employee's service. Employees may, if their performance is less than acceptable for their classification, be required by their department head to complete relevant training on their own time and at their own expense in order to maintain further employment in their present capacity.

(b)

Reimbursement for cost of eligible formal college credit course work taken on the employee's own time shall be (except for police operations which have special provisions):

(1)

Limited to tuition expenses only, and not books, transportation, meals, lodging, activity, or any special fees;

(2)

Limited in participation to individual departmental budgetary allotments for this purpose;

(3)

Limited to a maximum of one thousand two hundred dollars (\$1,200.00), or the cost of the course(s), whichever is less, per individual, per fiscal year;

(4)

Limited to those courses passed with a grade of "C" or better, or "passed" if on an ungraded basis;

(5)

Approved for full or part payment by the department head and director prior to enrollment in the course, with reimbursement by the city being made subsequent to presentation of official documentation of successful completion and receipt of cost for the course.

(c)

Reimbursement for approved college credit correspondence school course work shall be subject to the provisions in subsection (b) above except that tuition costs may be reimbursed up to a maximum of seventy-five (75) per cent of the total cost of the course, within department budgetary limitations.

(d)

Reimbursement for formal class work or for correspondence training may be allowed in full (within aforementioned limits) dependent upon the relevance of the training to city operations and specifically, the employee's position and assigned duties as recommended by the department head and director. Employees shall be required to sign an agreement to reimburse the city for tuition costs if the employee leaves permanent city employment within twenty-four (24) months following completion of reimbursed coursework.

(e)

Costs incurred by the city shall be deducted from an employee's check if:

(1)

General conditions in subsection (b) of this section are not met; or

(2)

The employee leaves the city service within twenty-four (24) months subsequent to completion of the course.

(f)

After October 1, 1978, employees receiving aid for educational/training endeavors from military programs, scholarships, or any other similar assistance shall not be eligible for tuition reimbursement from the city to the extent aid is received from military programs, scholarships, or similar assistance for such time as other aid is being received.

(Code 1964, § 22.655; Ord. No. 15355, § 1, 9-15-97; Ord. No. 17016, § 1, 9-17-01; Ord. No. 18710, § 1, 9-19-05; Ord. No. 20064, § 1, 9-15-08)

Cross reference—Educational leave, § 19-125.

Sec. 19-107. - Uniform clothing allowance.

(a)

Employees required to wear uniform clothing, specifically those individuals readily visible to the general public, will be provided with such clothing allocations as deemed appropriate by the department head. If allocations are provided, the employee shall be required to wear the uniform clothing, to maintain the garments in a clean and maintained fashion, and to return the full allocation of garments upon separation from city service (or be docked the fair value of missing articles from the final paycheck). The city shall replace uniform clothing damaged through natural wear on the job, but not due to negligence by the employee. The employee shall wear uniform clothing only en route to and from work and while on duty, and police and fire personnel shall be subject to specific departmental policies concerning clothing allotments and/or allowances. Uniformed police officers will have uniforms dry cleaned at city expense within limits of the annual department budget allocation for such purpose. Upon the expiration of available funds, the individual employee will be responsible for dry cleaning of the uniforms. Rules and procedures for dry cleaning of uniforms by the city may be established by the police chief, and when established must be followed by the employee. Commissioned police assigned to plain clothes operations, as specified and defined by the police chief, working a forty-hour week, shall receive additional compensation not to exceed forty-four cents (\$0.44) per hour, to be added to their regular rate of pay, for obtaining necessary clothing.

(b)

An employee required to wear standard dark blue denim jeans on the job shall be reimbursed for the cost of up to eight (8) pairs of jeans per year with a maximum reimbursement amount of thirty-five dollars (\$35.00) per pair. Department heads may allot a different number of jeans for certain jobs. In order to be reimbursed, an employee must present a receipt which shows the cost of the jeans and states that they are blue denim. Additionally, if jeans are purchased through a city approved contract (as established by the city's purchasing division), jean purchases may be made in accordance with department head established procedures.

(c)

Employees represented by Laborers' International Union of North America, Local 773 whose job duties require them to work outdoors or in unheated areas in the winter shall be reimbursed for the cost of winter outerwear up to a maximum of fifty dollars (\$50.00) per fiscal year. Unused winter clothing allowance may be carried over to subsequent fiscal years with a maximum accrual of one hundred dollars (\$100.00). Department heads may allot extra amounts for winter clothing for certain positions.

(Code 1964, § 22.660; Ord. No. 10733, § 1, 9-16-85; Ord. No. 12385, § 1, 10-16-89; Ord. No. 14208 § 1, 9-19-94; Ord. No. 15355, § 1, 9-15-97; Ord. No. 16191, § 1, 9-20-99; Ord. No. 17850, § 1, 9-15-03; Ord. No. 20064, § 1, 9-15-08; Ord. No. 20438, § 1, 9-21-09)

Sec. 19-108. - Police equipment allowance.

Each individual in a full-time police capacity not under jurisdiction of the Columbia Police Officer's Association working a forty-hour week will be allotted an amount of twenty-six cents (\$0.26) per hour, to be added to the individual's regular rate of pay, for the purpose of purchasing necessary footwear, off-duty sidearms, off-duty ammunition, and other incidentals necessary for the performance of the total police function.

(Code 1964, § 22.661; Ord. No. 9936, § 1, 9-19-83; Ord. No. 12746, § 1, 9-17-90; Ord. No. 14208 § 1, 9-19-94; Ord. No. 15355, § 1, 9-15-97; Ord. No. 16191, § 1, 9-20-99)

Sec. 19-108.1. - Police mounted patrol cost reimbursement.

- (a) Subject to the restrictions of this section, the city shall reimburse members of the police department mounted patrol for the following maintenance costs for horses serving in the patrol: Hay, grain, farrier services, veterinarian services and grooming.
- (b) The city shall not reimburse any officer more than one thousand sixty-five dollars (\$1,065.00) under this section in any fiscal year.
- (c) Reimbursement under this section shall not exceed one thousand sixty-five dollars (\$1,065.00) in any fiscal year for any horse.

(Ord. No. 20594, § 1, 4-5-10)

Sec. 19-109. - Flexible benefits.

All employees represented by the Columbia Police Officers Association shall be granted a benefit amount of thirty-one cents (\$0.31) per hour, to be added to their regular rate of pay for obtaining equipment and life insurance. The above employees shall not be eligible for any other life insurance benefits established herein.

(Code 1964, § 22.662; Ord. No. 9936, § 1, 9-19-83; Ord. No. 12416, § 1, 11-20-89; Ord. No. 12746, § 1, 9-17-90; Ord. No. 15355, § 1, 9-15-97)

Sec. 19-110. - General benefits.

- (a) *Employee health care plan.* The city shall pay into the employee benefit fund four hundred twenty-two dollars and thirty cents (\$422.30) per month for the cost of employee health care plan coverage of each eligible permanent employee who participates in the plan. The city shall pay a portion of dependent care coverage for those eligible permanent employees who elect to purchase dependent health plan coverage under the city plan, subject to the following maximum amounts:

Employee + Spouse	\$107.18
Employee + Child(ren)	71.07
Employee + Family	258.46

These payments by the city shall begin when the employee becomes an eligible employee under the health care plan and end at the date of the employee's termination of employment with the city. Employees choosing not to participate in the health care plan or dental plan or both shall not be entitled to receive the amount the city would have contributed toward the cost of such employees' health care plan and dental plan coverage.

The city shall contribute fifty dollars (\$50.00) per month to the health savings account of each employee with single coverage under the city's high deductible health plan and one hundred dollars (\$100.00) per month to the health savings account of each employee with single plus spouse, single plus children or full family coverage under the city's high deductible health plan.

- (b) *Life insurance.* The city shall, each month pay for and on behalf of each eligible employee who subscribes to the city's group life insurance policy, a sum of up to one-half (½) the cost of insurance coverage available to the employee pursuant to the group policy. (Employees who are not under the jurisdiction of an organized employee union or association may have their individual term life insurance costs paid by the city.) All dividends paid on life insurance policies issued under the city's group life insurance policy shall be paid into the employee benefit fund and all city employees authorize and consent to the use of such dividends as herein provided by their participation in the city's group life insurance policy. The employee benefit fund shall be used to pay one-third (1/3) of the cost of the insurance coverage available to an employee under the city's group policy for so long as funds are available, during which time the city and employee shall each contribute one-third (1/3) of the cost of such life insurance. Payments by the city and employee benefit fund shall begin at the date of hire into a permanent position.
- (c) *Retirement systems.* All permanent employees, except employees hired as full-time, regular firefighters or railroad operations employees are required to participate in the Federal Social Security System immediately upon appointment to city employment. All employees, except full-time regular firefighters, full-time regular police officers, and railroad operations employees, working one thousand five hundred (1,500) hours or more in a calendar year shall participate in the Missouri Local Government Retirement System (LAGERS). Participation in LAGERS for eligible employees begins following completion of the first six (6) months of city employment. Full-time regular firefighters and full-time regular police officers

participate in the retirement plans set out in chapter 18 of this Code. Railroad operations employees are covered by the Railroad Retirement Act of 1974.

(d)

Deferred compensation.

(1)

Employees may participate in a group deferred compensation plan adopted by the city council. The city manager may recommend to the city council, and the council may adopt any necessary contractual agreements, and subsequent changes or modifications. This program shall be monitored by the human resources department.

(2)

Employees shall, if interested, participate in such plan via payroll deduction of individually arranged contributions.

(3)

The city shall contribute to the deferred compensation plan account selected by each employee covered by the Railroad Retirement Act of 1974 an amount equal to nine and eight tenths (9.8) per cent of the employee's total compensation.

(4)

The city shall contribute biweekly to the deferred compensation plan account selected by the chief of police an amount to be determined by the city manager.

(e)

Money purchase plans. Permanent employees may, at their option, participate in the City of Columbia, Missouri Money Purchase Plan, a defined contribution plan operating under Section 401(a) of the Internal Revenue Code of 1986. Subject to the provisions of the plan and the limitations imposed by Section 401(a)(4) of the Internal Revenue Code of 1986, the city will contribute to the plan trust fund on behalf of each participating employee who contributes to a group deferred compensation plan (457 plan) at the minimum rate of two dollars (\$2.00) per pay period, an amount equal to the employee's contribution to the 457 plan up to a maximum of two (2) per cent of the employee's compensation.

(f)

Post employment health plan. The city may contribute funds each month to the post employment health plan for public employees on behalf of each eligible permanent employee if funds are available. The city shall make sick leave conversions to the health care insurance premium reimbursement subaccounts of each eligible employee leaving city employment if the employee has been employed by the city for ten (10) years or more, or if the employee is retiring or has previously retired pursuant to the terms of a city-sponsored retirement plan (based on either age or disability). Such sick leave conversions shall be made at the rate of two dollars (\$2.00) for every hour of final accumulated sick leave. Participation in the sick leave buyback program pursuant to section 19-130(p) will reduce the number of hours converted to the post employment health plan.

(Code 1964, § 22.665; Ord. No. 9936, § 1, 9-19-83; Ord. No. 10714, § 1, 9-3-85; Ord. No. 10733, § 1, 9-16-85; Ord. No. 10768, § 1, 10-21-85; Ord. No. 12024, § 1, 9-19-88; Ord. No. 12122, § 4, 2-6-89; Ord. No. 12417, § 1, 11-20-89; Ord. No. 12716, § 1, 8-22-90; Ord. No. 12841, § 1, 1-7-91; Ord. No. 13046, § 1, 8-5-91; Ord. No. 13135, § 1, 10-7-91; Ord. No. 13430, § 1, 9-8-92; Ord. No. 13440, § 5, 9-21-92; Ord. No. 13487, § 11, 10-19-92; Ord. No. 13495, § 1, 11-2-92; Ord. No. 13817, § 1, 9-20-93; Ord. No. 13894, § 1, 12-6-93; Ord. No. 14660, § 1, 10-2-95; Ord. No. 14700, § 1, 11-20-95; Ord. No. 14982, § 2, 9-16-96; Ord. No. 14982, § 2, 9-16-96; Ord. No. 14985, § 1, 9-16-96; Ord. No. 15035, § 1, 10-21-96; Ord. No. 15063, § 1, 11-18-96; Ord. No. 15300, § 2, 7-21-97; Ord. No. 15355, § 1, 9-15-97; Ord. No. 15754, § 1, 9-21-98; Ord. No. 16191, § 1, 9-20-99; Ord. No. 16406, § 1, 4-3-00; Ord. No. 16618, § 1, 9-18-00; Ord. No. 17016, § 1, 9-17-01; Ord. No. 17442, § 1, 9-16-02; Ord. No. 17850, § 1, 9-15-03; Ord. No. 18254, § 1, 9-20-04; Ord. No. 18710, § 1, 9-19-05; Ord. No. 19230, § 1, 9-18-06; Ord. No. 19677, § 1, 9-17-07; Ord. No. 20064, § 1, 9-15-08; Ord. No. 20234, § 2, 4-6-09; Ord. No. 20438, § 1, 9-21-09; Ord. No. 20767, § 1, 9-20-10)

Sec. 19-111. - Productivity incentive compensation.

Wherever feasible, as determined by the city manager, each department and/or operating division shall establish, update, implement, and maintain work measurement systems and standard work/output performance levels. Performance levels shall, as practicable, be directly associated with individual employee monetary or other remuneration incentives based on factors such as: hours of available service, effective/productive work, and similar considerations.

(Code 1964, § 22.670)

Sec. 19-112. - Unclassified employee's benefits.

The city manager shall evaluate unclassified employees other than the city clerk, assistant department heads, deputy fire chief, deputy police chief and municipal judge at least annually. In making these evaluations, the city manager shall consider the following: total performance; extent and finality of responsibility; diversity, difficulty and impact of the individual's work. The city manager shall, based on such evaluation, determine the salary to be paid an unclassified employee, which salary shall be within established salary ranges for that employee's position. The city manager shall, in addition, have discretionary authority to make available additional fringe benefits to unclassified employees on an individual basis, which may include additional leave accrual and limits, increased insurance coverage, deferred compensation allowance, severance pay, vehicle allowance and similar fringe benefit considerations as are appropriate in the individual circumstances. The city manager shall notify the city council of such fringe benefits. The benefits shall take effect after the next regular council meeting, unless the city council objects to the proposed benefits.

(Ord. No. 17016, § 1, 9-17-01; Ord. No. 18254, § 1, 9-20-04; Ord. No. 20438, § 1, 9-21-09)

Sec. 19-113. - Reimbursement for use of personal vehicles.

(a)

Mileage reimbursement for those employees who are occasionally required to drive their own cars will be the current mileage reimbursement rate established by the Internal Revenue Service, subject to reporting procedures established by the city manager.

(b)

Employees who are required to own and use their own vehicle as a condition of employment will be paid a monthly amount starting October 1, 1994, equal to their latest reported twelve-month mileage, less the mileage of one (1) daily round trip home, based on two hundred forty (240) workdays per year times the current mileage reimbursement rate established by the Internal Revenue Service per mile divided by twelve (12) months per year. The city will pay any required equipment installation, no more than one (1) time in any fiscal year. A mileage report will be kept and an annual adjustment will be made for mileage in excess of the base amount. The following year the base amount will be adjusted in accordance with the prior year's actual experience.

(c)

Employees in the classification of superintendent or above who are required to own and regularly use a vehicle in the course of their employment will receive a vehicle allowance of up to two hundred fifty dollars (\$250.00) per month, as determined by the department head. Such employees who drive more than eight thousand four hundred (8,400) miles per year on city business will be required to keep a daily mileage report for review by their department head. An annual adjustment will be made in those employees' monthly allowance for mileage over eight thousand four hundred (8,400) miles per year at the current mileage reimbursement rate established by the Internal Revenue Service per mile. Department heads are authorized to decide which of their employees shall fall under this policy and which shall retain the use of a city vehicle.

(d)

Each full-time unclassified employee may receive a vehicle allowance of up to two hundred eighty-five dollars (\$285.00) per month at the discretion of the city manager, based on the employee's need to use a personal vehicle in connection with the employee's job. The city manager shall receive a vehicle allowance equal to that received by the department head receiving the highest vehicle allowance. When such employees leave Boone County on city business, the city shall reimburse the employees at the current mileage reimbursement rate established by the Internal Revenue Service, for trips with total mileage of more than fifty (50) miles.

(Ord. No. 14208, § 1, 9-19-94; Ord. No. 15754, § 1, 9-21-98; Ord. No. 16191, § 1, 9-20-99; Ord. No. 17442, § 1, 9-16-02; Ord. No. 19230, § 1, 9-18-06; Ord. No. 20767, § 1, 9-20-10)

Sec. 19-114. - Health insurance appeals board.

There shall be health insurance appeals board to hear appeals regarding the decisions of the employee health plan administrator.

(1)

Composition of the board. The board shall consist of:

(a)

Two (2) management representatives appointed by the city manager;

(b)

Two (2) classified employee representatives elected at large by a majority vote of all city employees;

(c)

Two (2) citizen members with substantive professional experience in benefits administration for a large organization, to be appointed by the city council; and

(d)

The administrator, who is the director of human resources, shall serve as chair, with voting power only in case of a tie.

Board members shall serve staggered three-year terms, except the administrator, who will serve continuously. In the case of employee representatives, the employee receiving the most votes will serve a three-year initial term; and the one receiving the next highest number of votes will have a two-year initial term.

(2)

Meetings; quorum; attendance; vacancies. The board shall hold such meetings as may be required for the transaction of business by the board. A quorum for the transaction of business at such meeting shall be a majority of the duly-appointed and acting members of the board.

(3)

Powers and duties.

(a)

The board shall hear appeals from the decisions of the administrator in accordance with the provisions of this article, and such additional rules as it shall adopt.

(b)

Records of hearings before the board shall be kept by the board's secretary.

(c)

The board shall have exclusive original jurisdiction to receive, hear, determine and rule upon all appeals from decisions of the administrator for benefits from the fund. The decision of the board shall be in writing, and the board may take and preserve the evidence on any disputed claim, and such evidence, records, findings and decisions of the board shall be subject to judicial review.

(d)

The board shall have the power to prescribe rules and regulations, not inconsistent with state laws or this article, to govern and control the hearing, consideration and disposition of all appeals.

(Ord. No. 11335, § 2, 1-5-87; Ord. No. 1223, § 1, 4-17-89; Ord. No. 12276, § 1, 7-5-89; Ord. No. 12311, § 1, 8-7-89; Ord. No. 12474, § 1, 1-8-90; Ord. No. 15754, § 1, 9-21-98; Ord. No. 17658, § 1, 4-21-03)

Secs. 19-115—19-120. - Reserved.

ARTICLE V. - LEAVES

Sec. 19-121. - Holidays.

Following local and national custom in order to allow city employees to celebrate certain holidays by having a day off work without loss of pay, the following provisions shall apply:

(a)

Permanent employees shall be entitled to the following designated paid holidays:

(1)

New Year's Day, January 1;

(2)

Memorial Day, the last Monday in May;

(3)

Independence Day, July 4;

(4)

Labor Day, the first Monday in September;

(5)

Thanksgiving Day, the fourth Thursday in November;

(6)

Christmas Day, December 25.

(b)

Permanent employees shall be entitled to a paid holiday, to honor Martin Luther King, Jr., on the third Monday in January. Rather than time off, fire department shift employees shall receive additional compensation in the amount of eleven and two-tenths (11.2) hours at their regular pay. All other permanent employees shall receive time off or their regular compensation in accordance with the terms of this section.

(c)

Permanent employees, upon completion of twelve (12) continuous months of service, shall be entitled to three (3) floating holidays per fiscal year. Permanent employees shall have these three (3) floating holidays prorated for the remainder of the fiscal year following their first twelve (12) continuous months of service.

(1)

Upon leaving city service, an employee shall be reimbursed for accrued floating holidays, provided that in the case of resignation, required notice has been given. (See section 19-202.)

(2)

An employee may accrue a maximum of nine (9) floating holidays. An employee shall receive pay at the regular rate at the end of each fiscal year for each hour of floating holiday which the employee would have accrued if the maximum accrual limit had not been established.

(3)

Floating holiday leave must be requested at least two (2) calendar days in advance. Exceptions to this provision may be granted by an employee's supervisor.

(d)

Overtime eligible employees shall be eligible for a holiday only when they are in pay status the entire working day or shift preceding and following the holiday.

(e)

Holiday leave shall not be combined with other leaves or other forms of paid absence to increase the compensation due when a holiday occurs. Employees shall not take compensatory time off or vacation leave on a holiday or a day that is treated as a holiday pursuant to this section. If an employee is on sick leave or injury leave on a holiday or a day treated as a holiday pursuant to this section, the employee shall not be charged with or paid for sick leave or injury leave, but rather shall be paid only for the holiday.

(f)

It is the purpose of this section to provide the employee with a day off work without loss of pay rather than an extra day's pay when the employee must work. Acknowledging that some employees must work on days treated as holiday, the following rules apply:

(1)

All non-shift employees shall take off the exact date of a designated holiday, except that if the holiday falls on Saturday employees shall take off the preceding Friday and if the holiday falls on Sunday employees shall take off the following Monday.

(2)

When the holiday falls on any shift employee's regularly scheduled day off, the holiday shall be treated as though it had fallen on the next scheduled work day.

(3)

Employees, other than fire department shift employees, whose normal job or shift does not ordinarily, but because of unique circumstances may, require a performance of duty on a holiday shall at their option:

a.

Be paid eight (8) hours pay at their regular rate for the holiday plus be paid time and one-half for all hours worked on the holiday; or

b.

Receive one (1) hour of additional vacation for each holiday hour worked. The additional vacation shall be added to the employee's vacation entitlement and shall be taken during the fiscal year in which it was earned.

(4)

Employees, other than fire department shift employees, whose normal job or shift requires performance of work on holidays shall, at their option:

a.

Be paid eight (8) hours pay at their regular rate for the holiday and in addition be paid at the regular rate for all hours worked within their regular working hours. For all hours worked outside of regular schedule working hours, overtime rates shall apply; or

b.

Be paid eight (8) hours pay at their regular rate for the holiday plus receive one day off with pay at the regular rate at a later time to be approved by the employee's supervisor. The additional day off with pay must be taken during the fiscal year in which it was earned.

(5)

Fire department shift employees required to work on a holiday or a day treated as a holiday shall be paid for the holiday as provided for in this section and in addition be paid at the regular rate for all hours actually worked within their regular working hours.

(Code 1964, § 22.710; Ord. No. 10733, § 1, 9-16-85; Ord. No. 11649, § 1, 10-5-87; Ord. No. 12788, § 1, 11-5-90; Ord. No. 13490, § 1, 10-19-92; Ord. No. 14617, § 1, 9-18-95; Ord. No. 15754, § 1, 9-21-98; Ord. No. 16618, § 1, 9-18-00; Ord. No. 18254, § 1, 9-20-04; Ord. No. 19230, § 1, 9-18-06; Ord. No. 19677, § 1, 9-17-07)

Sec. 19-122. - Leave of absence without pay.

(a)

A leave of absence without pay is a predetermined amount of time off from work, which has been requested by the employee, recommended by the employee's department head and approved by the director. Such leave shall not extend beyond six (6) months, but may be extended with the written approval of the department head. An employee must use all accumulated eligible leave accruals before beginning a leave of absence.

(b)

The fact that such a leave is possible does not mean that the requested leave must be granted. A leave of absence deprives the employee's department of the services of an employee, who it is assumed is needed if the department is to properly perform its services. Leaves of absence without pay, except in the case of disciplinary leaves, should be considered as a privilege, and the best interests of city service must be the determining factors in whether such leaves are granted or not.

(c)

When an employee is granted a leave of absence without pay, the department head makes a commitment to allow the employee to return to work at the end of the leave to a position for which the employee is fully qualified at the prevailing salary for the position, provided there is a vacancy. If no vacancy exists in the department, the individual may be placed on eligibility rosters pursuant to the person's qualifications and as approved by the director.

(d)

If an employee's position is officially eliminated or reclassified while the employee is on such leave, the employee shall relinquish any claim to the position.

(e)

When granted a leave of absence without pay, the employee makes a commitment to return to work at the end of the leave. Failure to contact the department head at the end of the leave shall be grounds for considering the matter as a resignation.

(f)

During the leave of absence without pay, the employee:

(1)

Does not receive pay from the city;

(2)

Does not accrue any leave;

(3)

Cannot pay retirement contributions if the leave exceeds one (1) month in duration;

(4)

Must pay total group hospitalization and life insurance premiums falling due during any month the employee is not on the payroll;

(5)

Shall not receive any other benefits during the period of absence;

(6)

Shall, upon return to active duty, carry over accrued and unused sick leave earned prior to commencement of the leave without pay.

(Code 1964, § 22.715; Ord. No. 17442, § 1, 9-16-02; Ord. No. 18254, § 1, 9-20-04)

Sec. 19-123. - Occupational injury leave.

(a)

An employee injured while performing assigned duties shall be entitled to the provisions of the worker's compensation act.

(b)

An employee injured on the job who draws pay in accordance with the worker's compensation act shall have related absence charged against appropriate paid leave (vacation, sick, floating holidays, etc.) on a prorated basis to offset the difference in pay between the worker's compensation payment and city pay. (See on-the-job injury procedures in the administrative rules.)

(c)

No employee on occupational injury leave shall receive a combination of worker's compensation and paid leave in excess of regular full pay.

(d)

Length of authorized occupational injury leave shall be determined on an individual case basis by the department head and the director, in consideration of staffing needs of the department, extent and degree of impairment, employee's eligibility for disability retirement and similar factors.

(e)

Individuals may be eligible for leave of absence without pay provisions upon the recommendation of the department head upon expiration of paid leaves. (Note: See section 19-130(p) for police and fire injury leave provisions.)

(Code 1964, § 22.720; Ord. No. 18254, § 1, 9-20-04)

Sec. 19-124. - Compensatory time leave.

(a)

Compensatory time shall only be granted pursuant to section 19-96.

(b)

Compensatory time accruals shall not exceed eighty (80) hours per individual (one hundred sixty (160) hours annual accumulation/use limit for power plant utility (relief) workers and parks services workers assigned to athletic field and golf course operations), subject to further restrictions pursuant to department rule and regulations; and compensatory time accruals shall be paid upon separation, at a rate not less than:

(1)

The average regular rate received by the employee during the last three (3) years of employment, or

(2)

At the final regular rate received by the employee, whichever is higher.

(c)

Employees shall be given an option of receiving paid overtime remuneration or compensatory time off.

(d)

An employee moving from an overtime eligible position to an overtime exempt position shall be paid for all compensatory time on the books in the employee's paycheck that includes final hours worked in the overtime eligible position.

(Code 1964, § 22.725; Ord. No. 9936, § 1, 9-19-83; Ord. No. 16618, § 1, 9-18-00; Ord. No. 17850, § 1, 9-15-03; Ord. No. 20064, § 1, 9-15-08; Ord. No. 20438, § 1, 9-21-09; Ord. No. 20767, § 1, 9-20-10)

Sec. 19-125. - Education leave.

(a)

Individuals may be allowed time off during working hours to attend individual classes pursuant to section 19-105.

(b)

Extended non-required educational leave shall be pursuant to section 19-122.

(Code 1964, § 22.730)

Sec. 19-126. - Jury and/or witness duty leave.

(a)

Employees on jury duty shall be paid by the employer in an amount equal to the difference between the amount of wages the employee would have earned by working during straight-time hours for the employer on that day and the daily jury duty fee paid by the courts (not including traveling expenses or reimbursement of expenses), for each day on which the employee otherwise would have been scheduled for work.

(b)

An employee shall not have deductions made from accrued leaves for the purpose of these provisions.

(c)

Employees (except those testifying in the line of duty) shall be granted leave with pay when required to be absent to serve as

a court witness and shall be paid in an amount equal to the difference between the amount of wages the employee would have earned by working during straight-time hours for the employer on that day and the compensation received as a witness. An employee on such leaves shall return to work for the balance of the day when the employee is excused by the court from further attendance. Time spent by employees testifying in the line of duty are hours worked.

(d)

An employee shall not be eligible for paid leave under this provision until a probationary period is successfully completed.

(Code 1964, § 22.735; Ord. No. 20438, § 1, 9-21-09)

Sec. 19-127. - Military leave; temporary training periods.

(a)

Any employee enlisting or inducted into the Armed Forces of the United States or who as a member of a Reserve or National Guard Unit is obligated to perform military service in excess of one hundred eighty (180) days in the Armed Forces and who satisfactorily completes such service and makes application for reemployment within ninety (90) days of release from active duty shall be returned to city employment. Obligated military service of thirty-one (31) days or less requires a service member to return to work the next scheduled work day with allowances for safe travel time and eight (8) hours rest. Periods of service of thirty-one (31) to one hundred eighty (180) days duration require the employee to notify the city of intent to return to a position of employment within fourteen (14) days of release from duty. The employee shall be entitled to the same pay, status and seniority the employee would have had if the employee continued employment, except that the employee shall not accrue vacation, holiday or sick leaves during the period the employee is absent from city employment. The employee shall not be eligible for automatic reinstatement under this section if the employee reenlists in other than a Reserve component of the Armed Forces after exceeding five (5) years of cumulative qualifying service.

(b)

Any employee who is a member of a military reserve or National Guard unit shall be entitled to leave without loss of time, pay or regular leave or any other benefits for all periods of military services in the service of the state at the call of the governor and as ordered by the adjutant general without regard to length of time, and for military services in the service of the United States for a period not to exceed a total of one hundred twenty (120) work hours in any federal fiscal year. Employees shall be entitled to full compensation (based on an hourly daily rate of eight (8) hours, not exceeding forty (40) hours in a week; or for shift fire employees based on two (2) fifty-six-hour average work weeks; and in any instance excluding overtime) for what would otherwise be normally assigned work hours during the one hundred twenty (120) work hours of military assignment. The minimum time period charged to military leave shall be one (1) hour increments. All employees must present orders to their supervisors in order to obtain paid leave.

(c)

Any employee who is a member of a military reserve or National Guard unit who receives training in excess of one hundred twenty (120) work hours, and not at the call of the governor and in the service of the state as set out above shall be entitled to leave without pay for the duration of the training. An employee entitled to leave without pay shall not accrue any leaves while receiving military leave without pay, but shall not lose any previously accrued leaves and shall return to the same position if still in existence if leave is for less than ninety-one (91) days or another position similar in pay, seniority and status if leave exceeds ninety (90) days. While on military leave without pay for thirty-one (31) days or more, the employee shall not be covered by the city's medical benefits and may only continue family medical benefits by paying the appropriate premiums.

(Ord. No. 12933, § 1, 4-1-91; Ord. No. 17545, § 1, 1-6-03; Ord. No. 19677, § 1, 9-17-07)

Editor's note—

Ord. No. 12933, § 1, passed on April 1, 1991, repealed § 19-127 derived from Code 1964, § 22.740 and Ord. No. 9994, § 1, passed on November 11, 1983, and enacted a new section 19-127 as herein set out.

Sec. 19-128. - Pregnancy/disability leave.

(a)

Disabilities caused or contributed to by pregnancy, miscarriage, abortion, and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated as such under applicable provisions of these rules. Accrued leaves may be granted for preparation for or recovery from such situations. In addition a woman anticipating maternity may be entitled to a leave of absence. (See section 19-122.)

(b)

All employees requesting such leave shall notify the department head significantly in advance of the anticipated date of delivery, and employees may remain on the job as long as health permits. Employees granted such leave shall present a doctor's statement concerning status of the pregnancy, limitations imposed by the individual case, and recovery therefrom. Any employee who does not report back to work by the expiration date as set forth in the leave of absence notice, or does not receive an approved extension or who accepts other employment while on leave from the city, or who withdraws retirement savings, will be considered to have terminated employment with the city. Disposition of all requests for leaves of absence and extensions thereof shall be in writing and processed through the department head.

(c)

While a leave of absence without pay may be granted for a predetermined time to allow for prenatal necessities and postnatal child care, sick leave shall be granted only for such time as the woman is determined medically unable to complete the duties of her position by the employee's physician.

(d)

The provisions of this section shall be subject to and adjusted in conformity with subsequent legislation and court rulings.

Sec. 19-129. - Vacation leave.

(a)

Vacation shall be earned and accumulated by pay periods according to the following charts:

General Employees		
Length of Service (Years)	Annual Accrual (days)	Maximum Accrual (days)
0—5	10	20
5—10	12.5	25
10—15	15	30
15—20	17.5	35
20+	20	40

Fire Department 56-Hour Employees		
Length of Service (Years)	Annual Accrual (shifts)	Maximum Accrual (hours)
0—5	6	288
5—10	6 plus 28 hours pay	288
10—15	6 plus 56 hours pay	288
15—20	6 plus 84 hours pay	288
20+	6 plus 112 hours pay	288

(b)

Unless approved by the department head or duly authorized representative, members of the fire department and police department will not take more than two (2) working weeks or any additional time allotted to vacation. Instead, they will be paid in cash in lieu of such leave (this provision does not apply to the fire and police chief positions).

(c)

In other departments all vacation time shall be taken, except that at the discretion of the department head, when in the best interest of the operations, may (on an individual and year-to-year basis) decide whether to give time off or additional pay. This provision does not allow vacation pay-out for the purpose of enhancing the employee's highest average salary prior to retirement.

(d)

All employees shall accrue vacation leave from the date of hire into a permanent position and shall be eligible to use vacation leave after six (6) months of employment. Permanent part-time employees shall accrue leave on a prorated basis.

(e)

Any vacation leave denied by a department head which causes an employee to lose vacation time shall be paid at the employee's current rate of pay unless the employee consents to an alternative vacation schedule that will compensate for the threatened loss of vacation time.

(f)

Vacation leave shall ordinarily be taken in at least one-week periods, but shorter periods may be permitted by the department head for special reasons deemed adequate to justify a variance. Vacations will, as far as possible, be scheduled at a time desired by the employee, based on total seniority with the city; but the final right of allotment rests with the department head to ensure continuity of service.

(g)

Vacation time cannot be taken in advance of accrual except as authorized by the department head in operations where considerable notice is required for scheduling vacations. As much as a three-month variance in scheduling from preceding years may be necessary in order to facilitate leave requests and maintain orderly, economical operations.

(h)

Whenever separation from the city occurs prior to the completion of the first six (6) months of employment, the employee shall forfeit accrued vacation leave. Otherwise, an employee is entitled to reimbursement for unused, unexpired, accrued vacation leave; provided that, in case of resignation, required notice of such intention has been given. (See section 19-202).

(i)

Temporary employees shall not be eligible for compensated vacation leave. A temporary employee who is subsequently appointed to a permanent position shall accrue vacation leave from the original date of appointment to the permanent position.

(j)

An employee must be actually engaged in performing assigned duties or on authorized paid leave in order to accumulate vacation leave. An employee in a non-pay status such as leave of absence, shall not accumulate vacation leave for the

duration of the leave.

(k)

An employee may donate accrued vacation leave to another employee with the prior approval of the city manager, provided that the employee receiving the donation is unable to work because of a Family and Medical Leave Act qualifying condition and has exhausted all eligible accrued leaves. Each hour of donated leave shall be considered an hour of leave the employee receiving the donation has accrued and shall be accounted to the employee receiving the donation at that employee's rate of pay. Unused donated hours will be maintained in a pool to be distributed to eligible employees according to procedures established by the director. Employees may also donate accrued vacation leave to the pool in lieu of losing vacation time under the maximum accrual restrictions.

(Code 1964, § 22.750; Ord. No. 11105, § 1, 6-16-86; Ord. No. 11649, § 1 10-5-87; Ord. No. 13442, § 1, 9-21-92; Ord. No. 14617, § 1, 9-18-95; Ord. No. 15304, § 1, 8-4-97; Ord. No. 16191, § 1, 9-20-99; Ord. No. 16618, § 1, 9-18-00; Ord. No. 17016, § 1, 9-17-01; Ord. No. 17850, § 1, 9-15-03; Ord. No. 18254, § 1, 9-20-04; Ord. No. 19230, § 1, 9-18-06; Ord. No. 19677, § 1, 9-17-07)

Sec. 19-130. - Sick leave.

(a)

Sick leave shall be earned and accumulated by pay periods according to the following chart:

	Earned per Year	Maximum Accrual
General employees	18 days	Unlimited
56-hour employees	10 days	Unlimited

(b)

Sick leave shall be granted to an employee for the following:

(1)

Inability to perform duties because of personal sickness, injury, city job-related disability or exposure to contagious disease that could be transmitted to others on the job.

(2)

Necessary medical, dental and optical examination and treatment, and counseling for the employee and immediate family. "Immediate family" as used in this section means the employee's spouse, child, mother, father, or other relative or member of the immediate household permanently residing under the same roof. Sick leave granted for such purposes shall not exceed the actual time necessary for examination or treatment and reasonable travel time as determined by the department head.

(3)

Illness in the employee's immediate family if no one else is available to care for the individual involved.

(4)

Illness in the employee's immediate family requiring in-patient care when all of the employee's eligible accruals have been exhausted such as vacation, floating holiday, compensatory time, etc.

(5)

Birth or adoption of a child by an employee, an employee's spouse or an employee's domestic partner. Generally, the employee will be allowed up to two hundred forty (240) hours of sick leave for this purpose.

(6)

Attending the funeral of the employee's spouse, domestic partner, child, parent, step-parent, sibling, grandparent, grandchild, aunt or uncle, immediate in-laws, parents or step-parents, or member of the immediate household who has permanently resided under the same roof; or for providing pallbearer services (except for hire or as a public service) if the employee had such services verified and approved by the department head before the scheduled funeral. Note: Travel time for pallbearer activities shall not be granted from sick leave accruals. Generally, the employee will be allowed up to twenty-four (24) hours of sick leave per funeral. Determination of eligibility for sick leave use to attend a funeral shall be made by the department head or duly authorized supervisor, exercising reasonable discretion.

(7)

Extreme, extenuating circumstances which threaten the health or welfare of the immediate family such as: household fire or automobile accident. Sick leave may not be used for transportation problems, home repairs, babysitting problems, or similar reasons. Determination of eligibility for sick leave use shall be made by the department head or duly authorized supervisor, exercising reasonable discretion. Additional time, if needed and approved, may be allowed from eligible accruals, or pursuant to leave of absence without pay provisions if all eligible accruals are exhausted.

(c)

Temporary employees shall not be eligible for this benefit; and permanent part-time employees shall accrue leave on a prorated basis.

(d)

An employee must be actually engaged in performing assigned duties or on authorized paid leave to accumulate sick leave.

(e)

Sick leave shall accrue from the date of appointment, but may not be used until after successful completion of the first thirty (30) days of permanent employment. If an employee utilizes sick leave during the first six (6) months of employment, and leaves city service within that six (6) months, the employee's final pay will be reduced by the number of sick leave days utilized, provided final pay does not fall below minimum wage rate for hours worked.

- (f) A department head may request that an employee be given an advance of sick leave not to exceed twenty (20) working days per calendar year, provided such employee has been a satisfactory employee of the city for a period of at least one (1) year. Requests shall be in writing and shall offer adequate justification for the request. The advancement shall be authorized by the city manager provided the employee has exhausted all eligible leave accruals and there is a reasonable chance that the employee will be able to offset the advance by future unused accruals of sick, vacation, and other authorized leaves as soon as possible.
- (g) On separation from the city's service, an employee shall not be entitled to receive reimbursement for accrued sick leave, except under the provisions of the post employment health plan.
- (h) A temporary employee who is subsequently retained in a permanent position shall accrue sick leave from the date of appointment to the permanent position.
- (i) Any employee who is indebted to the city for sick leave advanced but not accrued at the time of his separation shall, whenever possible, have his final pay deducted sufficiently to offset the indebtedness, provided final pay does not fall below minimum wage rate for hours worked.
- (j) Sick leave may be used only with the permission of the employee's duly authorized supervisor. This provision shall apply to all other sections of this plan.
- (k) Employees shall notify their supervisor that they will be unable to work before their normal work day begins, pursuant to specific departmental rules concerning deadlines for such notification.
- (l) Use of sick leave shall be extended by the city for proper cause and concern for the employee's future welfare as a city employee; and it is not an inherent right of the employee to be absent from work. As such, identifiable misuse of sick leave shall be just cause for not extending this benefit and abuse shall be just cause for dismissal.
- (m) Individuals injured in the course of employment with another employer shall not be eligible for use of sick leave accruals for the purpose of recovering from such situations. Employees involved in such circumstances may be eligible for leave of absence provisions of these rules and regulations.
- (n) Except as may be provided in departmental rules and upon the approval of the city manager, employees who claim sick leave and are concurrently gainfully employed, selfemployed or otherwise, shall not be eligible for sick leave; and if they are to remain employed, must request, and have approved, a leave of absence without pay (provided that they have exhausted all eligible accruals).
- (o) Employees working in bona fide, full-time police and fire-fighting classifications may be entitled to receive separate injury leave in addition to sick leave allocations provided the employee is injured while performing assigned duties, as herein provided:
- (1) Injury leave may be allocated in renewable eighty-hour (or less) increments at the discretion of the city manager (seventy-two-hour increments for fire department employees);
- (2) To be eligible for injury leave provisions, the injury must be fully documented within one (1) week of the actual occurrence pursuant to established on-the-job injury reporting requirements. Failure to abide by this time deadline shall constitute disqualification from eligibility for injury leave allocations;
- (3) Before being eligible for injury leave, the employee must submit a timely report of his injury to the department head, if reasonably able to do so, and the department head will request injury leave allocation by the city manager, provided the department head agrees with the request by the employee. Until such time as injury leave may be allocated, the employee will use any accrued sick leave, which may or may not be refundable depending upon circumstances encountered, as determined by the city manager;
- (4) Injury leave will be allocated (if deemed appropriate by the city manager) only for treatment and recuperation for a specific on-the-job injury, and not for incidental ailments which may be identified in the course of addressing the job related injury;
- (5) Injury leave will be immediately revoked and repayment required through other accrued leaves in the event the employee does not provide medical status information as required by the city manager; and injury leave will likewise be revoked in the event the injury is determined to have occurred other than on the job;
- (6) The city manager shall reserve the option to place the injured employee into a limited capacity at whatever tasks the city manager deems appropriate, taking into account the extent and nature of the disability. The individual's salary will be adjusted commensurate with the work being performed, and the difference in salary may be made up (if the

assignment is lower paid) with injury leave so long as the city manager deems appropriate, at his discretion;

(7)

Any reasonable suspicion of misuse of injury leave or questions concerning the authenticity of the injury's extent or occurrence, shall be cause for discontinuing the injury (or any other) leave, requiring repayment for any injury days allocated, and shall also be cause for disciplinary action up to and including dismissal;

(8)

If an employee becomes eligible for disability retirement, any and all injury days or accrued sick leave days shall be canceled;

(9)

Injury leave provisions shall not be retroactive but shall be in effect only subsequent to adoption by the city council.

(p)

Sick leave buy back:

(1)

Eligibility. A permanent employee who, at the end of a fiscal year, has accumulated unused sick leave equal to or in excess of the regular hours the employee normally works in a twenty-six week period (for example, one thousand forty (1,040) hours for an employee on a forty-hour workweek) shall be eligible to participate in the city's sick leave buy back program for the following fiscal year. To be eligible a person must still be employed by the city on the first day of the new fiscal year.

(2)

Buy back provisions. The city, upon the written request of an eligible employee, shall buy back up to one hundred (100) percent of the total unused sick leave accumulated by the employee during the preceding fiscal year which is in excess of the minimum required for eligibility. For each hour of sick leave bought back by the city, the employee shall receive fifty (50) percent of his hourly rate of pay in effect at the time that the sick leave buy back check is written or, in the case of a former employee, the former employee's final rate of pay. The employee's total accumulated sick leave time will be reduced by the number of hours of sick leave sold back to the city.

(3)

Procedure. The deadline for eligible employees to make written requests for sick leave buy back is November 15 of each year, unless extended by the city manager. Employees shall be given at least four (4) weeks' notice of the deadline and the proper procedure for requesting sick leave buy back. For good cause, the city manager may allow an employee to make a late request for sick leave buy back.

(4)

Police and firefighters' injury leave. For purposes of calculating the amount of sick leave which the city will buy back, the total unused sick leave accumulated by an employee during the preceding fiscal year shall be reduced by the amount of any injury leave granted to the employee by the city manager during the preceding fiscal year pursuant to subsection (o) of this section. This provision reduces the amount of sick leave which the city will buy back from an employee. It does not reduce the employee's accumulated sick leave.

(5)

Major illness. An employee who has participated in this program and who subsequently uses all of the employee's accumulated sick leave may be granted, at the employee's request, additional leave at one-half ($\frac{1}{2}$) of the employee's normal rate of pay, up to the number of hours sold back to the city between October 1, 1988 and September 30, 2000, and at three-fourths ($\frac{3}{4}$) of the employee's normal rate of pay on the number of hours sold back to the city between October 1, 2000 and September 30, 2009 and at one-half ($\frac{1}{2}$) of the employee's normal rate of pay on the number of hours sold back to the city after October 1, 2009.

(Code 1964, § 22.755; Ord. No. 12104, § 1, 1-3-89; Ord. No. 13817 § 1, 9-20-93; Ord. No. 14208 § 1, 9-19-94; Ord. No. 14617, § 1, 9-18-95; Ord. No. 15355, § 1, 9-15-97; Ord. No. 16191, § 1, 9-20-99; Ord. No. 16618, § 1, 9-18-00; Ord. No. 17016, § 1, 9-17-01; Ord. No. 18254, § 1, 9-20-04; Ord. No. 18710, § 1, 9-19-05; Ord. No. 19230, § 1, 9-18-06; Ord. No. 19677, § 1, 9-17-07; Ord. No. 20064, § 1, 9-15-08; Ord. No. 20438, § 1, 9-21-09)

Sec. 19-131. - Reserved.

Editor's note—

Ord. No. 19230, adopted Sept. 18, 2006, repealed the provisions of former § 19-131 which pertained to emergency leave. See the Code Comparative Table for ordinance history.

Sec. 19-132. - Voting time.

Any employee eligible and registered to vote in any election held within this state, or any primary election held in preparation for such election, shall, on the day of such election, be entitled to leave from duty (if on duty) which would allow three (3) hours of voting time between the time of opening and the time of closing the polls. This section shall not apply to a voter on the day of election if there are three (3) successive hours, while the polls are open, in which he/she is not on duty. The duly authorized supervisor may specify any three (3) hours between the time of opening and closing of the polls during which an employee may be granted voting leave. Generally, such leave shall not exceed one (1) hour of paid on-duty time for each election day. Exceptions may be arranged with the approval of the department head. Employees are required to show current, eligible voter registration cards to their 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.

(Code 1964, § 22.765)

Secs. 19-133—19-145. - Reserved.

ARTICLE VI. - EMPLOYMENT POLICIES

DIVISION 1. - GENERALLY

Sec. 19-146. - Medical examination.

- (a) A city employee or job applicant may, at any time, be required by the department head to undergo medical examinations or some form of work capacity assessment by physicians or specialists chosen by the city's employee health medical advisor to determine the employee's fitness or continued ability to perform the essential functions of the employee's job. The city medical examination report form shall be used to record the results of the physical examination.
- (b) The results of such examinations or assessments shall be kept by the city's employee health medical advisor for use in considering the appropriate treatments, therapies and accommodations and to determine the employee's continued fitness for work. The results may also be used by the department head when discussing accommodations with the employee and to determine the employee's continued fitness for work.
- (c) The city's employee health medical advisor and employee health nurses shall, during their office hours, be available to all employees for emergency medical consultation and first aid treatment.

(Ord. No. 14617, § 2, 9-18-95; Ord. No. 17016, § 1, 9-17-01)

Editor's note—

Ord. No. 14617 § 2, enacted September 18, 1995, repealed § 19-146 and enacted the new provisions set out above. Former § 19-146 derived from Code 1964 § 22.1110 and Ord. No. 13488 § 1, 10-19-92.

Secs. 19-147—19-155. - Reserved.

DIVISION 2. - APPOINTMENT AND FILLING OF VACANCIES

Sec. 19-156. - Employment positions.

- (a) A permanent employee position is one created and intended to exist for at least one budget year and which is budgeted for at least one thousand forty (1,040) hours. A permanent employee position may be either part-time or full-time.
- (b) A temporary employee position is one created and intended to exist for less than one thousand four hundred fifty (1,450) hours in any calendar year unless extended to one thousand eight hundred (1,800) hours in that year by the city manager. In no event however, will the hours for a temporary employee exceed one thousand eight hundred (1,800) hours per calendar year. Temporary employees have no seniority, grievance, or appeal privileges. Temporary employees shall have no benefits, provided, however, that temporary employees may qualify for LAGERS retirement under the rules of the LAGERS retirement system. A temporary employee position may be either full or part-time.
- (c) A seasonal employee position is one that is created for less than one budget year and is intended to accomplish work that is required on a seasonal basis. A seasonal position may be budgeted for more than one thousand (1,000) hours in the budget year. A seasonal employee position may be either full or part-time.

(Ord. No. 12932, § 1, 4-1-91; Ord. No. 15035, § 1, 10-21-96; Ord. No. 15355, § 1, 9-15-97; Ord. No. 15754, § 1, 9-21-98; Ord. No. 17016, § 1, 9-17-01)

Sec. 19-157. - Employee placements.

- (a) The city manager, the municipal judge, the city clerk and all classified and unclassified employees hired into permanent employee positions are entitled to all city employment benefits; however, those hired into part-time permanent positions shall be eligible for fringe benefits on a pro-rated basis according to the amount of average weekly hours worked.
- (b) Employees hired into temporary positions, whether full or part-time, are not eligible for fringe benefits except LAGERS retirement benefits as provided for in this chapter. If a temporary employee is appointed to a permanent position, a probationary period and fringe benefits will be computed from the effective date of initial appointment to the permanent position.
- (c) Employees hired into seasonal positions are not eligible for fringe benefits.
- (d) The city manager may fill any employee position vacated by military leave or as a result of the induction or enlistment of a city employee into the Armed Forces of the United States by special appointment. Such special appointment shall only be effective for the duration of the absent employee's military service and shall be subject to all terms of the City Personnel

Policies, Rules and Regulations. Special appointments will terminate and expire when the absent employee is released from military service and returns to city employment as required by city ordinance. Those persons with special appointments shall have no further rights to any city employment. While employed in a special appointment the employee shall have those benefits which are attendant to the position the employee fills.

(e)

When sufficient appropriated funds are available, the city manager may hire or promote an employee to a position currently occupied by another for the purpose of training the newly hired or promoted employee; provided that no position shall be so overfilled for more than six (6) months.

(f)

When sufficient appropriated funds are available, the city manager may hire or promote an employee to a position currently occupied by an employee on extended leave because of illness or injury.

(g)

All city employees requiring a Commercial Driver's License (CDL), except city transit employees, to perform the duties of their position shall be subject to the rules of the Federal Highway Administration governing drug and alcohol testing (49 CFR 382). City transit employees employed to operate a revenue service vehicle, control the dispatch or movement of a revenue service vehicle, or maintain a revenue service vehicle shall be subject to the rules of the Federal Transit Administration governing drug and alcohol testing (49 CFR 655).

(h)

All permanent employees (as well as temporary employees requiring a Commercial Driver's License to perform the duties of their position) must pass the appropriate pre-employment testing for drugs and alcohol established by administrative rules promulgated by the city manager.

(Ord. No. 12932, § 1, 4-1-91; Ord. No. 14208 § 1, 9-19-94; Ord. No. 14617 § 1, 9-18-95; Ord. No. 15754, § 1, 9-21-98; Ord. No. 16618, § 1, 9-18-00; Ord. No. 17016, § 1, 9-17-01; Ord. No. 19677, § 1, 9-17-07)

Editor's note—

Ord. No. 12932, § 1, passed on April 1, 1991 repealed §§ 19-156—19-157 derived from Code 1964 §§ 22.800 and 22.805, and enacted new §§ 19-156 and 19-157 as herein set out.

Sec. 19-158. - Acting appointments.

When a vacancy exists in a position and the department head is not prepared to make a permanent appointment to fill the position, the department head may appoint an employee to fill the position on a temporary basis in an acting capacity. The duration of such an appointment shall be only until a permanent appointment subject to standard procedures can be made and shall not exceed six (6) months without written authorization of the city manager. The employee shall be paid at the minimum rate of pay for the position or five (5) per cent more than the employee's current rate of pay, whichever is higher. The employee may be paid at a higher rate of pay with the written authorization of the city manager.

(Code 1964, § 22.810; Ord. No. 18254, § 1, 9-20-04)

Sec. 19-159. - Filling of positions.

(a)

The recruitment and selection process for all classified and unclassified positions in the city service shall be coordinated by the human resources department. Applicants, regardless of race, creed, color, marital status, national origin, political affiliation, religion, sex, age, sexual orientation or disability (see section 19-176 and section 19-146) will be given equal consideration based on their total qualifications and background. All placement activities will be conducted in accordance with the city's equal employment opportunity affirmative action program. Department heads shall notify the human resources department as far in advance as possible of any requirements for new personnel, setting forth such information as requested by the human resources department. The director will then certify names of those best-qualified individuals to the department head for final selection.

(b)

The city manager may authorize the chief of police to fill a budgeted police officer position by contracting with an individual to perform undercover police work.

(1)

The hiring practices of this chapter shall not apply in filling a position under this subsection.

(2)

The chief of police shall consider the city's affirmative action plan in filling a position under this subsection.

(3)

An individual employed under this subsection must meet all qualifications for the position of police officer and must comply with the minimum basic training requirements of this chapter.

(4)

Employment contracts under this subsection shall be for an initial term not to exceed two (2) years and may be renewed for no more than one (1) year.

(5)

Any individual employed under this subsection who is retained by the city shall be treated as a permanent employee under this chapter. Such an individual's probationary period shall be extended to at least one (1) year after the

individual's undercover assignment is completed.
(Code 1964, § 22.815; Ord. No. 12678, § 1, 7-16-90; Ord. No. 15754, § 1, 9-21-98)

Sec. 19-160. - Publicity.

The director shall determine the nature and extent of publicity required to obtain a reasonable number of qualified applicants for each vacancy, consistent with the EEO affirmative action program. All positions open to general competition (non-promotional) shall be announced to the public (through standard announcement form, newspapers, and/or other mass media) for at least ten (10) calendar days in advance of the last date for filing applications. Promotional vacancies, when requested by a department head shall be announced to eligible current city employees on city bulletin boards for at least ten (10) calendar days prior to the application closing date. Job announcements with "open" application submission dates must remain open at least ten (10) calendar days, and may be closed by the director when sufficient applicant response has been achieved.

(Code 1964, § 22.820; Ord. No. 16618, § 1, 9-18-00)

Sec. 19-161. - Applicant screening process.

(a)

The screening process of applicants shall include one or any combination of the following as determined by the director, in consultation with the department head:

(1)

Oral interviews;

(2)

Evaluation of experience;

(3)

Education and training;

(4)

Reference checks;

(5)

Written examinations;

(6)

Performance evaluations;

(7)

Medical examinations;

(8)

Intelligence tests;

(9)

Psychological evaluations;

(10)

Background investigations;

(11)

Physical agility/dexterity tests;

(12)

Other measures as the need arises.

(b)

Reasonable measures shall be taken by the director to establish the reliability and validity of the various screening processes.

(Code 1964, § 22.825)

Sec. 19-162. - Promotion of a present employee.

(a)

If the department head is unable or unwilling to fill a vacancy from a certified list of eligible candidates, the department head shall request that a promotional examination consisting of one or more formal procedures listed in section 19-161, be held to determine more formally the best-qualified present employees who may be contenders for a position. However, for each vacancy, the department head may promote a permanent present city employee in the department who meets the following considerations:

(1)

Meets the minimum qualifications for the classification as shown in the current announcement for that position.

(2)

Is a current paid employee with at least a satisfactory performance work record; and has been certified as eligible for promotion by the human resources department.

(3)

Ranks as one of the certified candidates if a promotional examination is given.

(4)

Has requested promotion into the vacancy in question.

(b)

Qualified individuals requesting interdepartmental promotions must compete with outside candidates unless the proposed promotion meets the full approval of both department heads and the director, and is in conformity with the city's EEO affirmative action program. The human resources department shall keep a list of the city employees who have requested promotion in response to a formal announcement and shall certify the names of those individuals qualified for and interested in the vacancy in question if so requested by the department head.

(Code 1964, § 22.830; Ord. No. 15754, § 1, 9-21-98; Ord. No. 19677, § 1, 9-17-07)

Sec. 19-163. - Open competitive appointment.

(a)

For each vacancy, a department head shall choose a qualified individual certified in writing by the director. Any individual who has not been certified by the director as qualified and eligible for consideration shall not be placed in a permanent position.

(b)

If the department head is unwilling to fill a vacancy from a certified list of eligible candidates, he/she may submit a written request and justification to the director, for certification of additional qualified candidates. The director shall consider the merits of such a request and make a determination in the matter.

(Code 1964, § 22.835)

Sec. 19-164. - Transfer of a present city employee.

(a)

A department head may fill a vacant employee position by accepting the transfer of a current city employee to that position. Before being eligible for transfer to an open position the employee must:

(1)

Have at least the minimum qualifications for the open position; and

(2)

Make a request to the human resources department for transfer and be certified by the human resources department as having the minimum qualifications for the position.

(b)

The city manager may transfer a qualified individual with a disability to an open position when it is necessary to do so to make a reasonable accommodation to the individual.

(c)

An employee may be required by the department head or the city manager to transfer to another position if:

(1)

The employee's total effectiveness becomes marginal;

(2)

A conflict of interest develops; or

(3)

If such a move is in the best interest of departmental operations.

(d)

A transferred employee will be paid in accordance with and accrue leaves and benefits at the rate attendant to the position to which the employee is transferred.

(e)

An employee who retires under one (1) of the city's retirement plans may continue employment with the city if the employee is transferred to a permanent, part-time position budgeted for less than one thousand five hundred (1,500) hours per year and the transfer takes effect on the date of retirement. Any such employee may elect to cash in some or all eligible accumulated leave.

(Code 1964, § 22.840; Ord. No. 13489, § 1, 10-19-92; Ord. No. 15754, § 1, 9-21-98; Ord. No. 18710, § 1, 9-19-05)

Sec. 19-165. - Reemployment of a former city employee.

Former employees of the city, regardless of time since separation shall be required to compete for a position with any other qualified individuals. No retroactive reinstatement of former leave accruals shall be given in the event a former employee is rehired; and eligibility for advanced accruals of leave, based on longevity, shall begin with the last date of hire and not total time with the city.

(Code 1964, § 22.845)

Sec. 19-166. - Laid-off/demoted employees.

(a)

Present full-time permanent employees laid off or reduced to a lower classification due to a reduction in force or

reassignment of priorities, duties, or projects shall be placed at the top of the proper certification list and shall rank ahead of non-city employed individuals competing for the same positions.

(b)

Permanent employees wishing to voluntarily demote with the consent of the department head and director, may do so when all the following conditions are met:

(1)

There is a vacant position available.

(2)

The employee has previously successfully completed a probationary/qualifying period in the vacant position requested.

(3)

There has been no gap in service since the successful completion of the probationary/qualifying period in the vacant position requested.

(4)

When the voluntary demotion is approved, the employee's seniority shall begin over in the new classification.

(5)

Upon reappointment to the new classification, the employee shall be required to successfully complete a probationary or qualifying period of at least six (6) continuous months duration.

(Code 1964, § 22.850; Ord. No. 19230, § 1, 9-18-06)

Sec. 19-167. - Temporary appointments.

(a)

If a position in the classified service is to be filled for a limited time only, appointments may be made from the list of eligible individuals interested in full-time work, except that their temporary or seasonal appointment shall not affect their eligibility for full-time positions.

(b)

Former temporary employees may be rehired without certification by the human resources department provided the human resources department is notified accordingly. All temporary and seasonal appointments shall be coordinated through the human resources department.

(Code 1964, § 22.855; Ord. No. 15754, § 1, 9-21-98; Ord. No. 18254, § 1, 9-20-04)

Sec. 19-168. - General examination provisions.

(a)

The director may refuse to examine an applicant or, after examination, may disqualify such applicant and remove the name from the eligibility list if:

(1)

The applicant is found to be lacking in any of the preliminary requirements established for the position;

(2)

The applicant is disabled or inhibited to an extent which would render the individual unfit for the full performance of duties;

(3)

The applicant has been found to have conflicting interests which may impair or somehow compromise total effectiveness in a given classification (including criminal background, narcotic or alcoholic addictions, business interests, and/or related areas);

(4)

The applicant has made a false statement of material facts on the application;

(5)

The applicant has used or attempted to use political pressure or bribery to secure an advantage in the screening or appointment procedure;

(6)

The applicant has previously been discharged or has had an unsatisfactory service record with the city;

(7)

The applicant has presented an application beyond the formal filing deadline or has failed to sign the application form;

(8)

The applicant requests such an action; or

(9)

An ample number of better qualified candidates are available for the immediate or similar position.

(b)

Individuals' application and examination records shall not be open to public inspection.

(c)

The examination records of all persons who are appointed to positions in a classified service shall be kept on file and shall be retained throughout their employment and for at least fifteen (15) years after their separation.

- (d) The examination records of individuals who fail to pass a screening procedure may be destroyed three (3) years after the date of examination.
- (e) The City of Columbia will test job applicants for current drug and alcohol use prior to offering successful applicants city employment.
- (f) All part-time, temporary, and/or seasonal appointments shall at least meet established minimum qualifications for their respective positions.
- (g) Individuals placed in an acting capacity shall, if they are expected to fulfill the complete responsibilities of a position and meet the minimum qualifications of the permanent position, be paid within the established salary range of the position.
- (h) The director may, as applicable and needed, utilize an applicant's merit examination results established and administered by other merit system agencies through cooperative, reciprocal arrangements for expediting recruitment and screening of applicants.

(Code 1964, § 22.860; Ord. No. 14617 § 1, 9-18-95; Ord. No. 19230, § 1, 9-18-06)

Secs. 19-169—19-175. - Reserved.

DIVISION 3. - EQUAL EMPLOYMENT OPPORTUNITY POLICY AND AFFIRMATIVE ACTION PROGRAM

Sec. 19-176. - General policy.

- (a) It is the policy of the city to promote and ensure equal opportunity for all persons (without regard to race, creed, color, marital status, national origin, religion, sex, age, sexual orientation, handicap, political affiliation or ancestry) employed or seeking employment, using city facilities or being serviced by the city. The policy of equality applies to every aspect of city employment practice and policy involving all activity areas.
- (b) The city assures non-discrimination in recruiting, hiring, training, placement, advancement, compensation, working conditions, demotion, layoff and termination.
- (c) It is, in addition, the policy of the city to assert leadership within the community and to put forth the maximum effort to achieve non-discriminatory, equal employment opportunities throughout the political jurisdiction of the city. Affirmative action will be taken to make known that equal employment opportunities are available on the basis of the merits of the individual and consistent with the city's goals and timetables for staffing in terms of female and minority representation on the city's work force: striving for a work force in each occupation which corresponds to the actual availability of qualified females and minorities for that job in their respective recruitment area.
- (d) Department heads and supervisors are responsible for implementation of this policy and the affirmative action program within their responsibility areas. All applicants and employees shall be expected to be qualified for the position they are seeking, and to indicate through performance, capability of at least acceptably performing assigned duties. Encouragement, information and appropriate on-the-job orientation and training are to be provided to all new employees to assist them in performing their job assignments effectively.
- (e) Job placements shall be made by the city manager as delegated to respective department heads. The appointing authorities (director and department heads) shall encourage, and take appropriate affirmative action from the time of job requisition to hiring decision in all job positions to achieve and maintain EEO objectives and goals as rapidly as possible.
- (f) While EEO affirmative action shall be considered a top priority, neither shall it unreasonably infringe upon the goal of efficient, productive, continuing public service.

(Code 1964, § 22.910; Ord. No. 17016, § 1, 9-17-01)

Sec. 19-177. - Goals and timetables.

Based on statistical employee turnover rates and anticipated, projected changes in total work force allocations; and work force evaluation in terms of race, sex, job position, salary make-up, and related considerations, annual and long-range (if practicable) EEO affirmative action goals will be recommended by the director in consultation with the respective department heads, reviewed by the personnel advisory board, and adopted by the city manager as an administrative policy. Documentation concerning the success of projected goal attainment shall be completed annually by the director, citing conditions and circumstances which may have helped or hindered the program. Subsequent goals and timetables shall be established considering the practical experience and preceding goal success. Identifiable lack of good faith in attempting to achieve established goals shall be just cause of disciplinary action, and shall involve any and all employees.

(Code 1964, § 22.920)

Sec. 19-178. - Program knowledge.

The city will take the necessary steps to ensure that all department heads and other employees and all potential employees are advised of this policy of non-discrimination, and of the city's interest in actively and affirmatively providing equal employment opportunity. These steps will include (but are not limited to) the following:

- (1) A brief statement of the policy in all advertisements for employment.
- (2) Periodic dissemination of policy through the media, new employee orientation discussions, bulletin boards, etc.
- (3) Periodically advising all persons in a position within the city government of their role and responsibility in implementation of this policy.

(Code 1964, § 22.930)

Sec. 19-179. - Recruitment.

- (a) EEO affirmative action will consist of active recruitment of female, disadvantaged, underemployed, and/or minority candidates for positions within the city at all levels.
- (b) Active recruitment will mean:
 - (1) First consideration for filling all vacancies in a department shall be given to qualified employees of lower rank within the same department or qualified employees from other departments.
 - (2) Identification of agencies and programs concerned with educational and employment opportunities for female and/or minority members.
 - (3) Every effort will be made to contact a variety of agencies and individuals to identify prospective applicants, and notification will be made to such agencies of all new positions and the requirements of each as soon as each position becomes available.
 - (4) All vacancies and new positions in city departments or agencies, not initially filled by a present city employee, shall be publicly advertised; and the statement "The City of Columbia is a merit, affirmative action, equal opportunity employer: Male/Female." shall be included wherever practicable in employment advertisements.
- (c) The director will place employment advertising in publications with a broad circulation so that a potentially large number of female and minority groups can be reached.
- (d) Systematic contact will be kept with the local state employment security commission office and community action agencies to encourage referral of applicants for positions.
- (e) Present employees are encouraged to refer female or minority applicants when positions are available.
- (f) The city will aggressively seek more female and minority candidates in classifications in which females and minorities are identified as underutilized by making it known to all recruitment sources that female and minority members are being sought for consideration when positions are available.
- (g) The director will continually review the employment situation to determine if:
 - (1) There are any job categories which, in practical effect, are closed to female and minority groups;
 - (2) Hiring practices indicate that all applicants are considered solely on the basis of their qualifications for the job openings for which they have applied;
 - (3) The initial job in which a new employee is placed is determined or materially influenced by whether or not he/she is a member of a minority group;
 - (4) Minimal entry qualifications are in fact necessary, valid, and justifiable in terms of acceptable and required performance levels;and if problems exist in any of these areas, the director shall take the necessary actions to correct inequities.
- (h) The director will establish a system through which it is possible to verify the number of minority applicants and the number of

minority workers newly employed or promoted in reference to the number of applications received, openings available, and salaries earned.

- (i) All qualifications for employment shall be fully job-related. Any tests given by the city, once reliably and validly established, will be equitable and identical for all applicants for a given position. Continuous review of the tests shall be conducted by the director to ensure their validity.
- (j) The qualifications of all employees, including females and/or those of minority background, will be reviewed regularly to ensure that qualified, interested individuals are considered for promotion and upgrading.
- (k) As many female and minority and/or disadvantaged trainees and summer part-time employees will be used as work needs justify and expenditures allow and shall be on a representative relationship to the general community as much as possible.
(Code 1964, § 22.940)

Sec. 19-180. - Training.

Female and minority employees as well as others will be encouraged to increase their skills and job potential through participation in training and education programs, and the city will regularly review and help to assure that such programs, when established or provided, are available to employees on an equal opportunity basis. The city will seek to have female and minority employees take advantage of training opportunities in numbers that are representative when compared to the size of the work force, and when training is available generally to other employees in the same classification within the parameters of departmental operations and an individual's capability to benefit from various types and degrees of training which may in some cases be significantly advanced and/or cumulative in nature.

(Code 1964, § 22.950)

Sec. 19-181. - General provisions.

- (a) Any collective bargaining agreements which the city may enter into will be in accordance with the principles of placement, promotion and/or transfer of employees without regard to race, creed, color, marital status, national origin, political affiliation, religion, handicap, sex, age, sexual orientation or ancestry; and shall be consistent with EEO goals.
- (b) The director will review job categories where few female and/or minority group members are presently employed, and seek to determine the cause of such situations when shown necessary by study of the available and qualified labor market. Remedial efforts may include such actions as the following:
 - (1) More vigorous recruitment of qualified female and/or minority candidates.
 - (2) Special discussion with appropriate management, supervisory, and other personnel, regarding the city's policy and its desire to ensure full utilization of qualified female and/or minority group personnel in all operational areas.
 - (3) Evaluate qualifications of the lower echelon of female and/or minority group employees to determine whether under utilized skills and capabilities would potentially be more fully employed in other capacities, or would warrant their transfer to other types of jobs more readily leading to advancement. This practice shall be applied equally to all employees.
- (c) Placement, promotion, and transfer activities at all levels will be monitored to ensure that reasonable, equitable, fair consideration has been given to qualified female and/or minority group employees.
- (d) Subcontractors, vendors and suppliers shall be notified of the city's EEO affirmative action policy and requested to take appropriate EEO affirmative action within their own employment practices.
- (e) The director shall compile at least quarterly statistics concerning applicants, placement, and related employment data for the purpose of gauging the effectiveness of the EEO affirmative action program.

(Code 1964, § 22.960; Ord. No. 17016, § 1, 9-17-01)

Sec. 19-182. - Complaint procedures.

Employees or job applicants who feel that they have been discriminated against pursuant to EEO provisions of these policies, rules, regulations and procedures may contact the human resources department to resolve the issue, or may utilize available remedies under existing local, state and federal legislation.

(Code 1964, § 22.970; Ord. No. 15754, § 1, 9-21-98)

Sec. 19-183. - Policy regarding Columbia city employees infected with human immunodeficiency virus.

(a)

Preamble. The responsibility of protecting health and privacy rights of all people is fundamental. It is known that employees who carry the human immunodeficiency virus (HIV) are not dangerous to others through casual contact and, therefore, should not be treated differently. Individuals having a contagious secondary infection, however, could serve as a source of that infection to others and, in those instances, a policy for specific infections should be established and followed.

(b)

Policy. Each case involving HIV infection shall be evaluated separately in order to assess risks and benefits to the infected individual and to all others in the setting.

(1)

These evaluations shall be made by using a team approach involving the individual's physician, public health personnel, and the city human resources department. Other advisors may be included if considered appropriate by the city manager or his designee.

(2)

Employees who are determined to be physically able to work without presenting a danger to themselves will be allowed to do so.

(3)

Only those persons who have a need to know the identity of the HIV-infected individual, in order to detect potential for disease transmission, shall be advised of the individual's identity. The city manager or his designee shall be responsible for determining those who are to be informed of the HIV-infected individual's identity. No additional release of information shall be permitted without the written consent of the individual. The city manager or his designee is authorized to release general information, appropriate to the situation, consistent with maintaining the individual's privacy rights.

(c)

Education. An ongoing, educational program shall be conducted for all city employees.

(Ord. No. 11858, § 1, 4-18-88; Ord. No. 15754, § 1, 9-21-98)

Secs. 19-184—19-190. - Reserved.

DIVISION 4. - PROBATIONARY/QUALIFYING PERIOD

Sec. 19-191. - Objective.

The probationary or qualifying period (see section 19-4 for definitions) shall be regarded as an integral part of the screening process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new, transferred or promoted employee to the position, and for replacing any employee whose performance does not meet the required work standards.

(Code 1964, § 22.1010)

Sec. 19-192. - Duration.

(a)

Every person transferred, promoted, appointed or reappointed to a permanent position with the city shall be required to complete a successful probationary or qualifying period of at least six (6) continuous months duration.

(b)

Individuals placed in entry-level police officer, fire-fighter or airport safety officer positions are required to complete a successful probationary or qualifying period of at least eighteen (18) continuous months. All other commissioned police and fire positions will serve a twelve-month probationary or qualifying period. Positions identified as ineligible for overtime in the city's pay plan, are required to complete a successful probationary or qualifying period of at least twelve (12) continuous months; other positions shall serve a six-month probationary or qualifying period.

(c)

The probationary or qualifying period shall begin immediately upon appointment to a permanent position. The probation or qualifying time period may be extended if deemed necessary by the department head. Such an extension must be processed as a personnel requisition, with review by the director.

(d)

Time spent in an "acting" capacity prior to receiving a permanent appointment to the same classification and department shall be considered as time spent as a probationary or qualifying employee in the position.

(e)

An employee who is promoted or transferred prior to completing a probationary period shall begin a new probationary (not qualifying) period in the new position, and shall have no grievance/appeal privileges until a probationary period is successfully completed in one classification. The employee shall, however, be eligible for benefits specified in these policies (or prorated equivalent thereof if in a permanent part-time position).

(f)

An employee whose position is reclassified will not be required to complete a new probationary or qualifying period. An employee whose position is reclassified prior to completing a probationary period will not complete a new probationary period, but shall be required to successfully complete the original probationary period.

Sec. 19-192.1. - Training hours for probationary police officers.

A probationary police officer shall not be retained in the position of full-time police officer unless the officer successfully completes the minimum certification requirements under the State of Missouri Peace Officers Standards and Training (POST) Program within one (1) year of employment.

(Code 1964, § 22.1025; Ord. No. 10122, § 1, 3-19-84; Ord. No. 17016, § 1, 9-17-01)

Sec. 19-193. - Dismissal.

At any time during the probationary or qualifying period, the department head may remove an employee, if, in the department head's opinion, such employee is unable or unwilling to perform the duties of the position satisfactorily or the employee's attitude, habits or dependability do not merit continuation in the service. An employee removed during the probationary or qualifying period cannot appeal such removal to the personnel advisory board. Employees promoted or transferred into a position who do not successfully complete a qualifying period may be demoted into their previous or similar classification, provided such position is available (vacant) and is authorized in the budget, or may at the request of the department head be authorized and established by the city manager as a temporary position. If such a position is not available, the employee may be placed on priority reemployment or transfer certification lists for recommendation of the department head.

(Code 1964, § 22.1030; Ord. No. 18254, § 1, 9-20-04)

Sec. 19-194. - Report.

(a)

At least fifteen (15) working days (three (3) calendar weeks for firefighting employees on continuous shift assignments) prior to the expiration of an employee's probationary or qualifying period, the department head shall notify the director in writing whether the services of the employee have been satisfactory and whether the department head desires to continue the employee in the position. A copy of such notice shall be given to the employee. Should the department head recommend the employee not be retained on a permanent basis, the employee shall be removed from the position. Employees who satisfactorily complete their probationary or qualifying period may be eligible to be considered for a salary adjustment, if their classification has such a provision in the pay plan, and shall be eligible for full grievance appeal and fringe benefit privileges. Employees serving a twelve (12) month probationary period shall be eligible for full benefit privileges, including possible salary adjustment, six (6) months through their twelve (12) months probationary or qualifying period. Employees serving an eighteen (18) month probationary or qualifying period shall be eligible for full benefit privileges after six (6) months and shall be eligible for possible salary adjustment after twelve (12) months. Employees shall not be eligible for appeal privileges until completion of the probationary or qualifying period.

(b)

The intent of subsection (a) of this section is to provide for the orderly administration of an employee's probationary period. Failure of the probationary employee's department to notify the director as required shall not shorten the probationary period or prevent the department from discharging the employee or extending the employee's probationary period after the 15-day report deadline, but such action must occur prior to the scheduled expiration of the probationary period.

(Code 1964, § 22.1040; Ord. No. 14984, § 1, 9-16-96; Ord. No. 16191, § 1, 9-20-99)

Secs. 19-195—19-200. - Reserved.

DIVISION 5. - SEPARATION FROM SERVICE

Sec. 19-201. - Types of separations.

Separations of employees from city services shall take one of the following forms:

(1)

Resignation;

(2)

Layoff (curtailment of work or lack of funds);

(3)

Retirement (unless the employee transfers to a different position pursuant to section 19-164(e));

(4)

Disability;

(5)

Death;

(6)

Dismissal;

(7)

General separation.

Sec. 19-202. - Resignation.

All permanent employees are expected to give at least ten (10) working days' notice prior to the effective date of resignation in order to leave city service in good standing (thirty (30) calendar days for professional and supervisory employees), unless other arrangements are recommended by the department head and approved by the director. Less than the established notice shall require forfeiture of accrued vacation and floating holiday leave payment if the employee is eligible for such payment. Not leaving city service in good standing may be considered just cause for disqualification for future reemployment.

(Code 1964, § 22.1215; Ord. No. 17442, § 1, 9-16-02)

Sec. 19-203. - Termination date.

The official termination date shall be the date of the employee's last day in attendance at the work station, and all eligible accumulated leave shall be by payment on the next regular pay day. The finance director may make exceptions to this rule in extenuating circumstances. If an employee is permanently leaving the geographical area, arrangements can be made to issue a check on the final day of employment.

(Code 1964, § 22.1220)

Sec. 19-204. - Retirement.

There shall be no mandatory retirement age for city employees, except for police and firefighter employees, as provided in Chapter 18.

(Code 1964, § 22.1225; Ord. No. 11417, § 1, 3-16-87)

Sec. 19-205. - Disability.

An employee may be separated or transferred for disability when the employee cannot perform the required duties of the position because of physical or mental impairment. The city can, at any time, require an employee to be examined by the city's employee health medical advisor or other medical consultant for the purpose of determining an employee's ability to perform the duties of the position. (See section 19-146.)

(Code 1964, § 22.1230; Ord. No. 17016, § 1, 9-17-01)

Sec. 19-206. - Dismissal.

- (a) Nonprobationary permanent employees to be dismissed for just cause shall be given a written notification of the charges against them or the reason for their discharge, along with a written explanation of the facts that support those charges or reasons. As soon as possible thereafter, but in all cases before dismissal, the employee shall be given an opportunity to refute the charges or reasons either in writing or in person before the department head.
- (b) Nothing in this section shall be implied to repeal or supplant the grievance procedures set out in this chapter which allow the appeal of discharges to the city manager or personnel advisory board, nor shall this section be interpreted to give any employee the right of a full adversary hearing prior to discharge.
- (c) Dismissed employees may, at the request of the department head, be issued their final check upon notification of the dismissal and removal from the position.
- (d) A dismissed employee shall be paid for any vacation, floating holiday and compensatory leave the employee has accrued.

(Code 1964, § 22.1235; Ord. No. 10688, § 1, 8-19-85; Ord. No. 20064, § 1, 9-15-08; Ord. No. 20438, § 1, 9-21-09)

Sec. 19-207. - General separation.

An employee removed from city service by mutual agreement or by action of the city manager under circumstances and cause less urgent or extenuating than immediate dismissal, shall be paid for any vacation, floating holiday and compensatory leave the employee has accrued. Disability separation may, with the approval of the city manager, be considered under this provision depending on specific circumstances and conditions.

(Code 1964, § 22.1240; Ord. No. 15355, § 1, 9-15-97; Ord. No. 20438, § 1, 9-21-09)

Sec. 19-208. - Death.

Designated survivors and/or the estate of the deceased employee shall receive the final check issued to the individual pursuant to section 19-203.

Sec. 19-209. - Return of city property.

An employee leaving the city service is responsible for returning any city property which may have been in his/her possession. Upon termination, such property must be returned to the department from which the employee is terminating. Failure to return city property will result in the final check being held up and/or amount of property value deducted from the pay check as recommended by the department head. All separations shall be processed on forms provided by the director and sufficiently in advance of the effective date to enable calculation and adjustment of the final check in terms of leave debits, credit union debts (if applicable), total eligible hours to be paid; and related considerations. The director shall establish eligibility for the total final remuneration in consultation with appropriate departments.

(Code 1964, § 22.1250)

Sec. 19-210. - Temporary separation (suspension).

(a)

A supervisor, duly authorized by the department head, may temporarily suspend the services of a subordinate employee pursuant to division 6 of this article, and shall immediately report any suspension to the department head who shall investigate and, on the basis of his/her findings, shall have the authority and shall be required to take actions in accordance with the following, either separately or in combination:

(1)

Reinstatement without loss of time;

(2)

A verbal or written reprimand;

(3)

Suspension without pay;

(4)

Discharge.

(b)

In addition, the city manager shall have authority to suspend or remove any officer or employee of the city, unless otherwise provided in the charter, when such action becomes necessary for the good of the service. An immediate report of any action taken under the provisions of this rule shall be given to the director who shall review the action in terms of consistency, merit and related factors, and provide a recommendation to the department head for determination and disposition.

(Code 1964, § 22.1255)

Sec. 19-211. - Separation because of curtailment of work.

(a)

In the event of separation because of curtailment of work or lack of funds, such reductions in force shall be limited to the department involved and shall be made in the following order: (The order within each designated category shall be determined by the department head's evaluation of the employee's relative value toward coping with the remaining work-load of the department, giving consideration to classification and length and quality of city and departmental service.)

(1)

Temporary part-time employees.

(2)

Temporary full-time employees or employees on specially budgeted programs.

(3)

Permanent part-time employees serving probationary periods.

(4)

Permanent part-time employees who have completed a probationary period.

(5)

Permanent full-time budgeted employees serving probationary periods.

(6)

Permanent full-time employees with probation completed.

Employees who have been promoted but who are serving a qualifying period at the time of such reduction in force shall be considered as holding a position in the highest classification in which they have completed a probationary or qualifying period.

(b)

Employees separated because of lack of funds shall be given formal written notice at least two (2) weeks in advance of the date of separation or two (2) weeks of regular pay in lieu of such notice.

(c)

The names of employees separated due to lack of funds who have completed a probationary period shall be placed on "reemployment lists" for first consideration in case of call-backs in the same or similar capacity, provided the employee has requested such consideration and is available at the time of recall.

(d)

A department head may, with the approval of the city manager, elect to either:

(1)

Reduce the total working hours of employees, and/or

(2)

Reduce the level of payment and responsibility of current classifications

in order to minimize the effect of general lay-offs as determined by operational needs and feasibility of administration of these options.

(e)

Inconsistent/discriminatory application of this section shall be subject to complaint procedure provisions of section 19-182.

(Code 1964, § 22.1260)

Secs. 19-212—19-220. - Reserved.

DIVISION 6. - CORRECTIVE PERFORMANCE IMPROVEMENT, DISCIPLINARY ACTIONS

Sec. 19-221. - Duties.

It shall be the duty of all employees to maintain high standards of conduct, cooperation, efficiency, and economy in their work for the city. Department heads and supervisors shall organize and direct the work of their units in a manner calculated to achieve these objectives.

(Code 1964, § 22.1310)

Sec. 19-222. - Attitudes.

Whenever work habits, attitude, production, or personal conduct of an employee falls below a desirable standard, supervisors shall point out the deficiencies at the time (or as soon as practicable) they are observed. Corrections and suggestions should be made in a constructive and helpful manner.

(Code 1964, § 22.1320)

Sec. 19-223. - Warnings.

Oral and written warnings with reasonable time for improvement and subsequent review shall precede formal discipline whenever, in the judgment of the department head, an infraction is readily correctable and is of lesser consequence.

(Code 1964, § 22.1330)

Sec. 19-224. - Appropriate corrective action.

Corrective actions shall at all times be promptly administered and executed, thoroughly documented, appropriate to the infraction committed and shall never be on account of political considerations, personal bias, or prejudice.

(Code 1964, § 22.1340)

Sec. 19-225. - Guidelines for corrective action.

(a)

The seriousness of an offense will often vary with the circumstances prevailing at the time it occurred and the motives which prompted it. All factors must be considered when determining the appropriate action to take in a particular situation. The violations set forth in this provision may be considered as just cause for suspension or discharge. The list of offenses presented here does not purport to be all inclusive; neither is it intended that these guidelines should be rigidly followed.

(1)

Obtaining materials or leave time based on fraudulent information; dishonesty; stealing; and other criminal acts.

(2)

Conviction of a felony or of a misdemeanor involving moral turpitude casting doubt on the ability to perform the job effectively.

(3)

Abusive or improper treatment of a client, prisoner, citizen, or other individual in the community or on the city payroll.

(4)

Violation of any lawful and reasonable departmental or city rule, regulation or directive.

(5)

Destruction or loss of city property, including abuse of tools, equipment, and/or clothing allotments.

(6)

Absence from duty without permission, proper notice or satisfactory reason.

(7)

Falsifying records.

- (8) Insubordination: noncompliance with rules, policies, assignments, procedures; provided the individual has been instructed (or given access to knowledge of proper systems) in what is expected.
- (9) Being under the influence of narcotics or alcohol on the job.
- (10) Disregard for the city's EEO affirmative action policy prohibiting discrimination on the basis of race, creed, color, marital status, national origin, religion, sex, age, sexual orientation, handicap, political affiliation or ancestry.
- (11) Incompetence, ineffectiveness, inefficiency or wastefulness in the performance of assigned duties.
- (12) Failure to pay or make reasonable provisions for payment of debts to such an extent that such failure causes continued contact by the employee's creditors, disrupting city business.
- (13) Disregard for safety policies, procedures, reporting requirements, and/or proper use of safety gear, clothing or equipment, or involvement in vehicular or personal accidents indicating a pattern of incidents exceeding city and/or departmental norms, and considering cost and extent of damages resulting therefrom.
- (14) Solicitation or acceptance of money or anything of value to influence decisions in public matters or as a reward for such decisions.
- (15) Engaging in personal business/other employment while on duty, or using city vehicles or equipment for personal use except as such use may be in conjunction with a specific program or assignment.
- (16) An attendance record which demonstrates a consistent or continual lack of availability for work to the extent that inefficiency of services result and increased costs of maintaining the individual on the payroll become counterproductive.
- (17) Engaging in activities which interfere with the individual's, or other employee's, performance on the job.
- (18) Engaging in activities which constitute a conflict of interest as defined in section 19-41(c) of this chapter.
- (19) Possessing unauthorized weapons in the workplace.

(b)

The director shall assist department heads by reviewing disciplinary actions in order to inform the department head of possible inconsistency and lack of uniformity.

(Code 1964, § 22.1350; Ord. No. 16191, § 1, 9-20-99; Ord. No. 17016, § 1, 9-17-01)

Sec. 19-226. - Explanation of action; appeal.

Any disciplinary action taken shall be documented and explained to the employee. Employees who shall be discharged or reduced in rank or compensation shall be presented with written reason for such discharge or reduction. Eligible employees may appeal disciplinary actions against them pursuant to the city's grievance procedure.

(Code 1964, § 22.1360)

Sec. 19-227. - Suspension or termination.

The city manager has the authority to suspend or terminate the services of any employee because of:

- (1) A reduction in force due to lack of funds or a curtailment of work.
- (2) For misconduct, insubordination, violation of regulations (as set forth in this section).
- (3) When such action becomes necessary for the good of the service.

(Code 1964, § 22.1370)

Sec. 19-228. - Authority to administer.

In the absence of a formal statement to the contrary by the city manager, all department heads shall have the authority and responsibility to administer all disciplinary actions including termination of services of an employee under their supervision.

(Code 1964, § 22.1380)

Secs. 19-229—19-235. - Reserved.

DIVISION 7. - GRIEVANCES, COMPLAINTS AND APPEALS

Sec. 19-236. - Definition.

For the purposes of this division, "working day" shall be defined as Monday through Friday, except designated city holidays.

(Code 1964, § 22.1400)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 19-237. - Grievances and complaints.

(a)

All classified employees shall have the right, except as specified herein, to utilize the grievance and complaint procedures of this division when they believe an action taken against them was without just cause. The grievance and complaint procedures of this division shall not be available to the following:

(1)

Probationary employees.

(2)

Employees who are serving a qualifying period subsequent to their initial probationary period except in matters not related to their status in the position in which they are serving the qualifying period.

(3)

Employees or job applicants who feel they have been discriminated against based on race, creed, color, religion, sex, age, sexual orientation, national origin, ancestry, marital status, political affiliation or handicap. Such discrimination cases shall be handled pursuant to section 19-182.

(4)

Temporary employees, as defined by section 19-4 and section 19-157.

(b)

It shall be the policy of the city insofar as possible to prevent the occurrence of grievances and complaints and to deal properly with those which occur.

(Code 1964, § 22.1410; Ord. No. 17016, § 1, 9-17-01)

Sec. 19-238. - Procedures for grievances and complaints.

(a)

Whenever an employee eligible to file a grievance or complaint desires to do so, the employee shall follow the procedures set out in this section.

(b)

Employees who feel that they have been discriminated against pursuant to equal employment opportunity provisions of city ordinance, state or federal laws shall follow the complaint procedures set out in section 19-182.

(c)

An employee complaining about a job performance review may complain directly to the employee's department head and if the employee, department head, and supervisor cannot reach agreement, the human resources director will attempt to conciliate the matter. If the human resources director's recommendation does not resolve the problem, all documentation shall be forwarded to the city manager for final determination.

(d)

All other grievances or complaints must be taken to the person who issued the discipline. Unresolved grievances or complaints will proceed through the department's chain of command as established by the department head.

(1)

Grievances or complaints must be taken to the person who issued the discipline within seven (7) working days following knowledge of the occurrence of the problem. If possible, the grievance or complaint should be settled at this level through discussions with the involved parties. If informal discussions do not resolve the issue, the employee may sign and submit a written grievance or complaint to the human resources department within this same seven-day time period. The human resources department shall assign the grievance or complaint a number for tracking purposes and immediately forward it to the relevant supervisor. The written grievance or complaint must describe specific circumstances and state the remedial action requested. The person who issued the discipline shall have five (5) working days from receipt of the grievance or complaint to respond in writing.

(2)

If step (1) does not resolve the situation, the employee may forward the grievance or complaint to the next supervisory level within five (5) working days following receipt of the supervisor's response. Each supervisor shall have five (5) working days to respond in writing except that when a grievance or complaint is referred to the department head, the department head shall have seven (7) working days to respond.

(3)

If step (2) does not satisfactorily resolve the grievance or complaint, the employee or department head may forward all

written documentation concerning the case to the director for assistance within five (5) working days following step (2). The director will provide a response to the parties involved within seven (7) working days of receipt of the request.

Organized employee groups may arrange to modify this step, allowing the negotiating teams an opportunity to meet and resolve the grievance or complaint. The city's representative would be the director, and the duly authorized and recognized employee representative(s) would represent the employee(s). If the negotiating teams do not resolve the grievance or complaint, the documentation may be forwarded directly to the city manager or in cases of suspensions, dismissals, or disciplinary demotions, to the personnel advisory board pursuant to section 19-239.

(4)

Unresolved grievances or complaints involving concerns other than suspensions, dismissals, or disciplinary demotions may be filed with the city manager's office within seven (7) working days of receipt of the director's response. The city manager shall render a decision within fifteen (15) working days, and this decision shall be final and binding.

(5)

Prior to the expiration of reply deadlines set out herein, the human resources director may, under reasonable circumstances, grant extensions to such deadlines.

(6)

Grievances or complaints which are not specifically resolved and not continued by the employee within the aforementioned time sequences shall be considered as satisfied and not subject to further consideration. Grievance or complaint responses by duly authorized management representatives which are contrary to established time sequences shall automatically proceed to the next higher authority or step in the grievance/complaint procedure.

(7)

Employees may, at their discretion, give written permission on a form to be provided by the human resources department to be represented at any stage of the grievance or complaint procedure by representatives of their choosing. A represented employee shall participate fully at all stages of the grievance. All documents and other submissions by employee's representative shall be read and signed by the employee to verify that submission is truthful and accurate. Employees and their representatives may, with the permission of their supervisors, be granted time off with pay for the purpose of necessary discussions and conferences with city supervisors and administrators relating to the resolution of specific grievances and complaints.

(Ord. No. 15754, § 2, 9-21-98; Ord. No. 17850, § 1, 9-15-03; Ord. No. 19677, § 1, 9-17-07; Ord. No. 20438, § 1, 9-21-09)

Sec. 19-239. - Appeals to personnel advisory board.

Eligible city employees shall have the privilege of appealing grievance determinations involving suspensions, dismissals or disciplinary demotions against them to the personnel advisory board provided the grievance procedure has been utilized by the employee.

Note: Organized employee groups may, through negotiations with the city, arrange to appeal all unresolved grievable issues to the personnel advisory board.

Personnel advisory board appeal procedures are as follows:

(1)

The employee or department head within five (5) working days of receipt of the director's response may file a written request with the city clerk for a hearing before the personnel advisory board. Such request shall set forth in substance the employee's grievance and reasons for appeal of action taken thereon. Such hearing shall be scheduled as soon as possible and shall be conducted by procedures and rules established by the personnel advisory board. The employee(s) filing the grievance shall have the option of having the hearing open or closed, and shall indicate an open or closed meeting upon filing a request for a hearing. If the employee changes his/her mind concerning opening or closing a hearing, such a request shall be made to the board which will make a determination in the matter. The employee shall have the right to be heard and to present evidence. Testimony shall be given under oath and a record made of the hearing.

Each party, as well as the board, may engage counsel and call witnesses. The board shall upon request of any party issue subpoenas and shall in a proper case issue subpoenas duces tecum. Subpoenas shall be issued, served and enforced in the same manner as subpoenas issued under Chapter 536 RSMo. by agencies created by the constitution or state statute. Technical rules of evidence shall not apply. After hearing and consideration of the evidence and within ten (10) working days after the hearing, the board shall render its recommendations in writing to the city manager. As soon as possible after the hearing, a certified written transcript of the hearing along with all exhibits produced at the hearing shall be delivered to the city manager. The city manager shall review the transcript and exhibits and, within thirty (30) days of receiving the transcript, render a decision supported by findings of fact and conclusions of law which shall be final, binding and not subject to further administrative appeal.

(2)

Unresolved grievances involving concerns other than suspensions, dismissals, and/or disciplinary demotions may be filed with the city manager's office within five (5) working days of receipt of the director's response. The city manager shall render a decision within ten (10) working days, and this decision shall be final and binding.

Problems involving sexual harassment or a potential discriminatory situation may be pursued either through the outlined grievance/complaint procedure; or, the employee may contact the human resources department directly.

(Code 1964, § 22.1430; Ord. No. 13821 § 1, 9-20-93; Ord. No. 14167 § 1, 8-15-94; Ord. No. 17016, § 1, 9-17-01; Ord. No. 17850, § 1, 9-15-03)