



City of Roeland Park Personnel Policy

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City of Roeland Park

PERSONNEL POLICIES & GUIDELINES

Printed: Monday, January 30, 2006

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PERSONNEL POLICIES AND GUIDELINES, CITY OF ROELAND PARK, KANSAS

ARTICLE A. GENERAL

A-1. Policies Established. The following policies, guidelines and other provisions for personnel administration in the City of Roeland Park are established to:

- (a) Promote and increase the efficiency and effectiveness of city service.
- (b) Develop a program of recruitment and advancement which will make city service attractive as an employment opportunity.
- (c) Establish and maintain a uniform plan of performance evaluation and compensation based upon the relative duties and responsibilities of each position to assure a fair and equitable wage or salary to all employees.
- (d) Establish and promote high morale among city employees by providing good working relationships, uniform personnel policies, and an opportunity for advancement without regard to race, color, sex, disability, religion, age, national origin or ancestry.
- (e) Establish city employment and personnel policies. These policies are merely guidelines to provide a framework for day-to-day practices and do not create express or implied contractual employment rights. Nothing in these policies and guidelines shall confer upon any employee any right to continued employment. **All employees are considered to be at-will employees for the purposes of city employment, and no supervisor or other management personnel has the authority to change, either orally or in writing, the status of any employee as an employee at will. The City of Roeland Park reserves the right to discharge any employee at any time for any reason whatsoever, with or without cause, and with or without notice.**

A-2. Application of Policies. These policies and guidelines shall apply to all employees in the service of the city except elected officials.

A-3. Departmental Guidelines. The head of any city department may formulate in writing reasonable guidelines for the conduct of the operations of his or her department, such as those relating to safety or operational procedures, which shall be available to all departmental employees. Such department guidelines shall not be less stringent than, in

violation of, or in conflict with any personnel guidelines adopted by the Governing Body.

A-4. Personnel Records. The city clerk shall keep adequate records of all persons employed, their pay scale, time worked, accrued vacation and sick leave, all absences for vacation, sick or other leave, accrued overtime, and all other records directed to be made and maintained under these policies and guidelines or under applicable state or federal law. An employee's personnel file shall be available during office hours for inspection by that employee upon reasonable notice.

A-5. Amendment of Policies. These policies may be amended from time-to-time in the same manner as they were adopted. Any such amendment shall become effective upon adoption by the Governing Body.

ARTICLE B. POSITION CLASSIFICATIONS

B-1. Objectives and Purpose. Position classification is a system of identifying and describing different kinds of work in the organization. Each city position shall, on the basis of the duties, responsibilities, skills, experience, education and training required of the position, be allocated to an appropriate class, which may include either a single position or two or more positions.

B-2. Job Descriptions. Each position shall have a concise descriptive title, a description of the essential and marginal functions (tasks) of the position and a statement of the qualifications for filling such positions. Such descriptions shall be approved by the Governing Body and shall be kept on file in the office of the city clerk and shall be open to inspection by any interested party during regular office hours.

B-3. Pay Range Plan. The Governing Body shall adopt a pay plan annually, with minimum and maximum amounts of pay for each class of positions. The pay ranges assigned to each class of positions shall be periodically reviewed and revised by the Governing Body.

B-4. Maintenance of the Classification Plan. It shall be the duty of each department head to report to the City Administrator any and all organization changes which will significantly alter or affect changes in existing positions or proposed positions. The Governing Body shall approve all new or revised job descriptions and pay ranges for such positions.

ARTICLE C. RECRUITMENT AND PROMOTION

C-1. DEFINITIONS.

(a) Full-Time Employee is one employed to work a normal

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work period of at least 80 hours on a regular and continuing basis. The work week is any consecutive fourteen-day period, except as otherwise provided in Section E-1.

- (b) Part-Time Employee is one employed to work less than a normal work period on a regular and continuing basis.
- (c) Seasonal or Temporary Employee is one employed to work on a regular and/or recurring basis during a specific season or portion of a year.
- (d) Volunteer is a non-paid individual in the position he or she holds. When acting as a volunteer an individual is not an employee regardless of other city employment.

C-2. Recruitment. It shall be the policy of the city to provide fair and equal opportunity to all qualified persons to enter city employment on the basis of demonstrated merit and fitness determined by fair and practical methods of selection, without regard to race, color, sex, disability, religion, age, national origin or ancestry. All vacant positions shall be advertised, except those exempted by the Governing Body on an emergency basis.

C-3. Qualifications of Employment. Applicants for any open position with the city shall be accepted from applicants who meet the stated minimum qualifications established for that position. Each applicant shall complete a job application form. A medical examination or other testing, including drug testing, may be required only after an offer of employment has been made, provided that, such exams or testing are required of all such applicants who are offered employment in similar positions or position classifications. The offer of employment is contingent upon applicant passing required tests.

C-4. Training Period.

- (a) Each employee, following initial employment, shall undergo training, as determined by his or her supervisor, in order to achieve a minimum level of competency.
- (b) Each employee promoted to a classification with higher pay shall also undergo a training period in order to achieve minimal competency in the new position. An employee may be returned to the pay and position he or she held immediately prior to the promotion or to a position with equal pay and responsibility if a minimal level of competency cannot be demonstrated.

C-5. Promotion. It is the policy of the city to fill vacancies for supervisory, skilled and upper-level positions from within the ranks of present employees whenever possible. All

employees seeking promotion shall be expected to meet the minimum qualifications for the class to which they seek promotion. A medical examination or other testing, including drug testing, may be required only after an offer of promotion has been made, provided that, such exams or testing are required of all such employees who are offered promotions in similar positions or position classifications. The offer of promotion is contingent upon applicant passing required tests.

C-6. Nepotism.

- (a) In order to avoid favoritism or the appearance of favoritism based on family relationships, no one shall be employed in a department where the supervisor or department head is a member of their immediate family. "Immediate family" is defined to include only an employee's parents, stepparents, spouse, children, sister or brother, grandparents, grandchildren, mother or father-in-law and brothers or sisters-in-law.
- (b) In addition to the above, no person shall be employed in a position in any department if that person is a member of the immediate family of another employee within that department. Members of immediate families may be employed within the same department if one or more family members are employed only as a part-time, temporary or seasonal employee for not to exceed six months in any 12 consecutive month period.
- (c) If two employees within the same department marry or otherwise obtain a relationship whereby they become members of each other's immediate family, one of the employees shall be transferred to another department, if possible, without loss of pay or other benefits. However, the establishment of such a relationship alone shall not be the basis for termination of employment.

C-7. Citizenship Verification. All new employees shall complete an employment eligibility verification statement in compliance with the federal Immigration Reform and Control Act of 1986.

ARTICLE D. COMPENSATION

D-1. Pay Plan.

- (a) The salary of each employee of the city, except those appointed officers whose salary is specifically set by ordinance, shall, at least annually, be set at an amount within the pay range of the position class the employee is assigned. Such determination shall be made by the Governing Body, with the advice of the City Administrator. An employee's continued employment at the salary rate within the class assigned to him or her

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shall be contingent upon the provisions outlined in Section D-3.

- (b) Employees working on a part-time basis shall receive that portion of the salary assigned to their position to be determined by the actual time they work. The hourly wage for persons employed on a monthly salary basis is computed as follows: Monthly wage times 12 divided by (hours worked per week x 52) equals wage per hour for full-time employees.

D-2. Pay Increases.

- (a) Pay increases shall not be routine or automatic and are subject to approval by the City Administrator.
- (b) Annual cost-of-living pay increases may be given as approved by the Governing Body.
- (c) Subject to the approval of the City Administrator, a department head may award a pay increase to an employee based on an annual performance evaluation submitted by the employee's immediate supervisor.
- (d) Annual longevity pay may be given at the discretion of the Governing Body.
- (e) Annual bonuses may be given at the discretion of the Governing Body.

D-3. Performance Evaluations.

- (a) Employee performance evaluations will be considered in determining salary increases and decreases within the limits established in the pay plan, as a factor in promotions, as a factor in determining the order of layoffs, and as a means of identifying employees who should be promoted or transferred, or who, because of their low performance, should be demoted or dismissed.
- (b) An evaluation of the performance of each full-time and part-time employee based on his or her duties and responsibilities shall be prepared by the employee's immediate supervisor at least annually. The evaluation shall be in writing on forms approved by the Governing Body. The supervisor shall evaluate at least quarterly any employee who has received a poor performance rating. An employee-in-training shall be evaluated on the completion of his or her training period. The supervisor shall present all evaluations to the employee and allow the employee the opportunity to respond in writing, which shall become a permanent part of the evaluation.

D-4. Pay on Termination.

- (a) An employee whose employment with the city has been terminated shall receive his or her final paycheck on the first regularly scheduled payday following his or her termination.
- (b) Employees who terminate shall be eligible to receive pay for any accrued unused vacation.

D-5. Overtime Work.

- (a) Compensation for authorized overtime work shall be at the rate of one and one-half times the employee's regular rate of pay. Overtime compensation shall be paid not later than the first payday following the pay period in which it was earned. At the discretion of the department head, an employee may be given compensatory time off in lieu of cash payments for the overtime worked. Any compensatory time off shall be at the rate of one and one-half times the hours of overtime worked and is accruable up to 240 hours for non-public safety employees and 480 hours for public safety employees. (See Section E-11(d)).
- (b) No person employed in an administrative, executive or professional position, as defined by the federal Fair Labor Standards Act, shall be eligible for overtime compensation.
- (c) Employees shall be eligible to receive overtime compensation for all hours worked in excess of their normal work period. The normal work period for general employees begins on Sunday and ends on Saturday and corresponds with the two-week pay period. A work period for police and firefighters must be established under the Fair Labor Standards Act.

Full-time police officers shall be eligible to receive overtime compensation only for work hours in a work period which exceeds 80 hours per 14-day work period.
- (d) All overtime work must have prior authorization by the employee's department head. At the time of authorization, the department head shall advise the employee whether the overtime compensation shall be in the form of additional wages or compensatory time off. The department head shall maintain records of any overtime worked.
- (e) Upon termination of employment, the accrued compensatory time will be paid to the employee either at the average rate of pay received during the last three years of employment, or at the final regular rate of pay received, whichever is higher.

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D-6. Pay Periods; Paydays.

- (a) The city shall pay all employees every other Wednesday for work performed for the previous two-week period. Should the regular payday fall on a city holiday, pay shall be distributed on the working day immediately preceding that day.

ARTICLE E. ATTENDANCE AND LEAVE

E-1. Hours of Work.

- (a) *General Employees.* The normal work period for general employees, which includes all employees other than police officers and firefighters, shall be 80 hours.
- (b) *Police Officers.* The normal work period for full-time police officers shall average 80 hours.
- (c) *Firefighters.* The normal work week for full-time firefighters shall average 53 hours.
- (d) *Normal Work Hours.* No employee shall be permitted to work in excess of their normal work period except when so directed by the employee's department head.

E-2. Rest Breaks. Employees are entitled to a rest break of 15 minutes for each four hours of work. The time of the rest break, usually mid-morning and mid-afternoon, shall be determined by the employee's immediate supervisor. If upon occasion the employee's workload does not permit a rest break, the employee will not be paid additional compensation for an omitted rest break.

E-3. Holidays.

- (a) The following days shall be paid holidays for city employees:
 - New Year's Day, January 1
 - Martin Luther King Day, third Monday in January
 - Memorial Day, last Monday in May
 - Independence Day, July 4
 - Labor Day, first Monday in September
 - Thanksgiving Day, fourth Thursday in November
 - The Friday following Thanksgiving
 - Christmas Day, December 25

From time-to-time, and for certain special occasions, the Governing Body may by motion designate other days as special holidays on a one-time basis.

- (b) When New Year's Day, Independence Day, or Christmas falls on a Saturday the preceding Friday shall

be the holiday. When New Year's Day, Independence Day, or Christmas falls on a Sunday the following Monday shall be declared the holiday.

- (c) Employees required to work on a city observed holiday shall be granted an alternative day off.
- (d) Part-time employees shall be paid only for city observed holidays which fall on days for which they would otherwise have been scheduled to work. The amount of such pay shall be equal to the wages they would have earned for the number of hours they would have been scheduled to work on that day. Seasonal and temporary employees shall not receive paid holidays.
- (e) To be eligible to receive pay for a city holiday, an employee must not have been absent without leave either on the workday before or the workday after the holiday.

E-4. Vacation Leave. Vacation leave shall be earned beginning with the date of employment under the conditions hereinafter stated. An employee who works fewer than 12 days in any month shall not accrue vacation credit for such month of service; provided, that this restriction of 12 days shall not apply where the employee has worked fewer than 12 days due to authorized vacation or sick leave. No employee shall be permitted to use vacation time for any period spent on unauthorized leave.

- (a) *Full-Time Employees.* Full-time employees are entitled to paid vacation leave time according to the following schedule; provided, no paid vacation leave time may be taken during the first six months of employment.

Years of Continuous Employment

	0 to 5	5 to 10	10 to 15	Over 15
Hours Earned Per Month	8	10.67	12	16
Equivalent Work Days	12	16	18	24
Maximum Hours Accumulation	240	240	240	240
Maximum Hours for One Time Leave	80	120	120	120

Employees on pregnancy leave (E-6) are not subject to the maximum hours for one time leave.

- (b) *Other Employees.* Part-time employees who work at

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least 40 hours or more per work period shall earn vacation credit at the rate of four hours for each month of employment. Seasonal and temporary employees shall not earn vacation leave.

- (c) *Training Period.* Employees-in-training during their initial employment shall be credited with vacation leave for each month of employment but shall not be permitted to use any vacation credit prior to the completion of their training period. Training employees terminated prior to attaining full-time or part-time status shall be paid for any accrued vacation leave.
- (d) *Scheduling.* The dates for the taking of vacation leave shall be scheduled in consultation with the employee's supervisor and department head. In cases where the requested vacation schedules of two or more employees would adversely affect the efficient operation of the city, vacation leave shall be granted on the basis of seniority of city employment.
- (e) *Holiday During Vacation.* City holidays which occur during the taking of an employee's authorized vacation leave will not be counted as a day of vacation.
- (f) *Minimum Hours.* Employees may use vacation leave in units of not less than four hours, subject to the approval of their supervisor.
- (g) *Termination.* Upon termination, an employee shall be compensated for all earned but unused vacation leave at their final rate of pay, subject to the maximum hours of accumulation authorized in the schedule in Section E-4(a).

E-5. Sick Leave. Full-time employees, and part-time employees who are employed to work at least 40 hours or more per work period, shall be entitled to sick leave with pay for absences resulting from illness, injuries, accidents, or other physical incapacity, occurring either on or off the job. Sick leave with pay may also be used for absences resulting from illness, injuries, accidents, or other physical incapacity of the employee's spouse, child, or parent. No employee shall be permitted to use sick leave for any period spent on unauthorized leave. Full-time employees, but not part-time employees, are entitled to sick leave with pay for physical examinations and dental work if they have provided at least one day's notice to their immediate supervisor. The provisions of the Family and Medical Leave Act may apply in some circumstances, please see Article O.

- (a) *Amount of Sick Leave.* Full-time employees shall earn eight hours of sick leave for each full month of service. Part-time employees who are employed to work not less than 40 hours per work period shall receive four

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hours of sick leave for each month of employment.

- (b) *Accumulation of Sick Leave.* No employee may accrue more than 960 hours of sick leave.
- (c) *Computing Sick Leave.* Any absence for a fraction or part of a day which is chargeable to sick leave shall be charged in increments of not less than one hour.
- (d) *Doctor's Certificate.* For sick leave in excess of three work days, a department head may require a signed statement from a health care provider verifying the employee's inability to perform his or her assigned duties because of illness and/or his or her ability to return to work.
- (e) *Notification.* To be eligible for paid sick leave an employee, or his or her representative, shall notify his or her immediate supervisor and give the reason for the absence no later than two hours after the beginning of the first workday for which sick leave is taken.
- (f) *Termination of Employment.* An employee shall not be paid for any unused sick leave upon termination of his or her employment with the city.

E-6. Pregnancy Leave. An employee may claim leave for pregnancy in the same manner as provided for sick leave; provided, however, that the employee may elect to utilize any accrued vacation leave if, and to the extent, such leave is available. An employee may also take leave without pay in the same manner as any other employee on leave without pay status. The provisions of the Family and Medical Leave Act may apply in some circumstances, please see Article O.

E-7. Funeral Leave. In the case of death of a member of an employee's immediate family (to include only the spouse, children, mother, father, brother, sister, grandparents or close relatives by marriage of the employee or employee's spouse), full-time and part-time employees shall be granted funeral leave not to exceed three consecutive working days. Leave in excess of three days may be charged against any unused sick or vacation leave, unless the employee elects to take leave without pay.

E-8. Injury Leave.

- (a) All injuries occurring on the job shall be reported as soon as possible, but in no event later than ten days, to the employee's immediate supervisor.
- (b) Any employee injured on the job shall be eligible to receive injury leave with pay during the seven-day waiting period for workers' compensation claims.
- (c) When an employee receives compensation under the

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workers' compensation act, the pay he or she receives from the city, while an employee of the city, shall be the difference between his or her regular rate of pay and the amount he or she receives from workers' compensation and shall be charged against sick leave.

E-9. Military Leave. Military duty means training and service performed by an inductee or enlistee in the armed forces of the United States, including time spent in reporting for and returning from such training and service. It also includes active duty training as a reservist in the armed forces of the United States or as a member of the National Guard.

- (a) *Eligibility.* Any employee who terminates city service for military duty shall be placed on military leave without pay. Such leave shall extend through 30 days after his or her release from city service. If not accepted for military duty, the employee shall be reinstated to his or her present position without loss of status or reduction in pay. (See K.S.A. 73-213 et seq.)
- (b) *Restoration.* An employee returning from military leave shall be entitled to restoration of his or her former position or a position of like pay and responsibility, provided he or she makes application for reinstatement within 30 days after his or her release from military duty. In addition, the former employee must be physically and mentally capable of performing the duties of the position involved.
- (c) *Vacation and Sick Leave.* Upon restoration to city service, all unused vacation and sick leave credits accumulated prior to the military leave shall be restored except for unused vacation leave paid to the employee at the time of his or her induction or enlistment.
- (d) *Military Training.* Any employee who is a member of any reserve component of the United States armed forces or the National Guard shall be granted military leave, without pay, for a short tour of active duty or field training encampment. Vacation leave with pay may be taken jointly with such military training leave. (See K.S.A. 48-222) However, vacation leave may be used in this manner only once during each calendar year.

E-10. Civil Leave.

- (a) *Civil Leave With Pay.* An employee shall be given necessary time off with pay (1) when performing jury duty, (2) when appearing in court as a witness in answer to a subpoena or as an expert witness when acting in an official capacity in connection with the city, (3) when performing emergency civilian duty in connection with national defense, or (4) for the purpose of voting when

the polls are not open at least two hours before or after the employee's scheduled hours of work. However, an employee shall reimburse the City for juror or witness fees received while on civil leave.

- (b) *Civil Leave Without Pay.* If an employee is involved in a personal lawsuit either as plaintiff or as defendant in an action not related to his or her duties with the city, the employee may take leave without pay unless he or she elects to utilize any accumulated vacation leave.

E-11. Other Leave.

- (a) *Meetings, Seminars.* Any employee may be granted leave with pay to attend meetings, seminars and conventions related to the employee's work for the city when such attendance is authorized in advance by the employee's department head and City Administrator and has been included in the annual budget.
- (b) *Educational Leave.* An employee, upon written request, may be granted leave without pay for a period up to one year to further his or her education or seek specialized training, upon recommendation of the employee's department head and approval by the City Administrator and Governing Body.
- (c) *Leave of Absence.* An employee, upon written request, and with the recommendation of his or her department head, may be granted a leave of absence without pay for a period of up to six months, subject to the approval of the Governing Body.
- (d) *Compensatory Time.* Compensatory time off that is accrued by an employee for overtime worked shall be taken within 13 pay periods following the pay period in which it was earned. (See Section D-5 (a)).

E-12. Request for Leave. Except as provided in Section E-5 (e) as to sick leave, and Article O as to family leave, all leave must be authorized in writing by the employee's department head prior to leave time being taken. A copy of each leave record, including records of sick leave taken, signed by the employee and department head, shall be maintained in the employee's personnel file.

E-13. Credits for Paid Leave. An employee while on paid sick leave, vacation leave or other leave with pay shall continue to earn credit for sick leave and vacation leave, but no leave credit shall be earned by any employee while on leave without pay.

ARTICLE F. OTHER EMPLOYEE BENEFITS

F-1. Retirement - OASDI Benefits. All eligible employees of the city are under the federal OASDI social

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security system, and receive the benefits thereof in accordance with federal laws and guidelines. The cost of this benefit is paid equally by the city and the employee, with the employee contribution subject to payroll deduction.

F-2. Retirement - KPERS/KP&F Benefits. All eligible employees of the city are members of the Kansas Public Employees Retirement System (KPERS) and/or Kansas Police & Firefighter Retirement System (KP&F) and receive the benefits thereof in accordance with state laws and guidelines. Under current law, KPERS members contribute four percent of salary, by payroll deduction. The employer's share is determined by KPERS, and varies annually. The City also makes an annual 457 deferred comp contribution for non-KP&F eligible employees.

F-3. Workers' Compensation Benefits. All employees of the city receive the benefits of the Kansas Workers' Compensation Act, in accordance with such law and guidelines. The cost of this benefit is paid entirely by the employer.

F-4. KPERS/KP&F Death and Disability Benefits. All employees who are contributing members of KPERS/KP&F are eligible for the insured death and disability benefits provided by KPERS/KP&F, which is supplemental to the regular KPERS/KP&F benefits. The cost of this benefit is paid entirely by the employer. This insured death and disability benefit begins on the first day of employment, whether or not the employee is a contributing member of KPERS/KP&F.

F-5. Unemployment Compensation. All employees receive the benefits of the Kansas Employment Security (unemployment compensation) Act, in accordance with such law and guidelines. The cost of this benefit is paid entirely by the employer.

F-6. Life Insurance. In addition to the death benefits provided under OASDI, KPERS and KP&F, the city makes available to each employee the option of purchasing group life insurance, administered by KPERS/KP&F, on a payroll deduction basis. The cost of this additional life insurance is paid by the employee and varies with the options selected by the employee.

F-7. Deferred Compensation. All city employees may participate in any deferred compensation plan offered by the city, for which they are eligible.

F-8. Health Care Program.

- (a) All full-time employees shall be eligible for the city's group health care insurance program beginning on the first day of the month following the initial date of employment. A part-time employee who becomes a

full-time employee shall be eligible for group health care insurance as of the date of change in employment status.

- (b) Employees and officers, other than those described in (a) above, may not participate in the city's group health care insurance program unless the employee's department head has recommended such participation and the Governing Body has approved his or her participation.
- (c) The city's paid participation in the group health care insurance plan shall be the amount necessary to pay the cost of the employee's benefits, and a portion of the cost of family benefits.
- (d) When an individual employee is required to contribute because of participation in the city's group health care program the amount of such contribution shall be a payroll deduction.
- (e) All costs for health care insurance shall be paid by the employee during any period the employee: is on a leave without pay (excluding the Family Leave Law provisions), is on suspension without pay; is on unauthorized leave; or is participating in any unlawful work stoppage.
- (f) Health care insurance coverage shall be extended to an individual who is temporarily disabled and drawing workers' compensation while serving as a city employee. The employee's share of the cost shall be deducted from any compensation due the employee in addition to workers' compensation payments. In the event no additional compensation is due, insurance may be extended at the option of the employer.
- (g) No employee shall be entitled to a cash payment in lieu of health care insurance coverage.
- (h) Retirees of the city, under age 65, shall be eligible for continued participation in the city's health care plan, upon payment of all the costs thereof, in accordance with the provisions of K.S.A. Supp. 12-5040. In addition, the city complies with those provisions of the federal Consolidated Omnibus Reconciliation Act of 1986 (COBRA) relating to the extension of group health care plan coverage upon termination of city employment.

ARTICLE G. DISCIPLINE

G-1. Authority to Discipline. Department heads and/or the City Administrator shall have the authority and the responsibility to discipline employees for violations of the

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city's personnel policies and any departmental guidelines.

G-2. General Policy. The purpose of discipline is to ensure high standards of performance and efficiency, to maintain good working relationships among employees, and to provide the citizens of the city with the highest possible level of courteous and professional public service. Discipline in the city organization is for the most part "self" discipline. It is the duty of employees to make conscientious effort to work and behave in accordance with the values, service standards, policies and guidelines of the city and the department in which they work. Each employee is expected to be self-disciplined and to work hard at being the best at what he or she does and in helping the city provide a high level of public service. When an employee does not exercise adequate self-discipline or is not successful in meeting the requirements of their job, it may be necessary for his or her department head or supervisor to consider disciplinary actions to correct the problem.

An employee is subject to disciplinary action, up to and including termination of employment, if:

- (a) The employee violates these personnel policies and guidelines, or any other written guidelines or procedures applicable to the department in which the employee works;
- (b) The employee's conduct reflects discredit to the city or hinders the effectiveness or efficiency of city operations;
- (c) The employee has performed an act of misconduct, or has failed to perform an act which results in misconduct.

G-3. Disciplinary Actions. The following types of disciplinary actions are officially recognized by the Governing Body:

- (a) Verbal Warning. A verbal warning is an oral reprimand given to an employee by his or her supervisor or department head. A record of the warning shall be recorded in the employee's file.
- (b) Reprimand. A reprimand is a written censure to an employee by his or her supervisor or department head, a copy of which shall be recorded in the employee's file.
- (c) Probation. Probation is a trial period of a specific length of time during which an employee is required to fulfill a set of conditions, or to improve work performance, or to improve on the job behavior. Failure to meet the probationary requirements may result in additional disciplinary actions.
- (d) Salary Reduction. A salary reduction is the lowering of

an employee's rate of pay within the pay range to which the employee's position is assigned.

- (e) Demotion. A demotion is the placement of an employee into a position of a lower pay range.
- (f) Suspension. A suspension is the removal of an employee from service, with or without pay, for a specific period of time.
- (g) Termination. Termination is the removal of an employee from city employment.

G-4. Procedure for Disciplinary Action. Whenever the misconduct of an employee occurs that in the judgment of the employee's supervisor or department head justifies the application of disciplinary action, other than a verbal warning, the supervisor or department head shall:

- (a) Document the misconduct in writing.
- (b) Determine the appropriate disciplinary action to correct the problem.
- (c) Meet with the employee to review the problem and the proposed disciplinary action. The meeting should be private and include only the employee, supervisor, department head or other persons requested to be present by the department head.
- (d) Give the employee an opportunity to refute the facts or argue against the proposed disciplinary action. The employee may submit comments in writing to be attached to the record of the disciplinary action.
- (e) Make a final decision as to the disciplinary action.
- (f) Notify the employee of the action in writing, except for verbal warnings. A copy of the documentation of misconduct and a note as to the form of disciplinary action taken shall be provided to the city clerk for insertion in the employee's personnel file.
- (g) At the time a disciplinary action commences, the employee's supervisor or department head shall notify the employee in writing of his or her right to file a grievance under the city's grievance procedure as set out in Article H.

G-5. Misconduct Subject to Disciplinary Action. The following is a list of misconduct which may subject an employee to disciplinary action, up to and including termination of employment. *The list is not exclusive, it is only representative of the types of misconduct which may subject an employee to disciplinary action. This list is provided for general guidance to employees and does not alter the at-will nature of an employee's employment relationship with the City.*

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- (a) Conviction of a violation of any state or federal criminal law.
- (b) Conviction of a violation of any city law.
- (c) Failure to follow prescribed city or departmental safety policies and procedures including failure to notify his or her supervisor of unsafe working conditions and negligent or willful creation of unsafe conditions in the workplace.
- (d) Violation of personnel policies and guidelines or departmental policies and guidelines.
- (e) Inattention to duty, carelessness, breakage or loss of public property or funds or willful or negligent damage to public property or waste of public supplies or equipment.
- (f) Incompetency or inefficiency in the performance of the duties of his or her position or failure to render satisfactory service.
- (g) Insubordination or other breach of discipline.
- (h) Discourteous or disruptive conduct or other offensive behavior in public, to the public or to employees and officers of the city.
- (i) Abuse of leave, excessive absenteeism or tardiness or absence without leave.
- (j) Temporarily leaving the workplace without the approval of his or her supervisor.
- (k) Failure to give proper notice of absence.
- (l) Sleeping on the job.
- (m) Use of alcohol or drugs, off the job, to the extent that the employee's job performance or effectiveness as a city employee is impaired.
- (n) Inducing or attempting to induce any officer or employee of the city to commit an unlawful act or to act in violation of any lawful or official order or regulation.
- (o) Unauthorized possession of firearms or other weapons on the job.
- (p) Taking or using any funds or property of the city for personal use or for sale or gift to others or the making of any false claim against the city.
- (q) Refusal to abide by any lawful official regulation or order, failure to obey any proper direction made by a supervisor or department head or knowingly making a false statement to any employee or officer of the city.

- (r) Claiming leave time under false pretenses or falsifying attendance records for oneself or another employee.
- (s) Possession or use of alcohol or drugs, except where prescribed by a physician, after being afforded the opportunity to seek professional attention, or use of alcohol or drugs, except where prescribed by a physician, while on duty. Sale of or offering for sale or giving away alcohol or drugs while on duty or at the workplace.
- (t) Illegal harassment of any kind, including sexual harassment.
- (u) Disclosing confidential records or information unless directed to do so by his or her department head or supervisor.
- (v) Revocation or suspension of a certification or license, including a driver's license, when such is required as a condition of city employment.
- (w) Material falsification of application for city employment or making a false statement or report in regard to any test, certification or appointment or any attempt to commit any fraud that violates the merit principles of personnel administration.
- (x) Giving or attempting to give any monetary consideration or the delivery of undeserved service to or from any person or organization for, or in connection with, any test or appointment.
- (y) Taking or offering to take from any person for the employee's personal use, any fee, gift or other thing or service of value, in the course of his or her work or in connection with it, when such gift or other valuable thing or service is given in the hope or expectation of receiving a favor or better treatment than that accorded any other person; accepting a bribe, gift, money or other thing of service or value intended to perform or refrain from performing any official act; engaging in any act of extortion or other means of obtaining money or other things or service of value through his or her position in the service of the city.
- (z) Discharge of duties in a manner which results in discrimination to any person on the basis of race, creed, color, sex, age, physical or mental disability or national origin.

In an appropriate case an employee may be suspended, with or without pay, pending an investigation and review of the matter.

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ARTICLE H. GRIEVANCES AND HEARINGS

H-1. General Policy. Any employee has the right to present a complaint or grievance concerning his or her job, working conditions, salary, relationship between employees and co-workers, supervisor, or departmental head, the application of equal employment opportunity policies, or as an appeal of any disciplinary action taken pursuant to these policies. A sincere attempt should be made by each employee and supervisor to resolve any grievance before it becomes necessary to resort to the grievance procedure.

H-2. Grievance Procedure. The following grievance procedure is established:

- (a) Any complaint or grievance shall initially be filed by the employee with his or her supervisor within seven calendar days from the initial incident. An answer to the grievance shall be provided by the supervisor to the employee in writing within seven calendar days. If the employee disagrees with the decision of the supervisor, the employee may forward the complaint or grievance in writing to his or her department head within seven days of notification of the decision, who shall provide an answer to the employee within seven calendar days.
- (b) If the complaint or grievance cannot be satisfied by the department head, the employee may forward his or her written complaint or grievance to the City Administrator, specifying the nature of the complaint or grievance within seven days of notification of the decision, provided he or she has informed the department head of his or her intentions to do so.
- (c) If the complaint or grievance cannot be satisfied by the City Administrator, the employee may forward his or her written complaint or grievance to the Governing Body through the Mayor, specifying the nature of the complaint or grievance within seven days of notification of the decision, provided he or she has informed the City Administrator of his or her intentions to do so, and request for a hearing thereon.

H-3. Hearing Procedure. The Governing Body may conduct hearings in accordance with the following procedures:

- (a) The hearing shall be held within 30 calendar days from receipt of the employee's request for such a hearing.
- (b) At the hearing, all concerned parties shall be given an opportunity to present their respective side of the grievance together with any pertinent evidence or witnesses as deemed relevant by the Governing Body. All parties shall have the right to cross-examine adverse

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witnesses and evidence.

- (c) All parties shall be allowed the right to have legal counsel present.
- (d) The Governing Body may call for additional evidence as it deems proper.
- (e) The Governing Body shall not be bound by rules of evidence used in judicial proceedings.
- (f) No city employee, serving as a witness, shall be subject to any restraint, interference, discrimination or reprisal for any of his or her testimony in such hearing.
- (g) The Governing Body shall render a decision in writing within five business days of the hearing's conclusion and such decision shall be supported by the evidence. A copy of the finding shall be provided to the employee and the department head and filed in the employee's personnel file.
- (h) The hearing shall not be open to the public unless the employee and city both agree in writing to a public hearing.

ARTICLE I. VOLUNTARY SEPARATION

I-1. Resignation. An employee who terminates his or her employment voluntarily shall be terminated in good standing, providing the employee gives a minimum of two weeks written notice to his or her immediate supervisor or department head. Under appropriate circumstances, a shorter period of notice may be approved by the employee's department head and the City Administrator.

I-2. Reinstatement. An employee who was terminated in good standing and who is re-employed within a period of 120 calendar days following separation may be reinstated at not more than the salary he or she was receiving at the time of his or her termination. Upon reinstatement within 120 calendar days following separation, an employee shall receive credit for all unused sick leave he or she had accrued as of the time of separation.

ARTICLE J. ILLEGAL HARASSMENT (INCLUDING SEXUAL HARASSMENT)

J-1. Purpose. It is the policy of the city to maintain a work environment free of intimidation, insult, and harassment. To insure that this policy is strictly adhered to, the city will not tolerate illegal harassment of any of its employees based on such factors as sex, race, color, national origin, age or disability and will take immediate disciplinary action if such behavior occurs. Harassment includes verbal, physical and visual conduct that creates an intimidating, offensive or hostile

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work environment or that interferes with work performance. Some examples include racial slurs, ethnic jokes, posting of offensive cartoons, or other similar conduct.

J-2. Sexual Harassment. The following specific guidelines address claims of sexual harassment. Unwelcome sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual nature constitute sexual harassment when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of an employee's employment;
- (b) Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting such employee; or
- (c) Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment. Examples of sexual harassment include such things as:
 - (1) verbal harassment, including sexual remarks and sexually derogative comments or slurs;
 - (2) visual harassment, including sexually derogatory posters, cartoons, drawings, etc.;
 - (3) physical interference with normal work or movement; or
 - (4) unwelcome sexual touching or advances.

J-3. Policy.

- (a) No employee, whether supervisory or nonsupervisory, may sexually harass another employee.
- (b) Any employee who believes that he/she is the victim of unwelcome behavior that would constitute sexual harassment or who is aware of behavior directed at others that he/she believes would constitute sexual harassment shall immediately report all incidents to any supervisor.
- (c) All complaints involving claims of sexual harassment shall be promptly and confidentially investigated.
- (d) Appropriate corrective action will be taken against any employee, supervisory or nonsupervisory, found to have engaged in the sexual harassment of another employee up to and including termination of employment.

J-4. Complaint Procedure. Any employee who feels he/she is being subjected to sexual harassment should

immediately contact one of the persons listed below with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

- (a) Employee's immediate supervisor
- (b) Employee's department head
- (c) City Clerk
- (d) Other supervisory personnel
- (e) City Administrator

The employee should be asked to provide the following information:

- (1) Employee's name, department and position title.
- (2) Name of the person or persons committing the harassment.
- (3) Date(s) and approximate time(s) of the harassment.
- (4) The specific nature of the sexual harassment, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against him/her as a result of the harassment.
- (5) Witnesses to the harassment, if any.
- (6) Whether the employee has previously reported such harassment and, if so, when and to whom.

After receiving a sexual harassment complaint, the person receiving the complaint should document the incident in writing. All information disclosed in the complaint procedure will be held in confidence and will be disclosed only on a need-to-know basis in order to investigate and resolve the matter.

J-5. Review of a sexual harassment complaint. It is the responsibility of the City Administrator to coordinate the investigation of sexual harassment complaints. If the City Administrator is the subject of the complaint, the City Clerk shall coordinate the investigation. The following procedures shall apply to the handling of such complaints:

- (a) The person to whom the complaint is made shall immediately present it to the City Administrator;
- (b) An investigation of the alleged incident shall be promptly started;
- (c) The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator by the person(s) complaining

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of sexual harassment, witnesses interviewed during the investigation, the person against whom the complaint of sexual harassment was made, and any other person contacted by the investigator in connection with the investigation.

- (d) The investigator may notify the employee(s) accused of the sexual harassment of the complaint (immediate notification is not necessary if such notification would jeopardize the investigation) and provide such employee (s) an opportunity to respond to the allegation.
- (e) Based upon the investigation, the record as a whole and the totality of circumstances, including the nature of the conduct in question the City Administrator will determine the appropriate corrective action.
- (f) As a form of corrective action, the City Administrator may recommend to an employee's supervisor that disciplinary action be taken against the employee based on conduct revealed by the investigation.
- (g) If the City Administrator determines the complaint of sexual harassment is unfounded, he/she shall notify the employee accused of sexual harassment of the determination and advise that no disciplinary action is warranted.
- (h) The employee making the complaint shall be notified when the investigation is concluded and the results of the investigation consistent with confidentiality requirements for personnel records.
- (i) If the City Administrator determines after reviewing the investigation report that the complaint was intentionally falsified by the employee filing the complaint, the City Administrator shall report such action to the employee's supervisor for immediate and appropriate disciplinary action.

J-6. Appeal of the decision. Within ten (10) working days of written notification to the employee of the City Administrator's decision, the complainant or respondent may make a written request for a final review of the record by the Mayor.

The Mayor, in response to a timely appeal, will either:

- (a) Review the record and provide a final decision within five (5) working days of the receipt of the appeal, or
- (b) Schedule a hearing with the appealing party to hear his/her appeal, within ten (10) days following the receipt of the appeal.
 - I. The meeting date can be scheduled at a time,

convenient to all parties, with mutual consent (including beyond the ten (10) day period).

2. A final decision will be made by the Mayor.
3. Copies of the decision shall be sent to the complainant and respondent by registered mail, return receipt requested, and a copy will be given to the City Administrator.

J-7. Records of a sexual harassment complaint. All records concerning a sexual harassment complaint shall be confidential and kept in a separate locked file except those affected by Kansas Open Records Act. Access to these records shall be given only with the City Administrator's approval to parties who have a direct and relevant need to know.

ARTICLE K. POLITICAL ACTIVITY

K-1. Political Activity. It is the right of every employee to register and vote on all political issues. Employees are permitted to join political organizations, civic associations or groups and to become involved in political activities subject to the restrictions of this article.

- (a) As private citizens, employees may participate in all political activities, including holding public office, except for activities involving the election of candidates for any city office and where holding an appointive or elective public office is incompatible with the employee's city employment.
- (b) City employees are not prohibited from supporting candidates for office nor from contributing labor to candidates and organizations that endorse candidates. Employees are not permitted to be candidates for city elective office or to make public endorsements of a candidate for city elective office.
- (c) Any employee desiring to become a candidate for city elective office shall first take leave of absence without pay or resign. Should an employee on leave of absence without pay be unsuccessful in seeking such elective office, he or she shall be returned to employment on the same terms and conditions as any other employee who has taken leave of absence without pay. An employee is considered to be a candidate for elective office once all statutory requirements have been met to qualify as a candidate.
- (d) Political activity must not interfere with job attendance or performance. Employees are not permitted to solicit or handle political contributions in city elections. They are not permitted to wear or display political badges,

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buttons or signs on their person or on city property during on-duty hours.

- (e) No supervisor or other person in authority shall solicit any city employee for contributions of money or labor for any candidate for elective office, or otherwise compel, or attempt to compel, any employee to support a candidate for elective office or to engage in any political activity.
- (f) The purpose of this policy is to prevent and avoid the appearance of impropriety on the part of any city employee. City employees are neither appointed to, nor retained in, the city's service on the basis of their political affiliations or activities.

ARTICLE L. OUTSIDE EMPLOYMENT

L-1. Outside Employment. Outside employment constitutes a city employee holding a second job with another employer. Outside employment by a full-time employee is permitted only when such outside employment: (1) is considered secondary to service with the city; (2) does not interfere with the performance of duties for the city; and (3) no legal, financial or ethical conflict of interest results from such dual employment. An employee must obtain approval in writing from his or her department head and the City Administrator prior to accepting outside employment or any change in the nature of such outside unemployment. A request to perform continuous outside employment must be renewed annually by the employee and re-authorized by the department head and the City Administrator.

ARTICLE M. WORKER SAFETY

M-1. General Safety. All employees are required to wear appropriate safety equipment and follow appropriate safety precautions according to city and/or departmental policy at all times. Failure to comply with safety policies may result in disciplinary action.

ARTICLE N. RESIDENCY

N-1. Residency. Residency requirements, if any, are determined by the Governing Body.

ARTICLE O. FAMILY AND MEDICAL LEAVE

O-1. Family and Medical Leave. Upon request, any employee will be granted up to 12 weeks of unpaid family and medical leave during any 12 month period. Such leave will be available as the result of the birth, adoption or placement of a child for foster care, to care for a spouse, child or parent with a serious health condition or due to the disabling illness of the employee. Where possible, employees are required to provide at least 30 days notice before beginning to take leave.

An employee may choose or the employer may require that any accrued paid vacation, sick or personal leave of the employee be substituted for the 12 weeks of leave provided under this law.

- (a) *Eligibility.* An employee must have worked for the city at least 12 months and for a minimum of 1,250 hours during the pervious year. Where a husband and wife work for the city, the total number of weeks leave to which both are entitled will be limited to 12 weeks during any 12 month period. Where leave is requested as a result of a serious health condition, the employee will provide the city a certification statement issued by a health care provider. Should there be a question of validity of the certification provided by the employee the city may, at its own expense, require an opinion from a second health care provider. Where there is a conflict between the two opinions, the city may pay for the opinion of a third providerve benefits.
- (b) *Restoration.* An employee returning from family leave will be entitled to return to their position or to a position with equivalent benefits, pay and other terms and conditions of employment.
- (c) *Vacation and Sick Leave.* Employees on family leave will not accrue any seniority, vacation or sick leave benefits.
- (d) *Health Insurance Coverage.* The city will continue to provide health care coverage under the same provisions as prior to the leave. Where the employee fails to return from leave, the city can recover the premium(s) that have been paid on behalf of the employee to maintain health care coverage. If failure to return to work is due to the continuation, recurrence, or onset of a serious health condition beyond the employee's control the employee will not be liable for health care premiums paid while on family leave. In such cases, a certification issued by a health care provider will be required.

ARTICLE P. TECHNOLOGY

The purpose of this policy is to establish guidelines for use of the City's computer, communication, and related systems to ensure that this equipment is used in a manner consistent with its intended purpose and the mission of the City, and to discourage or eliminate inappropriate use of the equipment.

P-1. Definitions:

- (a) *Technology Equipment* includes all computers and related hardware and software, voice mail, electronic mail, internet access, internet e-mail, phone systems, network systems, voice and data communications, printers, copy

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and fax machines, video cassette recorders, cameras, pagers, radios, and electronic equipment in general which is owned by the City, licensed to the City, or otherwise provided for use by the City through the use of public funds.

- (b) *Management Staff* are Department Heads, their designees, or other City staff in supervisory positions.
- (c) *Network* any City owned or operated computer, telephone, or electronic system.

P-2. General Computing and Network Policy.

- (a) Violations to this Policy are subject to disciplinary action as outlined in ARTICLE G.
- (b) All users of the City of Roeland Park's technology equipment must adhere to City, State, Federal, and International laws governing the use of such equipment. All users of the City of Roeland Park's technology equipment should strive to use such equipment in an efficient, effective manner consistent with the City's mission, and must avoid unethical, unauthorized, or any other use of such equipment in a manner inconsistent with good stewardship of public resources.
- (c) Any provision or provisions of this policy may be waived only for unusual circumstances, and only with the concurrence of an individual's supervisor and the City Administrator or his/her designated representative.
- (d) Users of the City of Roeland Park's network services shall promote efficient use of the networks to minimize, and avoid if possible, congestion of the networks and interference with the work of other users of the network.
- (e) Encryption of communications will be allowed only if it is determined to be necessary for the protection of citizens or employees, or is determined to be an integral part of an employees performance of their assigned work.
- (f) Any approved software that is loaded/downloaded will be kept on an official log.

P-3. Prohibited Uses.

- (a) Use of the City's technology equipment for threats, harassment, slander, defamation, obscene or suggestive messages and images, political endorsements, commercial activities, or for the production or dissemination of any material which is discriminatory with regard to race, sex, religion, ethnicity, disability, and/or age is prohibited.

- (b) "BIOS" (basic in and out system) passwords, unless approved by the City Administrator or his/her designated representative.
- (c) Intentionally disrupting or damaging any of the City's network services or any components of the system.
- (d) Deletion, examination, copying, or modification of files and/or data belonging to other users without their prior consent.
- (e) Any unauthorized access or attempts to gain unauthorized access to data, system resources and passwords.
- (f) Any attempt to secure system access privileges other than those assigned by the System Administrator of his/her designated representative.
- (g) Decryption of system or user passwords.
- (h) The copying or deleting of any software without the authorization of the City Administrator.
- (i) Infringement on software licenses and copyrights.
- (j) Loading of software onto the City's network, or any component of the network, without the advance approval of the City Administrator or his/her designated representative.
- (k) The intentional introduction of computer viruses or other disruptive programs into the City's system.
- (l) Sharing of passwords with other users.

P-4. Privacy Policy.

- (a) No individual or group utilizing the City's technology equipment should have any expectation of a guarantee of privacy in their use of the City's technological equipment. The equipment is managed by the City for the purpose of City business, and authorized representatives of the City may access any aspect of the City's technology equipment at any time for work related non-investigatory or investigatory purposes. Authorized representatives of the City may, without advance notice, access any portion of the City's technology equipment for purposes related to claims of misconduct by City staff.
- (b) Management reserves the right to monitor the use of any or all portions of the City's technology equipment, including electronic messages either sent or received,

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electronic files stored on the City's network, and internet sites visited.

- (c) Management reserves the right to access, without notice, data or text caches, pager memory banks, e-mail, voice mail boxes or accounts, and other employer provided electronic storage systems.
- (d) All data, information, electronic mail, and other documents contained on the City's network, or any component of the City's network, is City property, and may be accessed by authorized representatives of the City.

P-5. Electronic Mail Systems.

(a) *Privacy, Confidentiality and Public Records Considerations*

(i) The City will make reasonable efforts of maintain the integrity and effective operation of its electronic mail systems, but users are advised that those systems should in no way be regarded as a secure medium for the communication of sensitive or confidential information. Because of the nature and technology of electronic communication, the City can assure neither the privacy of an individual user's use of the City's electronic mail resources nor the confidentiality of particular messages that may be created, transmitted, received, or stored thereby.

(ii) All electronic files and messages on the City's systems are periodically backed up, and generally available for re-creation even if erased.

(iii) In all electronic mail communications, be polite and use appropriate language.

(iv) Delete all messages from the electronic mail system when they are no longer needed to help efficiently manage network storage resources.

(b) *Permissible Uses of Electronic Mail*

(i) Authorized Users: Only City employees and other person who have received permission under the appropriate authority are authorized users of the City's electronic mail systems and resources.

(ii) Purpose of Use: The use of any City resources for electronic mail must be related to City business. Incidental and occasional personal use of electronic mail may occur when such use does not generate a direct cost for the City. Any such incidental and occasional use of City's electronic mail resources for personal purposes is subject to the provisions of this policy.

(iii) Prohibited Purposes:

- 1) Personal use that creates a direct cost for the City.
- 2) The City's electronic mail resources shall not be used for personal monetary gain or for commercial purposes that are not directly related to City business.

(iv) Prohibited Uses: Prohibited uses of electronic mail includes, but are not limited to the following:

- 1) Do not use the City's electronic mail system for sending "junk mail" or "chain letters".
- 2) Never send electronic mail from someone else's account or electronic mail address.
- 3) Sending copies of document in violation of copyright laws.
- 4) Inclusion of the work of others into electronic mail communications in violation of copyright laws.
- 5) Capture and "opening" of other employees' electronic mail except as required in order for authorized employees to diagnose and correct delivery problems.
- 6) Use of electronic mail for personal political use.
- 7) Use of electronic mail to harass or intimidate or to interfere with the ability of others to conduct City business. This prohibition specifically includes any communication which violates the City's policies against illegal harassment and discrimination.
- 8) Use of electronic mail systems for any purpose restricted or prohibited by laws or regulations.
- 9) "Spoofing," i.e., constructing an electronic mail communication so it appears to be from someone else.
- 10) "Snooping," i.e., obtaining access to the files or electronic mail of others for the purpose of satisfying idle curiosity, with no substantial City business purpose.
- 11) Attempting unauthorized access to electronic mail or attempting to breach any security measures on any electronic mail system, or attempting to intercept any electronic mail transmissions without proper authorization.
- 12) To distribute defamatory, fraudulent or

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harassing messages, or otherwise to engage in any illegal or wrongful conduct.

- (c) **City Access and Disclosure:** By accepting and continuing employment, employees of the City are consenting to the City's monitoring of their e-mail communications on City equipment and/or on City premises and/or on City paid time.

(i) **General Provisions:**

1) To the extent permitted by law, the City reserves the right to access and disclose the contents of employee and other users' electronic mail without the specific consent of the user beyond the general consent provided as a condition of employment. The City will do so when it believes it has a legitimate business need including, but not limited to, those listed in paragraph 3 below.

2) Employees and other users are advised that the City's electronic mail systems should be treated like a shared filing system, i.e., with the expectation that communications set or received on City business or with the use of City resources may be made available for review by any authorized City official for purposes related to City business.

3) Any user of the City's electronic mail resources who makes use of an encryption device to restrict or inhibit access to his or her electronic mail must provide access to such encrypted communications when requested to do so under appropriate City authority.

(ii) **Monitoring of Communications:** The City will not monitor electronic mail as a routine matter but it may do so to the extent permitted by law as the City deems necessary for any valid business purposes, including employee supervision.

(iii) **Inspection and Disclosure of**

Communications: The City reserves the right to inspect and disclose the contents of electronic mail:

- 1) In the course of an investigation triggered by indications of misconduct or misuse,
- 2) As needed to protect health and safety,
- 3) As needed to protect the rights or property of the City,
- 4) As needed to prevent interference with the business mission of the City

- 5) To detect employee wrongdoing, or
- 6) As required for employee supervision or performance management.

The City will inspect and disclose the contents of electronic mail when such action is necessary to respond to legal processes and to fulfill the City's obligations to third parties.

(iv) Limitations on Disclosure and Use of Information Obtained by Means of Access or Monitoring

The contents of electronic mail communications, properly obtained for City purposes, may be disclosed without permission of the user. The City will attempt to refrain from disclosure of particular communications if disclosure appears likely to create personal embarrassment, unless such disclosure is required to serve a business purpose or satisfy a legal obligation.

(v) Special Procedures to Approve Access to, Disclosure of, or Use of Electronic Mail Communications

Individuals needing to access the electronic mail communications of other, to use information gained from such access, and/or to disclose information from such access and who do not have the prior consent of the user must obtain approval in advance of such activity from the appropriate City authority. Any employee accessing the electronic mail communications of other without permission will be subject to disciplinary action as indicated in ARTICLE G.

(vi) Definition of City Authority

For the purposes of this policy, City Authority is defined as having approval of the Governing Body or by the City Administrator.

P-5. Internet Access.

- (a) Authorized Users: Internet access is provided to City staff only by approval of Department Heads, and with the concurrence of the City Administrator or his/her designated representative
- (b) Purpose of Use: The use of any City resources for Internet Access must be related to City business. Incidental and occasional personal use of Internet Access may occur when such use does not generate a direct cost for the City. Any such incidental and occasional use of Internet Access resources for personal purposes is subject to the provisions of this

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policy.

(c) Prohibited Purposes:

- (i) Accessing adult entertainment, pornography, illegal, suggestive or other inappropriate material via the Internet at any time from any City facility using either privately-owned or City technology equipment.
- (ii) Personal use that creates a direct cost for the City.
- (iii) The City's Internet Access resources shall not be used for personal monetary gain (ie. engage in e-commerce, investment banking activities or gambling activities, legal or illegal) or for commercial purposes that are not directly related to City business.

P-6. CJIS SYSTEM POLICY (Exhibit "A")

P-7. KBI POLICY (Exhibit "B")

**ARTICLE Q. DRUG, ALCOHOL AND
CONTROLLED SUBSTANCE ABUSE POLICY**

Q-1. Background and Covered Employees. The alcohol, Drug and Controlled substance abuse policy applies to all City Employees.

The Federal Department of Transportation (DOT) and various other Federal Programs specifically requires additional prohibitions, notices, testing and training for employees involved with the operations of mass transit, aviation and commercial motor vehicles. Each agency of the DOT issues regulations specific to their industry. The City Administrator is responsible for developing and implementing procedures for compliance with such regulations and shall issue copies of the procedures to covered employees as appendices of the Personnel Policy Manual. In the event of any conflict between rules and regulations, the stricter rule or regulation shall govern.

Q-2. Policy Objectives. The City has an obligation to its employees to take reasonable steps to ensure a drug free and safe place to work. The City also has an obligation to the citizens of Roeland Park and the public at large to provide quality and safe services through a policy and program prohibiting alcohol, illegal drugs, and controlled substances in the workplace.

Q-3. Policy Statement. The City Prohibits the unlawful manufacture, distribution, dispensing, possession or use of alcohol/intoxicants, drugs, and controlled substances in the workplace. Any employee who violates this policy will be subject to disciplinary action, which may include termination.

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Q-4. Prohibitions. The Mayor, City Council and City Administrator of the City of Roeland Park affirm the City's policy that, as a condition of employment, all employees will abide by the policy for a drug-free workplace and adhere to the following prohibitions:

- (a) No employee shall report to work under the influence of alcohol/intoxicants, drugs, or controlled substances.
- (b) Employees shall not unlawfully manufacture, distribute, dispense, possess, or use illegal drugs or controlled substances in any manner (i) on City premises or in City vehicles at anytime, whether or not performing City business, or (ii) while performing City business at any location. An employee convicted of violating any criminal drug statute on or off City property will be subject to disciplinary action, including termination. This section does not apply to any employee performing law enforcement responsibilities.
- (c) Employees shall not use City property or their position with the City in any way to make or traffic alcohol/intoxicants, illegal drugs, or controlled substances for their own purposes.
- (d) Employees shall not engage in any other illegal use, possession, or trafficking of alcohol/intoxicants, illegal drugs, or controlled substances in a manner which is detrimental to the interest of the City of Roeland Park.

Q-5. Notice of Conviction. Any employee convicted of a criminal drug statute violation occurring in the workplace will notify the City Administrator of such conviction no later than five days after conviction.

Q-6. Notice of Legal Drugs or Medications. Any employee who is taking a drug or medication, whether or not prescribed by the employee's physician, which may, adversely affect that employee's ability to perform work in a safe or productive manner is required to report such use of medication to his or her supervisor. This includes drugs which are known or advertised as possibly affecting judgment, coordination, or any of the senses, including these which may cause drowsiness or dizziness. Employees shall not commence or continue work if they are uncertain whether they can perform their duties safely.

Q-7. Drug Awareness Program. Employees are made aware of the drug-free workplace policy and dangers of drugs in the workplace through the display and distribution of

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informational material. The information includes the effects and consequences of drug use on personal health, safety and the work environment, and the manifestations and behavioral cues that may indicate drug use and abuse. Supervisors receive 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable drug use and 60 minutes of training on alcohol misuse. The program also includes information about the availability of drug counseling and rehabilitation as provided by the City of Roeland Park.

Q-8. City's Right to Search. When the City has reason to believe an employee is violating any aspect of this policy, the City may ask the employee to submit immediately at anytime (including breaks and the meal period) to a search of any locker, lunch box, briefcase, purse, wallet, personal belongings, desk, vehicles, or other receptacle the employee uses or has access to, available for inspection. Entry on City premises constitutes consent to searches and inspections. Refusal to consent to a search or inspection when requested by the City constitutes insubordination and is a violation of City policy.

Q-9. City's Right to Test. An individual may not be hired to perform a safety sensitive function unless the individual passes a drug test of urine for evidence of marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines. All new hires and re-hires of full-time, part-time, or temporary/ seasonal employees may be required to take a urine or other medical test and to agree in writing to allow the results of those tests to be furnished to and used by the City. Those persons who do not pass such test(s) shall not be employed.

An employee performing a safety sensitive function who is reasonably suspected of using alcohol or a prohibited drug, when a supervisor who is trained in the detection of alcohol and drug use can substantiate physical indicators of probable drug use, may be required to take a drug or alcohol test(s) or both. A supervisor's reasonable suspicion must be based on specific contemporaneous, articulated observations concerning the appearance, behavior, speech or body odors of the driver. Alcohol testing may also be performed just before or just after the work shift of the employees.

An employee who performs a safety-sensitive function that either contributed to an accident, or cannot be completely discounted as a contributing factor to an accident, may be required to take a drug test(s).

Employees who perform safety sensitive functions are subject to drug testing on an unannounced and random basis.

Q-10. Disciplinary Action for Violation of the Policy. Any employee who violates any aspect of this policy, including

refusal to submit to any of the above described searches, inspections, or testing when requested by the City, will be subject to disciplinary action as described in the Personnel Policy of the City of Roeland Park which may include termination. Failure to provide adequate breath or urine may constitute a refusal to test if a medical evaluation determines there is no medical condition preventing the employee from providing the sample. When the City has reason to believe the employee is violating this policy, the employee may be suspended immediately pending investigation.

Q-II. Response to Questions about the Policy. The City Administrator has been designated as the person responsible to answer questions about the alcohol and drug testing program.

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