



EMPLOYEE POLICIES & GUIDELINES

**ADOPTED BY THE ABILENE CITY COMMISSION ON
October 9, 2012**

RESOLUTION 100912-1

On behalf of The City of Abilene, welcome to our team! We believe strongly that each employee contributes directly and significantly to the City's growth and success. We hope you will take pride in being a member of our team and help us achieve our common goal of providing excellent services in an efficient, respectful, and courteous manner to the citizens of The City of Abilene. The policies contained within this Employee Handbook (or "Handbook") **are not a contract nor do they change the at-will status of employees.**

TABLE OF CONTENTS

SECTION 1: Introduction

SECTION 2: CHAIN OF COMMEND

- 2.1 Chain of Command
- 2.2 City of Abilene Organizational Chart
- 2.3 Code of Ethics

SECTION 3: EQUAL EMPLOYMENT OPPORTUNITY PRACTICES AND PROCEDURES

- 3.1. Equal Employment Opportunity
- 3.2. Americans with Disabilities
- 3.3. Immigration Law Compliance
- 3.4. Open Door Policy

SECTION 4: ANTI-DISCRIMINATION, ANTI-HARASSMENT, AND ANTI-RETALIATION POLICY

- 4.1. Policy
- 4.2. Harassment
- 4.3. Sexual Harassment
- 4.4. Retaliation
- 4.5. Complaints of Discrimination, Harassment, and Retaliation
- 4.6. Discrimination, Harassment, or Retaliation Investigations.
- 4.7. Records of Discrimination, Harassment, or Retaliation Complaints.

SECTION 5: DRUG AND ALCOHOL POLICY

- 5.1. Prescription or Over-the-Counter Medications
- 5.2. Off-Duty Use of Illicit Drugs and Alcohol
- 5.3. Voluntary Treatment
- 5.4. Drug-Related Convictions
- 5.5. Drug and Alcohol Testing and Inspection of Property
- 5.6. Violation of Policy

SECTION 6: VIOLENCE-FREE AND WEAPON FREE WORKPLACE POLICY

- 6.1. Workplace Violence Prohibited
- 6.2. Weapons

SECTION 7: GENERAL RULES OF SAFETY

- 7.1. Workplace Safety
- 7.2. Reporting Safety Issues
- 7.3. Emergency Procedures
- 7.4. In Case of Fire
- 7.5. First Aid

SECTION 8: GENERAL EMPLOYMENT POLICIES

- 8.1. Absenteeism and Punctuality
- 8.2. Inclement Weather, Disasters and Adverse Situations
- 8.3. Public Relations
- 8.4. Motivation/Knowledge
- 8.5. Physical Fitness
- 8.6. Care and Use of Equipment and Facilities
- 8.7. Dress Code and Uniforms
- 8.8. Security – Employee Identification.
- 8.9. Use of Official Badge or Credentials.
- 8.10. Personal Property
- 8.11. Cleanliness of Work and Public Areas
- 8.12. Smoking
- 8.13. Nepotism
- 8.14. Gifts and Favors.

- 8.15. Political Activity.
- 8.16. Membership on Boards and Commissions.
- 8.17. Residency.
- 8.18. Outside Employment.

SECTION 9: CITY VEHICLE POLICY

- 9.1. Vehicle Use Requirements
- 9.2. Driver Safety Requirements
- 9.3. Accidents
- 9.4. Traffic and Parking Infractions

SECTION 10: TECHNOLOGY USE POLICY

- 10.1. Internet
- 10.2. Electronic Mail
- 10.3. Telephone and Personal Cell Phones
- 10.4. City Cellular Phones
- 10.5. Violation of Policy

SECTION 11: RECRUITMENT, SELECTION, TRAINING AND DEVELOPMENT

- 11.1. Qualifications for Employment
- 11.2. Employee Selection and Promotion
- 11.3. Required Certifications
- 11.4. Orientation and Training
- 11.5. Performance Reviews

SECTION 12: EMPLOYMENT STATUS, CLASSIFICATION AND RECORDS

- 12.1. Nature of Employment
- 12.2. Employment Classifications
- 12.3. Personnel Files
- 12.4. Requests for Personnel Information

SECTION 13: COMPENSATION, TIMEKEEPING, HOURS AND PAYROLL

- 13.1. Pay Plan Established.
- 13.2. Salary Range New Employees.
- 13.3. Merit Salary Increase.
- 13.4. Regular Rate
- 13.5. Overtime
- 13.6. Work Periods
- 13.7. Work Schedules and Shift Assignments
- 13.8. Recording of Time
- 13.9. Pay Period and Paydays
- 13.10. Payroll Deductions
- 13.11. Garnishments
- 13.12. Payroll Direct Deposit
- 13.13. W-2s
- 13.14. Payment of Wages at Separation
- 13.15. Call-Out Pay
- 13.16. Longevity Pay.
- 13.17. Employee Recognition Program.
- 13.18. Suggestion Awards Program.

SECTION 14: EMPLOYEE PRIVILEGES, TIME OFF, AND LEAVES OF ABSENCE

- 14.1. Training Period
- 14.2. Holiday Pay Policy
- 14.3. Vacation.
- 14.4. Sick Leave.
- 14.5. Shared Leave
- 14.6. Bereavement Leave
- 14.7. Family and Medical Leave

- 14.8. Military Leave
- 14.9. Jury Duty and Other Civic Leave
- 14.10. Other Leaves of Absence

SECTION 15: BENEFITS

- 15.1. Training Period
- 15.2. Flexible Benefit Plan
- 15.3. Health Insurance Program
- 15.4. Workers' Compensation Insurance
- 15.5. Social Security.
- 15.6. Unemployment Compensation
- 15.7. COBRA – Insurance Continuation
- 15.8. Insurance Continuation for Retirees
- 15.9. Kansas Public Employees Retirement System (KPERS).
- 15.10. Kansas Police and Firemen's Retirement System (KP&F).
- 15.11. Deferred Compensation Plan.
- 15.12. Optional Group Term Life Insurance.
- 15.13. Other Optional Insurance Coverage.
- 15.14. Wellness Program.
- 15.15. Education Incentive.
- 15.16. Commercial Drivers License Reimbursements.

SECTION 16: EMPLOYEE CONDUCT AND DISCIPLINE

- 16.1. Employee Conduct
- 16.2. Examples of Conduct that May Lead to Discipline, Including Termination
- 16.3. Authority to Discipline
- 16.4. Disciplinary Procedures and Terminations
- 16.5. Investigations, Prosecution and Termination
- 16.6. Administrative Review
- 16.7. Procedure

SECTION 17: SEPARATION FROM EMPLOYMENT

- 17.1. Absent Without Leave.
- 17.2. Notice of Resignation or Retirement
- 17.3. Reduction in Force or Work Hours.
- 17.4. Retirement.
- 17.5. Payment of Wages upon Termination
- 17.6. Return of City Property upon Termination
- 17.7. Exit Interviews
- 17.8. Reinstatement.

Appendix

City of Abilene Anti-Drug and Alcohol Misuse Policy
(FTA/DOT)

1

Introduction

The purpose of this Handbook is to provide employees with an overview of the City of Abilene's ("City") policies, goals, rules, and employment practices that apply to all employees. Please read it thoroughly and retain it for future reference. Please discuss any questions you have regarding the information within this Handbook with your Department Director or the Human Resources Director.

These policies are presented for informational and guidance purposes only. Most employees are considered at-will employees and do not have individual, written contracts for specific, fixed terms. "At will" means that you or the City may terminate the employment relationship at any time, with or without cause or reason and with or without advance notice. The City's policies are not intended to constitute a contract of employment, either expressed or implied, between you and the City. Accordingly, this Handbook shall not and should not be interpreted or construed as an employment contract between you and the City.

This Handbook only applies to the City's employees and supersedes and replaces any handbooks and memoranda that the City previously issued on subjects covered in this handbook. The plans, policies, and procedures described herein are those in effect as of the publication date as provided on the cover of the Handbook.

The City reserves the right, in its sole discretion, to alter, amend, delete, supplement, terminate, and/or change, at any time and without advance notice, any of its policies, including those covered in this Handbook, in whole or in part. No one other than the City Commission has the authority to implement or change policies. No supervisor, manager, agent, or employee of the City has authority to change or implement policies inconsistent with this Handbook. New or revised policies shall be effective on dates determined by the City and shall remain in effect until the City gives notice to the contrary.

The City shall notify employees of any revisions to this Handbook and its policies. Methods used to accomplish this notification may include, but are not limited to, the following: paycheck inserts, employee newsletters, memoranda, postings on City bulletin boards, announcements at employee meetings, or e-mail distribution. The City will maintain an up-to-date version of this Handbook on its website at all times. Employees may keep a copy of the Handbook for reference, but should be responsible for maintaining a current version with revisions; employees should not rely upon amended, superseded, or deleted policies.

Some of the subjects described in this Handbook are covered in detail in official policy documents. Employees should refer to these documents for specific information, since this Handbook only briefly summarizes those benefits.

2

Chain of Command

2.1 As provided by Kansas Statutes, an individual member of the City Commission is forbidden from directing the conduct of any department of the City except at the expressed direction of the entire City Commission. Thus, it is only through the policy direction of the City Commission as a whole and through the City Manager that the administrative affairs of the City shall be conducted.

The chain of command is the organizational structure established for the operation and supervision of all departments. In order to avoid confusion, misunderstanding, and oversight, all communications, orders, requests and recommendations must be channeled through this chain. Managers at every level cannot carry out their responsibilities and perform effectively without an appreciation for and observation of these processes.

Employees have the right to contact and confer or correspond with members of the City Commission on any subject so long as it does not interfere with or undermine the assigned work of a department of the City.

The overall organization structure is illustrated by the City's organizational chart. Within each department are supervisory and non-supervisory employees.

2.3 Code of Ethics

The following Code of Ethics shall apply to all elected and appointive officers and employees of the City. Violation of the Code of Ethics constitutes a Code violation which may be prosecuted before the municipal court and subject to disciplinary action as provided herein. (Ordinance 2991 08/03)

a Declaration of Policy. The proper operation of our government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in the proper channels and that the public have confidence in the integrity of its government. In recognition of those goals, there is hereby established the Code of Ethics for all officials and employees, whether elected or appointed, paid or unpaid. The purpose of this Code of Ethics is to establish ethical standards by setting forth those acts or actions that are incompatible with the best interests of the city.

b Responsibility of Public Office. Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the United States Constitution and the Constitution of the State of Kansas and to carry out impartially the laws of the nation, state and city and thus to foster respect of all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the long term public interest must be their primary concern. The official as well as private conduct of all officers and employees, particularly elected and appointive officers, has consequences for the level of trust citizens have in the honesty and integrity of the city government. Consequently conduct in both official capacities and private affairs must be above reproach.

c Dedicated Service. All officials and employees of the City should be responsive to the political objectives expressed by the electorate and the programs developed to attain those objectives. Appointive officials and employees should adhere to the rule of work and performance established as the standard for their positions by the appropriate authority. Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from doing so by law or by officially recognized confidentiality of their work.

d Interest in Appointments. Canvassing of members of the City Commission, directly or indirectly, in order to obtain preferential consideration in connections with any appointment to the municipal service shall disqualify the candidate for appointment, except with reference to positions filled by appointment by the City Commission.

e Use of Public Property. No official or employee shall request or permit the use of City-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as City policy for the use of such official or employee in the conduct of official City business.

f Obligations to Citizens. No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

g Conflict of Interest. No elected or appointive City official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her

duties in the public interest or would tend to impair his or her independence of judgment or action in the performance of his or her official duties or which can reasonably be expected to have results adverse to financial or other interests of the City. Personal as distinguished from financial interest shall be defined using the following guidance:

- 1 Incompatible Employment. No elected or appointive official or employee of the City shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of his or her official duties.
- 2 Disclosure of Confidential Information. No elected or appointive official or employee of the City shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City. Nor shall he or she use such information to advance the financial or other private interest of himself, herself or others.
- 3 Gifts and Favors. No elected or appointive official or employee of the City shall accept any valuable gift, whether in the form of service, loan, thing or promise from any person, firm or corporation known to be interested directly or indirectly in any manner whatsoever in business dealings with the City; nor shall any such official or employee accept any gift, favor or thing of value that may tend to influence such official or employee in the discharge of any duties, or grant in the discharge of any duties any improper favor, service or thing of value. The prohibition against gifts or favor shall not apply to an occasional non-pecuniary gift of only nominal value, an award publicly presented in recognition of public service, or any gift which would have been offered or given if not an official or employee. Nominal value for the purposes of this policy shall be defined as a value equal to or less than ten dollars (\$10.00).
- 4 Representing Private Interest before City Agencies or Courts. No elected or appointive official or employee of the City whose salary is paid, in whole or in part, by the City shall appear in behalf of private interests before any agency of this City. No such elected or appointive official or employee of the City shall represent private interests in any action or proceeding against the interest of the City in any litigation to which the City is a party.

EQUAL EMPLOYMENT OPPORTUNITY PRACTICES AND PROCEDURES

3.1 Equal Employment Opportunity

The City believes that each employee deserves to be treated with respect and that all employment-related decisions should be made without discrimination based on race, color, religion, gender, age, national origin, marital status, citizenship, sexual preference, genetic information, status as a qualified individual with a disability, military status, or any other protected characteristic as established by law. In keeping with this Policy, the City recruits, employs, and promotes the most qualified individuals. This Policy of equal opportunity applies to all policies and procedures relating to recruitment, hiring, compensation, benefits, termination, and all other terms and conditions of employment.

The Human Resource Director has overall responsibility for this Policy and maintains reporting and monitoring procedures. Any questions or concerns should be directed to the Human Resource Director. Appropriate disciplinary action may be taken against any employee who violates this Policy.

3.2 Americans with Disabilities

The City is committed to the recruitment, employment, and promotion of the most qualified individuals. It is our policy to provide equal employment opportunity for persons with disabilities in full compliance with federal, state, and local laws, such as the Americans with Disabilities Act (“ADA”). We do not discriminate against qualified job applicants and employees with known physical or mental disabilities in any employment practice, including, but not limited to, recruitment, hiring, education, training, promotion, compensation, and participation in social or recreational functions, use of the City facilities, transfer, discipline, layoff, recall, and termination. Requests for reasonable accommodations should be made to the Human Resource Director.

Pursuant to the ADA and other applicable law, the City will provide qualified individuals with known disabilities reasonable accommodations to assist them in performing the essential functions of their job. However, where an accommodation would produce an undue hardship on the City or present a health or safety risk, the requested accommodation may be determined unreasonable and denied. The City Manager will review all requests for accommodation and make a determination regarding the reasonableness of a request under this policy.

Any questions regarding this policy or requests for an accommodation should be made to the Human Resources Director.

3.3 Immigration Law Compliance

U.S. law requires companies to employ only individuals who may legally work in the United States – either U.S. citizens, or foreign citizens who have the necessary authorization. This diverse workforce contributes greatly to the vibrancy and strength of our economy, but that same strength also attracts unauthorized employment.

E-Verify is an Internet-based system provided by U.S. Citizenship and Immigration Services that allows businesses and government agencies to determine the eligibility of their employees to work in the United States. The City will require the use of E-Verify for verification of the work status for all individuals seeking employment with the City.

The City is committed to employing only individuals who are authorized to work in the United States. In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of continued employment, must complete the Employment Eligibility Verification Form I-9 and, within three days of the date on which the employee commences work, present documentation establishing identity and employment eligibility. Former employees who are re-hired must also complete the Form I-9 if they have not completed one with the City within the past three years, if their previous Form I-9 has not been retained, or if their previous Form I-9 is no longer valid. The City will use information provided on the Form I-9 to complete citizenship verification on E-Verify.

Employment with the City is contingent upon presentation of documentation which establishes that the employee is currently eligible for employment in the United States.

3.4 Open Door Policy

The City believes that open communication is essential to a productive work environment. The City realizes that problems, concerns, or complaints may arise which, if left unresolved, will negatively impact the work environment. In order to facilitate the prompt resolution of work-related problems, the City has established an “Open Door Policy.” The City encourages each employee to address his or her concerns with his or her immediate supervisor or Department Director. However, all employees are free to discuss work-related problems or concerns directly with the Human Resource Director or City Manager. Any suggestion or concern that is raised will be given full consideration; the most important aspect of the Open Door Policy is that each concern is addressed.

For complaints of discrimination, harassment, or retaliation, employees should notify the proper individual pursuant to the Section of this Handbook entitled *Complaints of Discrimination, Harassment and Retaliation*.

ANTI-DISCRIMINATION, ANTI-HARASSMENT, AND ANTI-RETALIATION POLICY

The City employees have the right to work in an environment free from all forms of harassment, discrimination, or retaliation based on race, color, religion, gender, national origin, ethnicity, age, genetic information, disability, veteran status, sexual preference or any other characteristic protected by federal, state, or local law (the “Protected Characteristics”).

4.1 Policy

It is the policy of the City to maintain a work environment free of intimidation, insult, discrimination, harassment, or retaliation based upon the Protected Characteristics. Discrimination, harassment, or retaliation of any kind will not be tolerated. Employees have the obligation to report all incidents of such conduct, and those reports will be promptly and thoroughly investigated. The City also does not tolerate retaliation against those who report discrimination or harassment in good faith or those who cooperate with discrimination or harassment investigations. Any employee who has engaged in discriminatory, harassing, or retaliatory conduct will be subject to immediate discipline, up to and including termination.

4.2 Harassment

Harassment Defined. Harassment is verbal, written, or physical conduct that displays hostility or hatred toward or degrades others based on the Protected Characteristics and (1) creates an intimidating, hostile, or offensive working environment; (2) unreasonably interferes with an individual’s work performance; or (3) otherwise adversely affects an individual’s employment opportunities.

Examples of Harassment. Generally, harassment includes, but is not limited to, the following acts or conduct when those acts or conduct relate to the protected characteristics:

- epithets;
- slurs;
- stereotyping;
- threats; or
- written or graphic materials that display hostility or hatred toward or degrades an individual or group when such material is distributed; circulated; or placed on walls, bulletin boards, or elsewhere on City property.

4.3 Sexual Harassment

Sexual Harassment Defined. There are two types of sexual harassment, defined as follows:

- Quid pro quo sexual harassment is the threat or insinuation by one employee or group of employees, either explicitly or implied, that refusal to submit to sexual advances will adversely affect the employees’ employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development.

- Hostile work environment harassment is the creation of an intimidating, hostile, or offensive working environment by one employee or group of employees engaging in unsolicited and unwelcome sexual overtures or conduct, either verbal or physical.

Examples of Sexual Harassment. No employee, whether supervisory or non-supervisory, may sexually harass another employee. Sexual harassment as defined includes, but is not limited, to:

- unwelcome or unnecessary sexual touching, propositions, or advances;
- unwelcome sexual flirtations;
- abusive or vulgar language of a sexual nature;
- graphic or vulgar commentaries about an employee's body or clothing;
- use of sexually degrading words to describe a person;
- displays in the workplace or on City premises of sexually suggestive or graphic materials, including objects, pictures, photographs, cartoons, etc.;
- physical assault or battery;
- verbal harassment or abuse;
- accusations of sexual preference;
- demands for sexual favors, including demands accompanied by express or implied promises or threats concerning an individual's employment status or term or benefit of employment;
- sexual slurs or innuendoes;
- suggestive or insulting sounds;
- touching, leering, whistling, or making obscene gestures; or
- any other conduct that unreasonably interferes with an employee's performance of his or her job; creates an intimidating, hostile, or offensive working environment; or otherwise adversely affects an individual's employment opportunities.

4.4 Retaliation

Retaliation Defined. Applicable law also prohibits retaliation against any employee by another employee or by the City for reporting, filing, testifying, assisting, or participating in any manner in any investigation, proceeding, or hearing conducted by the City or a federal or state enforcement agency.

Examples of Retaliation. Retaliation includes, but is not limited to, any adverse employment action that would dissuade a reasonable employee from reporting, filing, testifying, assisting, or participating in any manner in any investigation, proceeding, or hearing conducted by the City or a federal or state enforcement agency, which may include the following actions:

- termination;
- demotion;
- denial of promotion;
- reassignment of duties;

- unjustified negative evaluations;

4.5 Complaints of Discrimination, Harassment, and Retaliation

Any employee who feels he or she is being subjected to discrimination, harassment, or retaliation 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 one's:

- Department Director;
- Human Resource Director; or
- City Manager.

Employees shall not make a complaint to the person who is the alleged harasser or person committing the retaliation. Instead, employees should make the complaint to one of the alternative persons listed.

Employees should be prepared to provide the following information when making a complaint:

- employee's name, department, and position title;
- the name of the person(s) committing the discrimination, harassment, or retaliation;
- the date(s) and approximate times(s) of the discrimination, harassment, or retaliation;
- the specific nature and duration of the discrimination, harassment, or retaliation;
- any employment action (demotion, failure to promote, termination, refusal to hire, transfer, etc.) taken against him or her as a result of the harassment;
- the name of any witness to the discrimination, harassment, or retaliation; and
- whether he or she has previously reported such discrimination, harassment, or retaliation, and if so, when and to whom.

Regardless of whether the initial complaint was oral or written, the person whom the complaint is submitted to will assist the employee in documenting and filing the complaint in writing. The employee must attest to the accuracy and truthfulness of the written complaint and sign it. All information disclosed in the complaint procedure will be held in strictest confidence and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter.

4.6 Discrimination, Harassment, or Retaliation Investigations.

Anyone who receives a complaint of discrimination, harassment, or retaliation shall immediately report the complaint directly to the Human Resources Director. In the event the Human Resources Director is alleged, the City Manager shall be contacted instead. The City shall promptly and confidentially investigate all harassment complaints in accordance with established and specific procedures.

When asked, all employees shall cooperate fully and completely with such investigations. Refusal to cooperate, or interfering with an investigation in any way, shall subject employees to immediate disciplinary action, up to and including termination. If the City determines, after reviewing the investigation report, that the complaint was intentionally falsified by the employee filing the complaint, it may take immediate and appropriate disciplinary action against the employee, to be determined on a case-by-case basis, up to and including termination.

The City may, in its discretion, secure a neutral third-party to investigate into any complaint of harassment. If third-party investigators are used, disclosure of any investigation report and its contents will be restricted to the City; any federal or state officer, agency, or department, or any officer, agency, or department of a unit of general local government; or any self-regulatory organization with regulatory authority over the activities of the employer or employee; as otherwise required by law.

4.7 Records of Discrimination, Harassment, or Retaliation Complaints.

All records concerning a complaint shall be kept confidential to the extent possible and maintained in a separate, locked file. Access shall be granted only to parties who have a direct and relevant need-to-know and only with approval from the Human Resources Director or City Manager. A summary of the findings of an investigation may be provided to the complainant upon request.

DRUG AND ALCOHOL POLICY

The City is committed to providing a work environment that is safe, healthy, and productive. The use of drugs and alcohol severely reduces productivity and greatly enhances the likelihood of accidents and injuries in the workplace. No employee may use, possess, distribute, sell, or be under the influence of any illicit drug (which includes prescription drugs that are illegally obtained or misused) or alcohol while engaged in work for or on behalf of the City. This policy also applies to persons traveling to and from any off-premise location or operating a vehicle or equipment owned or leased by the City. Should you have any questions related to any of the provisions of this Drug and Alcohol Policy, please contact your Department Director or the Human Resources Director.

5.1 Prescription or Over-the-Counter Medications

Legal use of prescribed drugs is permitted on the job only if such use does not impair an employee's ability to safely and effectively perform his or her job. The use of prescribed drugs or over-the-counter medication that may adversely affect performance or behavior must be reported to the employee's Department Director or immediate supervisor before beginning work on the day in which the medication is taken.

5.2 Off-Duty Use of Illicit Drugs and Alcohol

The use, possession, and distribution of any illicit drug (which includes prescription drugs that are illegally obtained or misused) or alcohol while off-duty is prohibited if, in the opinion of the City, such use impairs job performance or threatens the reputation or integrity of the City.

5.3 Voluntary Treatment

The City supports employees who voluntarily seek treatment for drug- or alcohol-related problems. Employees with drug and alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action must first request approval to take unpaid time off to participate in a rehabilitation or treatment program. Leave may be granted if the employee agrees to abstain from using the problem substance (drug or alcohol) and abides by all the City policies, rules, and prohibitions relating to conduct in the workplace.

Employees who voluntarily enter into a rehabilitation program shall be required to provide proof that they have successfully completed the program.

5.4 Drug-Related Convictions

Any employee convicted of violating a criminal drug statute, whether resulting from a trial or a plea of guilty or nolo contendere, shall inform the City of such conviction within five days.

5.5 Drug and Alcohol Testing and Inspection of Property

The City's Drug and Alcohol Testing policy and procedures are fully described in the City's Drug and Alcohol Policy. To ensure a safe, drug-free workplace, the City may require employees to submit to a drug or alcohol test for any of the reasons described in the City's Drug and Alcohol Policy. Failure to consent to either the search of your person, your personal property, or the City's property within your possession or to submit to drug or alcohol testing may result in discipline, up to and including termination.

5.6 Violation of Policy

Employees who violate any aspect of this policy may be subject to disciplinary action, up to and including termination. In addition, the City may, in its discretion, require employees who violate this policy to successfully complete future random testing or a drug abuse assistance or rehabilitation program as a condition of continued employment.

VIOLENCE-FREE AND WEAPON-FREE WORKPLACE POLICY

The City strives to provide a safe and healthy work environment. In keeping with this objective, the City has adopted a Violence-Free and Weapon-Free Workplace Policy.

6.1 Workplace Violence Prohibited

Acts or threats of physical violence, including intimidation, harassment, coercion, or any other conduct involving threatening or violent behavior, that involve or affect the City or that occur on any City property will not be tolerated.

Acts, threats, or conduct involving violence include conduct that is sufficiently severe, offensive, or intimidating to alter the employment conditions at the City or to create a hostile, abusive, or intimidating work environment for one or several employees.

The City prohibits threats and acts of violence against all persons involved in the City's operation or who are on City property, including, but not limited to, personnel, contractors, temporary workers, customers, vendors, and anyone else on City property. Violations of this policy by any individual on the City property will lead to disciplinary action, up to and including termination. In addition, the City will take appropriate legal action.

Each employee is required to immediately report incidents, threats, or acts of physical violence to his or her immediate supervisor, Department Director, or the Human Resource Director.

6.2 Weapons

In compliance with applicable state statutes, the City of Abilene, Kansas, adopts the following Personnel Policy with respect to the carrying of firearms and knives by City employees while on City Property:

1. Employees who have a valid concealed carry license issued by the State of Kansas may carry a concealed weapon in the City's workplace, except that the Police Chief may adopt a policy prohibiting any person from carrying a firearm, concealed or unconcealed, into a secure area of the Abilene Police Department.
2. No employee shall be required to disclose to the City that the employee possesses a valid license to carry a concealed handgun, except that a sworn law enforcement officer, in the course of official duties, may demand to see an employee's concealed carry permit and proper identification of the permit holder. No employee shall be subject to termination, discipline or otherwise discriminated against because he or she refuses to disclose the fact that the employee possesses a valid license to carry a concealed handgun, provided that the employee may be required to disclose his or her concealed carry permit as set out in this policy. The City shall not create or keep a record of those employees who have a valid license to carry a concealed handgun.
3. All employees, except those specifically exempted from this policy, including those with a concealed carry permit, are prohibited from carrying a firearm or other prohibited weapon as set forth in the Uniform Public Offense Code, or state statute adopted after July 1, 2014, in City vehicles or while on duty outside of City facilities. Employees may keep a lawful

weapon in their personal vehicle, even if said vehicle is parked on City property, without violating this policy.

4. Any employee who possesses or carries a firearm at work while under the influence of alcohol or drugs, as defined by state statute and the Uniform Public Offense Code adopted after July 1, 2014, shall be subject to appropriate discipline, including termination. If such employee is convicted of possessing or carrying a firearm while under the influence, and his license to carry a concealed handgun has been revoked, such employee shall be prohibited from possessing or carrying a firearm on City property during the term of revocation.
5. No employee shall be disciplined for carrying or possessing a knife while on City property or in City vehicles unless possession is specifically prohibited by the Uniform Public Offense Code or state statutes adopted after July 1, 2014.
6. This policy shall apply to all employees who are employed by the City of Abilene and those who volunteer their services to the City while on duty as employees of the City. Any employee violating this policy will be subject to immediate disciplinary action, up to immediate termination and possible prosecution by the City.
7. It will be the responsibility of the Department Heads and Supervisors to enforce this policy on a daily basis. Violations of this policy will be considered a work rule violation and employees will be subject to appropriate discipline.
8. Sworn police officers and other employees who have been given written consent by the City Manager to carry lawful weapons in City vehicles are specifically excluded from this policy.

GENERAL RULES OF SAFETY

Accidents can be prevented. Some accidents are caused by unsafe conditions (e.g., water on the floor, frayed cords, faulty equipment, etc.), but the majority of accidents are caused by unsafe conduct (e.g., roughhousing, not following procedures, improper lifting, etc.). All employees are responsible for obeying the rules and must be well-versed in safety and emergency procedures. Employees must do their part to maintain a safe work environment.

7.1 Workplace Safety

Listed below are a few simple but necessary rules to follow in order to prevent accidents and injuries:

- Report any observed safety hazards at once to a supervisor or manager.
- Immediately report all accidents or injuries to a supervisor or manager.
- Follow all instructions given by the supervisor or manager.
- Ask a supervisor or manager how to safely perform a job.
- Refrain from horseplay and practical jokes; they are strictly forbidden.
- Return all equipment to its proper location after use.
- Immediately report all equipment needing maintenance.
- Always wear designated safety equipment; proper clothing for all jobs is essential (no open-toed or soft shoes, no loose-fitting garments around machinery, etc.).
- Clean up any wet or greasy spots as they occur.

Any careless or unsafe acts may subject the employee to disciplinary action, up to and including termination. In addition to complying with these specific safety rules, employees must maintain a safety-conscious attitude at all times.

7.2 Reporting Safety Issues

All accidents, injuries, damage to City property, potential safety hazards, safety suggestions, and health-and-safety-related issues must be reported immediately to a supervisor or Department Director. If an employee is injured, outside emergency response agencies should be contacted if needed. All accidents or injuries requiring medical treatment must be immediately reported to the Human Resource Director. Regardless of whether medical treatment is received, a Report of Accident Form **MUST** be completed in case medical treatment is needed later and to ensure that any existing safety hazards are corrected. A copy of this form is attached to this Handbook.

7.3 Emergency Procedures

It is extremely important that employees read and understand the emergency and fire procedures for their work areas. Employees should acquaint themselves with the location of and the instructions for operating fire extinguishers, as well as the procedures for severe weather. In the event of an emergency, employees should talk quietly, remain calm, and refrain from engaging in activity such as shouting or running. Department Directors shall be required to ensure that all new employees receive an overview of emergency procedures upon being commissioned; all other employees will receive an annual review.

7.4 In Case of Fire

In the event of a fire, remain calm and follow these procedures:

- activate the nearest fire alarm;
- do not place yourself in jeopardy;
- do as much as possible to extinguish a small fire with an extinguisher, but do not use the fire hose;
- do not use water on electrical or grease fires;
- never enter a smoke filled room or open a door that is hot to touch; and
- keep yourself between the fire and the nearest exit.

7.5 First Aid

First aid kits are located throughout the City's facilities, and many employees are trained in first aid procedures. Check with your supervisor for the location of the first aid kit for your work area and the names of the employees trained to administer first aid.

GENERAL EMPLOYMENT POLICIES

8.1 Absenteeism and Punctuality

Punctuality and attendance is a requirement of all positions at the City. The City will try to accommodate an employee whenever illness occurs or personal emergencies cause absences or lateness. Tardiness, early departure, and unexcused or excessive absences are disruptive and create hardship for other employees.

Standard Business Hours. Standard business hours of the City shall be between the hours of **8:00 a.m. to 5:00 p.m., Central Standard Time, Monday through Friday**. Certain positions may require that the employee work during different hours to perform their designated job assignment, at the direction and approval of their Department Director. All employees are expected to work the schedule approved by their Department Director, be it based on clock hours or based on overall hours worked on a weekly basis. Employees needing to make adjustments to their work schedule must first obtain approval from their Department Director.

Notification Required. In the event an employee is going to be late or absent, it is his or her responsibility to contact his or her immediate supervisor or Department Director as far in advance as possible, but not later than one hour after the employee's shift was to begin. The employee must specify the time he or she expects to arrive for work. Leaving a message with a coworker is not considered proper procedure and is the same as not calling in at all. This procedure must be followed for each day of tardiness or absence.

Violations of this Policy. Failure to notify management of inability to report for work may be considered an unexcused absence, and may result in disciplinary action up to and including termination of employment. Unexcused absences shall include, but may not necessarily be limited to:

- A "no show/no call" in which an employee was scheduled for work, did not report their absence to anyone, and failed to report to work.
- A failure to report an absence or late arrival by at least one hour after scheduled starting time (extenuating circumstances must be approved by the employee's Department Director and/or the Human Resource Director).
- Any absence that cannot be reasonably justified or verified.
- Any absence for personal reasons, other than personal illness, for which prior approval was not obtained through the Department Director and/or the Human Resource Director.
- Any absence in which Vacation Leave was requested in advance but not approved and the employee took time off anyway.

Discipline pursuant to this section is at the discretion of the City. However, the general procedure for disciplining absenteeism is as follows:

- Any employee who accumulates one unexcused absences in a twelve-month period shall receive a verbal warning.
- Any employee who accumulates two unexcused absences in a twelve-month period shall receive a written warning.

- Any employee who accumulates three unexcused absences in a twelve-month period shall be terminated.
- Employees absent for three consecutive working days without notifying their Department Director and/or the Human Resource Director shall be subject to termination as if they voluntarily resigned.

Doctor's Certificate. An employee who misses three or more consecutive days due to illness is required to provide a written notification from his or her physician before he or she will be allowed to return to work. This notification must be provided to the Human Resource Director to ensure that the employee's health is adequate to perform work duties.

8.2 Inclement Weather, Disasters and Adverse Situations

To the extent possible, all City employment facilities will remain open according to regularly scheduled business hours during inclement weather, disasters and adverse situations. The City Manager reserves the right to change business hours and/or close City facilities as conditions may warrant.

Every effort should be made to be at work due to on-going business requirements. In the event of inclement weather, disasters or an adverse situation which prevents an employee from getting to work, the employee must use accumulated vacation leave to be compensated for this time. If an employee does not have unused time off, then the time will be taken without pay. Exceptions must be approved by the City Manager.

Employees must make every effort to notify his or her Department Director of the absence prior to the start of the employee's scheduled shift.

When City facilities are closed early due to inclement weather, a disaster or other adverse situation, employees will receive pay for actual hours worked prior to closing. Employees may supplement this amount with accumulated vacation time to offset the time off from work.

8.3 Public Relations

Every City employee shall continually strive to promote good public relations for the department and the entire municipal organization. Virtually everything City employees do has either a positive or negative effect on public relations.

General Public. Visitors at any municipal building or area of work shall be made to feel welcome and shall be treated in a friendly and courteous manner. All inquiries, complaints or requests for assistance shall be given prompt attention.

Release of Information. Public statements or the release of information on all matters related to municipal policy, administration and the operation of any department or personnel management shall be limited to disclosure by the City Commission, City Manager, or Department Director.

8.4 Motivation/Knowledge

Every employee in the City service is working for the same public. Each City employee should constantly strive to develop a better municipal operation. All employees should acquire a thorough knowledge of their own jobs and should possess a profound respect for their work. Employees should also maintain a constructive, business-like attitude and strive to promote harmony among coworkers and respect for positions of authority at all times.

8.5 Physical Fitness

It shall be the responsibility of each employee to maintain the standards of physical fitness required for performing all assigned tasks.

In those departments where the nature of the work requires unusual or extraordinary physical exertion, coordination or dexterity, under the guidance of a physician, appropriate physical fitness standards for each such classification shall be adopted. Such standards shall be adhered to by each employee serving in any such capacity.

Any employee may be required to submit to a physical examination when requested by the Department Director and approved by the City Manager. The cost of the physical examination shall be paid by the City and performed by a City designated physician.

8.6 Care and Use of Equipment and Facilities

Any employee of the City found to be responsible for damage to or loss of City property or equipment through negligence, carelessness or abuse shall be subject to disciplinary action and may be required to reimburse the City.

No equipment, material or supplies belonging to the City shall be removed from their location or used without permission. The Department Director or City Manager shall be the only individuals with authority to grant such permission. Vehicles and other equipment assigned to individual personnel shall be used only for City business.

City equipment and facilities shall be used for official purposes only. Employees should not request or expect special privilege use of City facilities or equipment.

8.7 Dress Code and Uniforms

Police and Fire Department. An annual employee uniform allowance shall be established for the Police and Fire Departments and maintained by the Department Director. Purchases for these departments must be approved and monitored by the Department Director based on the approved budgeted amount for a single year. Only approved general type clothing may be purchased for the plain clothes officers in the Police Department who do not work in standard uniforms.

All Departments (except Police and Fire). Employees must maintain a neat, professional and clean personal appearance at all times. Employees' grooming and dress should be appropriate to the work situation. This includes attention to body, teeth, nails, hair, and clothing. Hair should be clean, combed and neatly trimmed or arranged. Shaggy unkempt hair is not permissible regardless of length. Sideburns, mustaches, and beards should be neatly trimmed.

Certain departments require their employees to wear uniforms. The basic uniform may consist of a uniform type summer or winter shirt and dark blue uniform trousers or dark blue jeans and shoes/boots subject to Department Director approval. All uniform shirts shall bear the approved City insignia for identification. Shoes or boots are not provided by the City, but the type to be worn is subject to approval by the Department Director.

Employees must wear any uniforms as intended, and shall not deface, de-sleeve, or otherwise wear uniforms in way that is unbecoming to an employee of the City. Employees should not wear uniforms during non-working hours. Alterations are normally at the expense of the employee.

An adequate number of uniforms determined by the Department Director shall be provided to each employee in the Parks and Recreation Department, Street Division, Wastewater Division, Water Division and Flood Control Division, and the same shall be replaced as scheduled by each Department Director if damaged during the course of employment.

Any general type of clothing that is not part of the specified uniform for the respective department and is paid for with the uniform allowances shall be considered as a taxable benefit by the IRS, and the total annual amount of purchases will be added to the W 2 earning statement as additional compensation for the employee.

Uniform costs for all departments are subject to annual approval in the City budget.

Each department providing and requiring the wearing of uniforms shall develop a department policy which shall be submitted to the City Manager for approval.

Should an employee have any questions regarding this appropriateness of attire, they should direct their questions to the Department Director.

8.8 Security – Employee Identification.

All elected officials and temporary, part time and full time employees will be issued a photo identification card. This identification card must be visibly worn or carried on their person at all times while working in or around a City facility/operation. Photos are taken by Dickinson County and charged to the department employed for. A replacement charge of \$5 will be assessed for lost or stolen cards. Upon leaving employment or service with the City, identification cards will be turned in along with other City property.

8.9 Use of Official Badge or Credentials.

City employees shall not allow their badges or credentials to be used by unauthorized persons. Employees may not use their badges or credentials for personal gain.

8.10 Personal Property

Employees are discouraged from bringing valuables or large amounts of cash to work. The City assumes no responsibility for loss or theft of personal property.

8.11 Cleanliness of Work and Public Areas

In an effort to provide a professional work environment, the City asks that all employees maintain their workspaces in a clean and orderly manner. This requirement also extends to shared public areas such as conference and break rooms.

8.12 Smoking

Because of increasing evidence that second hand tobacco smoke creates a danger to the health of persons who are present in a smoke filled environment, the City regulates smoking by City employees while on duty.

Smoking is prohibited within any City facility and in City vehicles. Smoking is prohibited outside of a City facility within twenty (20) feet of any facility entrance. This policy shall apply to all employees, vendors, customers, volunteers, members of the public and passengers in City vehicles.

Department Directors and supervisors shall enforce this policy on a daily basis. Violations of this policy will be considered a work rule violation, and employees will be subject to appropriate discipline.

8.13 Nepotism

The employment of immediate family members, as defined below, in the same department or area of operation can cause conflicts and problems such as claims of partiality in treatment at work and personal conflicts from outside the work environment being carried into day-to-day working relationships.

No person shall be employed in any department where a member of their immediate family is employed or in a department supervised by an immediate family member. Exceptions to this policy may be approved by the City Manager, on a case-by-case basis, when immediate family members are employed within a division of a department that is not supervised by an immediate family member.

For example, an employee who is an immediate family member to the supervisor of the Water Treatment Plant can be approved for employment at the Wastewater Treatment Plant if the Water Treatment Plant Supervisor will not directly or indirectly supervise the employee.

For the purposes of this policy, “immediate family” includes an employee’s spouse, children, parents, brothers, sisters, grandparents or close relatives by marriage. If two (2) employees within the same department marry or cohabit during the period of their employment, one of the employees may be transferred by the City Manager to another department without loss of pay or the employee must resign. The prohibition of employment of immediate family members shall not apply to volunteer, even though they may be paid for their services (Res. 102813-2).

8.14 Gifts and Favors.

No elected or appointed official or employee of the City shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person, firm or corporation known to be interested directly or indirectly in any manner whatsoever in business dealings with the City, nor shall any such official or employee accept any gift, favor or thing of value that may tend to influence such official or employee in the discharge of any duties or grant in the discharge of any duties any improper favor, service or thing of value. The prohibition against gifts or favors shall not apply to an occasional non-pecuniary gift of nominal value, an award publicly presented in recognition of public service or any gift which would have been offered or given if not an official or employee. For purposes of clarification, nominal value shall be defined as equal to or less than ten dollars (\$10.00) in value.

8.15 Political Activity.

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.

City employees are not prohibited from supporting candidates for office or 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. Support or

endorsement of candidates for office shall not be permitted while acting in an official capacity as a City employee.

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, the employee 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.

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, buttons or signs on their person or on City property during on duty hours.

No supervisor or other person in authority shall solicit any City employee for contributions of money or labor for a 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.

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.

8.16 Membership on Boards and Commissions.

Employees shall be permitted to be a member of councils, boards or commissions that are advisory to the City, except that no employee shall be permitted to serve on the following boards or commissions: Board of Zoning Appeals, Library Board, Recreation Commission and Planning Commission.

8.17 Residency.

While employees are not required to maintain residency within the City, employees subject to frequent call out for emergency services are expected to reside within a reasonable distance of their place of employment, but will not exceed ten miles from the City limits and be within the boundaries of Dickinson County. This residency provision applies to all employees hired after May 29, 2001.

It will be the duty of each department supervisor to monitor the response times of employees. Failure of an employee to respond within the maximum allowable response time may result in disciplinary action. The City Manager may supplement this policy with additional requirements.

8.18 Outside Employment.

An employee may carry on a second job on a part time basis if:

1. The second job is approved by the employee's Department Director.
2. The second job does not conflict with the "working" hours of the employee's City job.
3. The employee maintains efficiency and productivity in the City job.
4. The second job does not cause a conflict of interest that could harm the City.

If an employee suffers an injury in the course of approved outside employment, that employee may use sick leave accumulated through employment with the City. An employee injured in outside employment may only use sick leave to the extent that when added to any workers' compensation received from the outside employment, the employee receives no more than the employee's regular City wages. City employees shall not use City worker's compensation or injury leave for injuries received while working for someone other than the City.

9

CITY VEHICLE POLICY

9.1 Vehicle Use Requirements

The City shall allow certain employees with the City to utilize a City-owned vehicle to conduct City business. The following conditions apply to the use of City vehicles:

- Only City employees and other approved person(s) may drive or be passengers in City owned vehicles.
- Employees may be required to keep vehicles overnight, depending on the demands of their position. The City Manager must approve any retention of City vehicles overnight.
- Absent approval from the City Manager, employees may not drive vehicles home if they live more than five miles from the City limits. City vehicles that are driven home by employees may not be used for personal use and may be subject to the IRS regulations governing taxes and benefits.
- All employees authorized to drive a City vehicle shall have a current Kansas driver's license and shall be subject to annual review by the City. Some employees may be required to obtain a Commercial Driver's Licenses.

9.2 Driver Safety Requirements

Employees shall act in a safe and reasonable manner while operating a City vehicle. Listed below are a few simple but necessary rules to follow to prevent accidents and injuries:

- Do not operate the vehicle while under the influence of alcohol or drugs.
- Check the proper functioning of lights, gauges, tires, tire pressure, wipers, seatbelts, door locks, and breaks prior to use and on a daily basis. Should a defect be found wherein the safe operation of the vehicle is compromised, notify a supervisor and schedule immediate maintenance for the vehicle.
- Immediately report all accidents and traffic citations to the Human Resources Director or the City Manager. Do not leave the scene of an accident.
- Wear a seatbelt at all times when the vehicle is in motion. Ensure that all passengers wear a seatbelt at all times when the vehicle is in motion.
- Operate the vehicle in accordance with all state and local laws.
- Obey all traffic signs and posted speed limits.

- Always park the vehicle in a safe, authorized location. Lock all doors and remove all valuables.
- Utilize lights from sunset to sunrise and at any time when the wiper blades are in use.
- Do not follow other vehicles too closely. Leave plenty of space for a sudden or unexpected stop.
- Do not operate the vehicle while distracted.
- Use of cellular phones, PDAs, Blackberrys, or other technology requiring a driver's attention may be used in City vehicles subject to compliance with Section 10.4 of this Handbook.
- Smoking in City-owned vehicles is prohibited.

9.3 Accidents

In the event of an accident, employees should immediately report the accident and any injury to any person or property damage to his or her supervisor or Department Director, Human Resource Director or City Manager.

9.4 Traffic and Parking Infractions

Employees are responsible for any and all traffic and parking infractions incurred while operating a City vehicle. The City will not reimburse employees for any monetary fines resulting from traffic and parking violations. Employees receiving traffic or parking infractions while operating a City vehicle may be subject to disciplinary action.

TECHNOLOGY USE POLICY (RESOLUTION 041111-5)

10.1 Internet

Purpose. The City understands that the Internet has become a valuable and necessary part of conducting everyday business. Employees are encouraged to utilize the internet for purposes of general information gathering and research when it is directly related to their work assignment. General use or use of the Internet for personal reasons during work hours, not including lunch or other breaks, is prohibited. Internet usage for personal reasons during breaks should be limited. This policy applies to all employees who use the Internet with the City's computing or networking resources, as well as those who represent themselves as being connected, in one way or another, with the City. All Internet users are expected to be familiar with and comply with these policies. Violations of these policies can lead to revocation of system privileges and disciplinary action, up to and including termination.

Prohibited Use. Visitation to offensive, pornographic, terroristic, or any other inappropriate sites is strictly prohibited. Employees who violate this policy shall be subject to disciplinary action, up to and including termination.

Information Downloads. Employees shall not install non-City software on the City's Information Technology systems, including games or entertainment software, unless specifically authorized by the City Manager and Department Director. All software downloaded from non City sources must be screened with virus detection software prior to being installed. Whenever the provider of the software is not trusted, downloaded software should be tested on a stand-alone, non-production machine.

All information taken off the Internet should be considered unreliable until confirmed by separate information from another source. There is no quality control process on the Internet, and a considerable amount of its information is outdated or inaccurate.

Use of Encryption. Wiretapping and message interception is straightforward and frequently encountered on the Internet. Accordingly, the City's secret, proprietary, or private information must not be sent over the Internet unless it has first been encrypted by approved methods.

Unless specifically known to be in the public domain, program software source codes must always be encrypted before being sent over the Internet. Credit card numbers, telephone calling card numbers, log-in passwords, and other parameters that can be used to gain access to goods or services must also not be sent over the Internet in readable form.

Compliance with Software Licenses. The City strongly supports strict adherence to software vendors' license agreements. When at work, or when the City computing or networking resources are employed, copying of software in a manner that is not consistent with the vendor's license is strictly forbidden. While on the City's premise, participation in pirated software bulletin boards and similar activities represent a conflict of interest with the City work. Similarly, reproduction of words posted or otherwise available over the Internet must be done only with the permission of the author or owner.

Employees' Expectation of Privacy. Employees using the City's information technology systems, including access to the Internet, should realize that their communications are not automatically protected from viewing by third parties. Unless encryption is used, employees should not send information over the Internet if they consider it to be private.

At any time and without prior notice, the City management reserves the right to examine e-mail, personal file directories, and other information stored on the City's computers. This examination assures compliance with internal policies, supports the performance of internal investigations, and assists with the management of the City's information system.

Protection of Confidential City Information. Contacts made over the Internet should not be trusted with the City's information unless a due diligence process has first been performed. This due diligence process applies to the release of any City information.

Internet users must not place the City material (software, internal memos, etc.) on any publicly-accessible Internet computer. The City's internal information should not be placed in any location, whether on machines connected to the City internal networks or on the Internet, unless the persons who have access to that location have a legitimate need-to-know.

The City's software, documentation, and all other types of internal information must not be sold or otherwise transferred to any non City party for any purposes other than business purposes expressly authorized by management. Exchanges of software and/or data between the City and any third party may not proceed unless a written agreement has first been signed. Such an agreement must specify the terms of the exchange, as well as the ways in which the software or data is to be handled and protected. Regular business practices, such as shipment of software in response to a customer purchase order, need not involve such a specific agreement since the terms are implied.

Public Representations. Employees may not:

- Expressly or implicitly indicate their affiliation with the City in bulletin board discussions, chat sessions, a personal or professional web site, or other offerings on the Internet, unless first approved by a supervisor or manager; if approved, the employee must also clearly indicate the opinions expressed are their own, and not necessarily those of the City.
- Make any external representations on behalf of the City, unless first approved by the City Manager, if approved, the employee is strictly prohibited from posting "vicious" or other written attacks that could be construed as libel.
- Publicly disclose internal City information via the Internet that may adversely affect the City's customer relations or public image or that may constitute proprietary information, such as business prospects, software bugs, software product performance, software product release dates, etc.
- Negligently post comments or questions to mailing lists, public news groups, and related public postings on the Internet that tip-off the competition about certain internal projects.
- Post any matters related to an unannounced software product, a research and development project, or related confidential the City matters, unless first approved by a manager.

Reporting Security Problems. The City Manager must be immediately notified if any of the following occur:

- Sensitive City information is lost, disclosed to unauthorized parties, or suspected of being lost or disclosed to unauthorized parties.
- Unauthorized use of the City's information systems has taken place, or is suspected to have taken place.
- Passwords or other system access control mechanisms are lost, stolen, or disclosed, or are suspected of being lost, stolen, or disclosed.
- Any unusual systems behavior, such as missing files, frequent system crashes, misrouted messages, etc.

The specifics of security problems should only be shared on a need-to-know basis.

Termination of Internet Access. Whenever an employee leaves the City or is terminated, that individual's account will be disabled. Passwords will be changed for all areas previously accessible by the employee to ensure the City's information remains secure. Any questions about this policy may be addressed to the Network Administrator.

10.2 Electronic Mail

Purpose and Scope. This policy establishes guidance for the acceptable use of the City-provided electronic mail ("e-mail"). This policy applies when the users are on the City's premises using the City equipment, off the City's premises logging into the City servers, or using the City information off of the Internet or by other means.

Use for City Business. Use of e-mail is encouraged where it is suitable for business purposes, supports the goals and objectives of the organization, and is consistent with the employee's job responsibilities. E-mail is a valuable corporate resource and must not be used for personal gain, including solicitation of non-City business or illegal activity.

Personal Use. Using a reasonable amount of City resources for personal e-mails is acceptable, but non-work-related e-mail shall be saved in a separate folder from work-related e-mail and not stored on City servers.

Prohibited Use. All e-mail use that is inconsistent with this Electronic Mail Use Policy is subject to disciplinary action, up to and including termination. Using the City's e-mail system for the following activities, although not an exhaustive list, is expressly prohibited:

- Engaging in illegal activities, such as harassing other users or sending unsolicited "spam" e-mail.
- Transmitting messages with derogatory or inflammatory remarks about an individual or group's race, religion, national origin, age, physical attributes, or sexual preference.
- Intentionally spreading computer viruses or other destructive information.
- Accessing or distributing threatening or obscene material.

- Maliciously disrupting e-mail access.
- Attempting to gain unauthorized access into any computer account or system.
- Using resources to destroy data belonging to the City or any other organization or individual.

Employees who receive any e-mails with this content from any City employee should report the matter to their supervisor immediately.

Public Representation through E-Mail. The City seeks to prevent harm to its reputation as a result of improper employee e-mail usage. The general public may view e-mail that originates from an account containing the name “the City” as an official statement from the City and not the statement of an individual employee. As a result, certain e-mail content and subject matter should be limited to the extent possible. All employees sending e-mail must carefully avoid using profanity or discussing controversial topics such as sexuality, racial issues, or other topics not in keeping with the professional image of the City. Employees should use their own personal e-mail addresses when sending or receiving information of a questionable nature, and these communications should not take place on City property or during City time.

Employee’s Expectation of Privacy. All messages, files, and records created, sent, or retrieved over the City’s e-mail are the property of the City and should be considered public information.

The City reserves the right to access, monitors, retain or use this information if deemed necessary and appropriate. This examination assures compliance with internal policies, supports the performance of internal investigations, and assists with the management of the City’s information system. This information can be disclosed to management, law enforcement agents, and other authorized parties with a bona fide need-to-know. This may be done without prior consent of the sender or receiver. Employees may not, without City permission, lock or password-protect any document or electronic transmission on the City system.

Employee Accountability. All e-mail users are strictly accountable for the accuracy and appropriateness of links and information available from the Internet/Intranet sites. All e-mail users assume personal liability for any and all violations committed while using the City’s e-mail system.

10.3 Telephone and Personal Cell Phones

Telephone lines must be used for regular business purposes. Personal calls should be kept to as short of a duration as possible. Use of personal cellular phones on the City time shall be limited to emergency situations or during designated break periods.

Excessive use of the City’s telephones for personal calls or excessive use of personal cellular phones on the City’s time may lead to disciplinary action, up to and including termination.

10.4 City Cellular Phones

The City provides cellular phones to employees with a legitimate need for mobile communications. Employee requests for cellular phones must be submitted to the City Manager’s Office for review. City owned cellular phones should be used primarily for City government business and must be used in compliance with all applicable City policies. However, incidental personal use is acceptable for employees who are required to carry a City owned cellular phone on a routine basis.

When at all possible, employees shall refrain from placing cellular calls or using a cellular phone while driving a City vehicle. If a cellular phone is to be used while driving, the following rules shall be followed:

- Immediately determine if the vehicle can be safely driven off the road and parked in an appropriate location for the remainder of the conversation.
- Never take notes, look up phone numbers, look away from traffic or be distracted in any way while driving.
- Never send or read text messages.
- Immediately suspend any call if driving in heavy traffic or hazardous weather conditions.

When the monthly detail billing is received from the provider of service, it will be audited by the Financial Director. All Department Directors will audit their phones exceeding allocated minutes. The Department Director will have the responsibility to determine if the exceeding minutes are due to after hour call out time or personal usage. Personal usage charges will be paid by the tenth of the following month or they will be withheld from the next payroll. Charges for roaming and long distance will not be paid by the City unless they are related to City usage. Either the City Manager, Human Resources Director, or Department Director has the right to call any number previously called by the phone.

The City will make the initial purchase of any cell phones, but it is the responsibility of the individual to maintain the equipment in good repair while in their possession. The City does not maintain insurance policies on its cell phones. Employees should report damaged or lost equipment to their Department Director and Finance Director as soon as possible. The City will bill damaged or lost equipment to the individual who was using the equipment when the equipment was lost or damaged.

10.5 Violation of Policy

Employees shall be subject to immediate discipline for violating the City's Technology Use Policy. Employees who learn of any misuse of software or related documentation within City operations shall notify their Department Director, Network Administrator or the City Manager.

RECRUITMENT, SELECTION, TRAINING AND DEVELOPMENT

11.1 Qualifications for Employment

All applicants must complete an application form to be eligible for employment with the City and complete a release and waiver for pre-employment background check. All applicants must also meet the minimum qualifications and be able to perform, with or without a reasonable accommodation, the essential functions of the positions sought. Upon receiving a conditional offer of employment, an applicant may be required to successfully complete a physical examination or other tests. All City employees must meet the requirements of the City Drug and Alcohol Testing Policy.

11.2 Employee Selection and Promotion

Whenever possible, the City will attempt to fill vacancies for supervisory, skilled, and upper level positions from the ranks of existing employees. All employees seeking promotion shall be expected to meet the minimum qualifications for the classifications to which they seek promotion. Employees seeking promotion may be required to undergo a physical examination or other tests.

Notices of position vacancies can be distributed, as necessary, through electronic mail (“email”), through internal memoranda, or by posting on City bulletin boards. Before filling any approved vacant position, current employees who are qualified and who apply for the position shall be given equal consideration for transfer and promotion.

The City Manager or Human Resources Director shall determine position vacancy posting dates and application closing dates.

Competitive Selection. The City Manager may designate the class of eligible applicants based on any of the following criteria:

- Internal. The selection process may be limited to persons in the City service or a particular segment thereof.
- Open. The selection process may be opened to the general public without special preference or consideration for any City employees who apply.
- Open; Internal Preference. The selection process may include both City employees and members of the general public, with City employees given preference in application and/or consideration.

Non-competitive Selection. When in the best interests of the City, a non-competitive selection process may be specified by the City Manager.

Voluntary Demotion. Demotion is the assignment of an employee from a position in one class to a position in another class having a lower maximum salary. An employee may request a demotion at any time. Such voluntary demotion will not be effective until approved by the City Manager.

Demotion in Lieu of Layoff. An employee may be demoted as an alternative to layoff. Such demotion may be fully or partially rescinded at any time through non-competitive promotion.

Lateral Transfer. Lateral transfer is any assignment from one position to another not involving a promotion or demotion. The City Manager may consider a lateral transfer at an employee's request or when it serves the City's best interest.

11.3 Required Certifications

If an employee's job requires a license or certification, it is the employee's responsibility to maintain a current and valid license or certificate during employment. Proof of renewal may be required and must be presented by the employee, if requested by the Department Director or Human Resources Director. Any change in status of an employee's license or certification must be reported immediately by the employee to his or her immediate supervisor.

Employees that are required to have a CDL as part of their job will be reimbursed by the City for the cost difference between the regular license and the CDL when a reimbursement request is submitted to their Department Director.

11.4 Orientation and Training

Each employee will receive orientation training including, but not limited to, duties of the position, hours of work, relationship to other employees, safety precautions, emergency procedures and other relevant information about employment. When possible, orientation training will be provided on the first day of employment.

11.5 Performance Reviews

Understanding one's strengths and weaknesses is critical to successful job performance. The City is committed to helping employees improve their performance and to identifying those areas in which employees excel and those areas that may need improvement. Accordingly, supervisors, Department Directors, and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis.

The City shall make every effort to complete a formal, written evaluation of all full-time and part-time employees following their first six months of employment with the City or in a new position, and, thereafter, on an annual basis. Supervisors or managers may evaluate an employee on a more frequent basis. Performance reviews are maintained permanently in the employee's personnel file.

The City Manager, or his or her designee, shall have the responsibility for administering the performance review. The employee's immediate supervisor should rate the employee when possible.

Merit increases dependent on performance evaluation may be provided in accordance with the City's Employee Classification and Pay Plan and/or Budget of the City.

In accordance with the City's Employee Classification and Pay Plan, subject to annual appropriation by the City Commission, the criteria for merit salary adjustment shall be:

- At the end of the initial six months of employment with the City or in a new position, a satisfactory or higher rating on the job performance evaluation; or
- Annually thereafter based on satisfactory or higher rating on the current job performance evaluation.
- If budget allows and approved by City Commission.

EMPLOYMENT STATUS, CLASSIFICATION AND RECORDS

12.1 Nature of Employment

Most employees of the City do not have individual, written contracts for specific, fixed terms and are employed at will. “At will” means that you or the City may terminate the employment relationship at any time, with or without cause or reason, and with or without advance notice. If an employee has a question with regards to at-will employment, he or she is advised to consult with the Human Resources Director.

12.2 Employment Classifications

To assist employees in determining their eligibility for City benefits, and the calculation of the accrual of such benefits, the City establishes the following employment classifications:

- FULL-TIME: Employees who work on a regular, continuing basis for not less than eight hours a day, or forty hours in a standard workweek of seven days (not less than 2,080 hours per year), except that firefighters shall be considered full-time if they work on a regular, continuing basis for not less than 144 hours in their modified workweek of nineteen days.
- REGULAR PART-TIME: Employees who work not less than twenty hours in a normal full-time seven-day workweek, or not less than 1,040 hours per year on a continuing basis.
- NON-REGULAR, PART-TIME: Employees who work less than a normal full-time workweek and who are not scheduled on an annual basis. The actual hours of a non-regular, part-time position may vary during the year. Non-regular, part-time employees are not eligible for benefits. Students eighteen years of age and under working between academic terms shall be considered non-regular, part-time employees regardless of the number of hours worked.
- TRAINING PERIOD: Full-time or part-time employees who have not completed a six month training period. The employee’s training period may be extended at the discretion of the City Manager.
- SEASONAL: Employees who work on a regular, or continuing basis, but only during a specific “season” or portion of the year. The anticipated date of termination is usually known prior to commencement of employment.
- TEMPORARY: Employees who are employed for temporary periods, so that they cannot be said to work on a regular, continuing basis. A temporary position may be created as a result of a federal or state grant of limited duration for a program or project, or to fill a position while a full-time employee is on leave. The anticipated date of termination or duration of employment is usually known prior to commencement of employment.

In addition, employees are classified in one of two classifications for wage and hour purposes under federal and state law:

- NON-EXEMPT EMPLOYEES: Employees who are eligible to receive overtime compensation at the rate of one and one-half times the employee’s regular rate for all hours worked over forty hours in a workweek, except fire department personnel shall be eligible for overtime compensation for all hours worked over 144 hours in a nineteen-day workweek.

- **EXEMPT EMPLOYEES:** Employees who are not eligible to receive overtime compensation for hours worked in excess of 40/144 hours in a 7-day/19-day workweek. Categories of exempt employees include, but are not limited to: executive, administrative, and professional. All exempt employees shall be notified of their exempt status at the time of hire or at the time of a change in status of their exempt classification.

In the event of a change in status, it shall be at the discretion of the City Manager to determine whether service credit shall be given for temporary employee status work. Any employee who changes from temporary to part-time or full-time status shall be considered a new employee as of the date of such change.

Consultants, contracted labor, interns, and volunteers are not considered to be the City employees. Personnel engaged through working agreements, contracts, or arrangements with temporary services agencies shall be classified as temporary employees, and as such, shall not be entitled to receive benefits provided by the City.

Employees who have questions regarding their employment classification should contact the Human Resource Director.

12.3 Personnel Files

Information Contained in Personnel Files. Certain personal information is required to be maintained to satisfy governmental requirements; other information is vital for benefits purposes. The Human Resource Director shall keep such information in personnel files for all persons employed. The personnel file may include, but is not limited to, such information as the employee's job application, resume, training records, performance reviews, compensation history, and related documents and materials. Copies of professional licenses, certifications, and training verifications must be submitted by the employee to the Human Resource Director. All medical and health records are maintained separately, however, and access to such information is highly restricted. Personnel files are City property.

Personnel File Updates. An employee's eligibility to receive certain benefits and benefits payments may be affected by failing to provide current personal information. Employees shall promptly notify the City of any changes in certain personal information, including but not limited to: legal name change, mailing address, telephone numbers, marital or familial status, name of spouse and dependents, and emergency contact information. These changes should be submitted in writing to Human Resources by using a Personnel Status Reporting Form, attached to this Handbook, and a new W-4 form.

12.4 Requests for Personnel Information

All requests for recommendations or information concerning employees shall be handled by the Human Resource Director. Without a full release form signed by the employee, the only information the Human Resources Director will provide is date of hire, position held, salary, and date of termination. Personnel files are City property.

Third-Party Access to Personnel Information. Access to personnel records shall be restricted, so as to maintain as much confidentiality as practical. The City reserves the right to verify employee information such as employment status and job title to law enforcement, public safety officials, or medical officials who have a valid need to ascertain limited, specific information about the employee, without notification to the employee involved.

Employee Access to Personnel File. Employees may, upon a written request and with a minimum of two days notice to the Human Resource Director, review their own personnel file. All personnel files shall be viewed only on the City's property and in the presence of the Human Resource Director, or his or her designee, at a time convenient to the Human Resource Director, or his or her designee. Employees may review their own personnel file only during the employee's non-working hours. Under no circumstances may an employee remove his or her personnel file, or any part of it, from the City's property.

COMPENSATION, TIMEKEEPING, HOURS AND PAYROLL

13.1 Pay Plan Established.

The City Commission shall establish a Pay Plan, which may be periodically updated, to set the minimum and maximum rate of pay for every City position except for the positions of members of the City Commission, City Manager, City Attorney, City Prosecutor and Municipal Court Judge, which shall be established separately.

Regular full time employees shall receive the wages prescribed for their position. Part time or temporary employees (whether full time or part time) shall receive wages at a rate determined by the City Manager.

The promotion of an employee to a class with a higher salary range shall include an increase in salary to at least the minimum for the new classification upon approval of the City Manager. Promotional pay increases may be delayed for a period not to exceed six months pending satisfactory completion of a training period for the job to which promoted.

If an employee is reclassified or demoted to a lower classification, the employee's salary may be reduced as established for that classification. Any changes in pay as a result of such reclassification or demotion will occur simultaneously with such reclassification or demotion.

13.2 Salary Range New Employees.

A new employee normally will enter employment at the minimum rate of pay for the position. Original appointment above this rate may be made with the recommendation of the Department Director to the City Manager for the lower twenty fifth percentile of the range. A condition of this appointment above the minimum rate will depend upon the department's budgeted wage line item and that the candidate for the employment exceeds the minimum qualifications with either education or experience. Original appointment below this rate may be made upon the recommendation of the Department Director at a rate 10% below the bottom of the range if the employee does not meet the minimum qualifications for the position. The employee may be placed in this position for up to one year. At the time the individual's qualifications meet the requirements for the position and performance is deemed acceptable, the employee will move up to the minimum of the range for that position.

13.3 Merit Salary Increase.

Meritorious service is recognized at the time of annual evaluation. Merit salary increases shall not be routine, automatic or based upon longevity. Examples of appropriate grounds for reward are: superior quality or quantity of work; outstanding leadership; and exceptional courtesy or exceptional service to the public.

13.4 Regular Rate of Pay

An employee's Regular Rate of Pay is the equivalent of the employee's hourly rate plus additional compensation paid to an employee for the normal, non-overtime work week. All remuneration for employment paid to the employee, except payments specifically excluded in this Handbook and/or as allowed by law, shall be included in the employee's Regular Rate of Pay.

An employee's Regular Rate of Pay shall not be deemed to include: (1) payments made for occasional periods when no work is performed due to vacation, holiday, illness, bereavement leave, insufficient work, or other similar cause; (2) reasonable payments for traveling expenses, or other expenses, incurred by an employee in furtherance of the City's interests and reimbursable by the City; and (3) other similar payments to an employee which are not made as compensation for the employee's hours of employment.

13.5 Overtime

Overtime shall be allowed **when an emergency exists** or overtime is necessary to carry out essential services of the City. Employees may occasionally be required to work overtime to meet the demands of customers. Non-exempt employees are eligible for overtime pay for work beyond forty hours per workweek except: (1) fire department employees are eligible for overtime pay for work beyond 144 hours in a nineteen-day work period; and (2) police department employees are eligible for overtime pay for work beyond 160 hours in a 28-day work period. Exempt employees, as defined by the Fair Labor Standards Act, are not eligible to receive overtime pay.

Employees shall receive authorization by the employee's supervisor before it is performed. Supervisors shall limit overtime for periods when an emergency exists or overtime work is necessary to carry out essential services of the City as assigned by the employee's immediate supervisor or Department Director. It is the employee's responsibility to accurately record and submit record of any overtime worked. **Working overtime without prior authorization may subject an employee to discipline, up to and including termination.**

The City Manager may periodically request an audit of overtime and compensatory time to ensure that it is being used according to the policy and any applicable guidance memoranda.

13.6 Work Periods

The City has established a seven day work period for all employees that shall begin on Monday and end on Sunday of each week. This work period will apply to all departments of the City except the Fire Department and Police Department employees. Firefighters shall work a nineteen-day work period and Police Department employees shall work a 28-day work period. The work period for Police Department and Fire Department employees shall not coincide with the regular fourteen-day pay period.

13.7 Work Schedules and Shift Assignments

Standard Business Hours. All work schedules different than the standard work schedule shall be approved by the City Manager. The City will make every attempt to provide employees with a consistent schedule. The City reserves the right to change the work schedule as necessary.

Lunch and Rest Breaks. It is the policy of the City to provide lunch and rest breaks during the course of the workday. One hour may be taken for lunch, as specified by an employee's supervisor. The lunch hour is an unpaid break and will not be eligible for employees to accumulate overtime or compensatory time. Additionally, employees may take a paid rest break of fifteen minutes for every four hours of continuous work. The time of the rest break, usually mid-morning and mid-afternoon, shall be determined by the employee's supervisor. However, business conditions may preclude this privilege from being granted. It should be understood that, unless breaks are required by law, they are a privilege granted at the discretion of the City.

13.8 Recording of Time

It is the employee's responsibility to accurately record all time worked. Non-exempt employees must record time out if they leave the premises for lunch breaks or other personal reasons and record time in upon their return.

Employees who fail to record time in or out must correct his or her time record immediately to accurately record the actual time worked.

Willful failure to record time in or out is considered theft of company time. Employees who engage in theft of company time shall be subject to immediate discipline, up to and including immediate discharge from employment.

Employees must sign their timecards at the end of every pay period.

13.9 Pay Period and Paydays

All employees are paid on Fridays by direct deposit on a bi-weekly basis, regardless of full or part-time status. Employees will not have the option to be paid in any method other than direct deposit.

Payroll information is confidential and shall not be communicated to fellow employees. Paychecks and/or payroll information will only be distributed to the named employee, unless a signed letter from the employee authorizing other arrangements has been delivered to the Human Resource Director. Questions regarding employee pay or paydays should be directed to the Human Resource Director.

13.10 Payroll Deductions

The City is required by law to make certain deductions from every employee's paycheck, including those for federal, state, or local income taxes and the employee's share of Social Security and Medicare. Eligible employees may authorize deductions from their paychecks to cover the costs of participation in certain benefit programs and for other purposes as allowed by law. All full-time employees who are eligible are required to participate in the Kansas Public Retirement System and an additional deduction will be made for the employee's share of the retirement program. In addition, the City is required by law to recognize certain court orders, liens, and wage assignments.

The City does not condone unlawful deductions, and will make every effort to ensure compliance with the Fair Labor Standards Act and state wage and hour laws. If an employee notices deductions on his or her paycheck that are incorrect or were taken in error, he or she should notify the Human Resource Director immediately. The City will make any necessary corrections as soon as possible.

13.11 Garnishments

The City shall honor lawful garnishment orders and orders for support. Employees who wish to dispute a garnishment should contact his or her legal representative or the creditor. **The City cannot change or dishonor a garnishment order.**

13.12 Payroll Direct Deposit

Direct deposit of payroll into employees' accounts will be utilized and enables employees to have use of the funds without having to personally receive and deposit their checks. This benefit is administered to all employees; employees may not opt out of direct depositing of payroll.

The Human Resource Director has the required forms to initiate direct deposit and will explain the process at the time of employment. Once direct deposit is started, employees continue to receive an earnings statement summarizing earnings and deductions for the pay period and year to date. Employees are responsible for verifying that their pay has been deposited in their bank account before writing checks using these funds. Although funds are transferred out of the City's bank account prior to each payday, there is no guarantee when the bank will post these funds to the employee's account. There may be several banks involved in transferring funds from the City's bank account to the employee's bank account.

In the event that an employee's paycheck deposit is delayed, either due to the transfer of funds from one bank to another or other reasons beyond the City's control, the Human Resource Director will assist the employee in identifying the problem and possible solution in as timely a manner as possible. Any such situation has to be researched before a replacement will be issued. In the event that a duplicate payment is made because payroll funds are deposited into an employee account after the City already has issued a replacement check, the employee agrees to immediately reimburse the City for the duplicate payment.

13.13 W-2 Forms

W-2 Forms will be issued in accordance with the guidelines established by the Internal Revenue Service. It is each employee's responsibility to keep the Human Resource Director informed of his or her current address. W-2 Forms will be mailed to the last address on file for persons no longer employed with the City.

13.14 Payment of Wages at Separation

An employee who retires, voluntarily resigns, or is involuntarily terminated by the City will receive his or her final paycheck on the first regularly scheduled payday following his or her termination and will not receive pay for any accrued paid leave except accrued, but unused vacation leave. An employee that leaves employment before the completion of the six-month training period will not receive pay for their accumulated vacation leave. Final compensation for a deceased employee shall be paid to the estate of the deceased in accordance with this policy.

13.15 Call-Out Pay

A Call-Out is defined as an unscheduled request made by an appropriate management official for a non-exempt employee to return to work after leaving the work location at the end of his or her regular shift and before the beginning of the next regularly scheduled shift. Extension of the normal workday is not considered call-out for the purposes of this policy. Records justifying the reason for calling the employee out for duty shall be prepared and made available to the City Manager upon request.

Regular Employees; 40 Hour Work Period. An employee working a 40-hour work period who is directed to respond to a call-out shall be paid for the time worked, or a minimum of two hours, whichever is greater, at the employee's regular rate unless the call-out places the employee in overtime eligible status.

Police Officers; 160 Hour Work Period. Police officers working a 160-hour work period shall be paid to respond to a call-out as directed by his or her supervisor at the employee's regular rate but shall not receive a minimum guarantee of hours. Police officers working a 160-hour work period shall receive overtime pay as required.

Firefighters; 144-Hour Work Period. The City shall pay firefighters call out premium pay at a rate of one and one half (1.5) times the employee's regular hourly rate for call out duty performed when the employee has exceeded 97.5 hours during a 19 day work period. Firefighters shall be paid an overtime rate of one and one half (1.5) times the employee's regular rate for call out duty performed when the firefighter exceeds 144 hours in the 19 day work period. Volunteer firemen shall be compensated for responding to fire and rescue runs at the established rate for the time worked.

13.16 Longevity Pay.

In 2008, the City Commission approved discretionary longevity pay. The City Commission may grant **discretionary longevity pay funds permitting**, and upon the recommendation of the City Manager and approval of the City Commission. Discretionary longevity pay shall not be guaranteed. If longevity is paid, classified full time employees shall be eligible to receive the longevity pay, provided they have completed at least five consecutive, uninterrupted years of service with the City. Time of services shall be considered as of November 30 of the year that if may be paid, in a classified position. **If longevity is paid**, it shall be distributed to employees by December 31. The following table shows the longevity pay program:

Years	Amount
5 through 9	\$200.00
10 through 14	\$400.00
15 through 19	\$600.00
20 through 24	\$800.00
25 and over	\$1,000.00

If an employee leaves employment prior to payment of and approval of Longevity Pay for that year by the Commission the Longevity Pay the will not be paid to that employee.

13.17 Employee Recognition Program.

Employees who have worked for the City for an extended period of time are eligible for employee longevity program awards, including an award for five years of service. Employees shall also be eligible to receive League of Kansas Municipalities Service Awards for 10, 15, 20, 25, 30, 35 and 40 years of service or they may choose Abilene bucks in place of the League Award. Employees may also receive other types of recognition as approved by the City Manager and the City Commission.

13.18 Suggestion Awards Program.

The Suggestion Awards Program is designed to improve productivity and the quality of public service in City operations by implementing practical suggestions from as many employees as possible. This program allows employees to express their ideas about better ways to do their jobs and rewards employees with some of the savings or benefits resulting from those ideas.

Suggestions must be "constructive" ideas submitted in writing to the Human Resource Director. Eligible suggestions must:

- Increase productivity;
- Improve service to the public;

- Add a new source of revenue;
- Reduce costs, duplication or waste;
- Improve working conditions or safety; or
- Conserve labor, materials or energy.

A suggestion is not eligible if it:

- Deals with routine matters, such as standard equipment or normal replacements, repairs or maintenance;
- Proposes minor improvements in working conditions that the employee or department Director can correct through normal or customary action;
- Points out problems without proposing solutions or is a proposal which has the nature of a grievance;
- Concerns pay and job classifications;
- Increases existing fees or charges;
- Duplicates an earlier suggestion;
- Concerns applications of technology that are widely accepted as routine; or
- Concerns a situation that exists only because established procedures are not being followed.

Annual award amounts are recommended by the City Manager. The minimum award for an implemented suggestion is a Personal day off with pay. Awards for selected suggestions are differentiated between “tangible” benefits, which can be measured in dollars, and “intangible” benefits, which cannot be measured in terms of dollars but are worthy of adoption.

Tangible. An employee whose suggestion results in a 10% reduction in department expenses (a minimum of \$5,000), a reduction in measurable employee time or a revenue increase may receive up to two personal days off subject to scheduling approval by the supervisor.

Intangible. Where the value of a suggestion cannot be measured entirely or precisely in actual savings, suggestions are eligible for an award of up to one personal day off based on:

- How effective the proposed solution is;
- How serious the problem is;
- How extensive the problem is;
- How probable the problem is; and
- How ingenious the suggestion is.

All awards for groups of employees who submit suggestions that are implemented shall receive awards that are prorated, but not less than two hours of paid leave.

If a suggestion is not implemented as stated, but leads to a different but related solution to the problem, an “indirect award” may be based on a yearly savings or revenue increase up to a maximum of one personal day off.

If the benefit from a suggestion cannot be accurately estimated when it is implemented, the City may confer an “interim award” (up to one personal day off). After the first year, an additional award may be given if actual results justify it.

City employees may obtain a Suggestion Awards Program Form from the Human Resource Director at City Hall. They should complete the form following instructions on the back and return to the Human Resource Director.

EMPLOYEE PRIVILEGES, TIME OFF, AND LEAVES OF ABSENCE

14.1 Training Period

All employees are subject to a six-month training period. The employee's training period may be extended at the discretion of the City Manager. Employees in the training period are not eligible for certain benefits as specified herein.

14.2 Holiday Pay Policy

All full-time employees are eligible for holiday pay. For those days designated as off days or designated holidays, employees shall be paid wages equal to the wages they would have earned for the number of hours they would have been scheduled to work on that day. Full-time employees required to work on a designated holiday shall be paid for the total number of hours worked that day at their regular rate, in addition to the standard holiday pay.

Part-time, temporary and seasonal employees are not eligible for holiday pay. Part-time, temporary, and seasonal employees required to work on a designated holiday shall be paid for the total number of hours worked that day at their regular rate.

The City observes the following holidays:

- New Year's Day (January 1)
- Martin Luther King, Jr. Day (Third Monday in January)
- Memorial Day (Last Monday in May)
- Independence Day (July 4)
- Labor Day (First Monday in September)
- Veteran's Day (November 11)
- Thanksgiving (Fourth Thursday in November)
- Friday following Thanksgiving
- Christmas Eve (December 24)
- Christmas (December 25)

The City-designated holidays which occur during an employee's pre-scheduled paid time off shall not be counted against the employee's accrued paid time off. Holidays that fall on a Saturday or Sunday will be recognized the preceding Friday or following Monday.

14.3 Vacation.

Vacation leave shall be earned and accrued from the most recent day of employment under the conditions hereinafter stated. Vacation leave shall be granted after an employee has satisfactorily completed the six-month training period. An employee who works less than twelve days in any month shall accrue no vacation credit for such month of service, provided the limit of twelve days shall not apply to an employee on paid vacation or sick leave. Seasonal and temporary help shall not earn vacation time.

Floating Holiday. Full-time employees will be entitled to one floating holiday per year. If the floating holiday is not used it will not carry over into the next year.

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 six-month training period.

Years of Continuous Service	0-5	5-10	10-15	15-20	20+
Hours per year	80	100	120	140	160
Fire Department Full Time Regular Continuous Service	0-5	5-10	10-15	15-20	20+
Hours per year	74	92	111	129	148

Part Time Employees. Regular part time employees who work less than twenty hours per week receive no vacation or other leave or benefits. If they work twenty hours or more, but less than forty hours per week, they will accrue benefits at a pro-rated amount based on average hours worked on a weekly basis.

Fire Department Personnel. Effective February 14, 2008, full time regular Fire Department personnel shall accrue vacation leave time on an annual basis according to the following schedule, provided no paid vacation leave time may be taken during the six-month training period:

Fire Department personnel may take vacation leave in no less than one hour increments. Fire Department personnel who are regularly scheduled to be on duty for 24.25 hours shall deduct no more than 16.25 hours of vacation leave for each 24.25 hour shift.

Vacation leave which has accrued prior to February 14, 2008, but has not been used before February 14, 2008, will not be lost. These hours shall remain in the employee's vacation leave bank and no more than 16.25 hours of vacation leave shall be deducted for each 24.5 hour shift.

If you have any questions or concerns regarding this or any other change discussed on February 14, 2008, please contact the Fire Chief or Human Resource Director.

Training Period; Full Time Employees. Employees during their initial training period shall be credited with vacation leave for each month of employment, but shall not be permitted to use any vacation credit until they have completed their training period. Employees terminated prior to completing their training period shall not be paid for any accrued vacation leave.

Annual Usage. Vacation leave may be taken any time after six months of employment, after it is earned, subject to supervisor approval. If an employee is prevented from taking earned vacation during any year, the employee will be allowed to carry over up to 160 hours of vacation annually into the following year. Under no circumstances may an employee take pay for vacation time in lieu of time off. Employees may use vacation leave in units of not less than one hour, subject to the approval of their supervisor. In case of conflict, vacation leave shall be granted on the basis of seniority. Any vacation leave in excess of 160 hours for all employees will be lost as of January 1 of each year.

Holiday During Vacation. City holidays which occur during the taking of an employee's vacation leave will not be counted as a day of vacation.

Time spent on vacation leave is not considered for purposes of calculating compensable overtime in accordance with the FLSA.

Vacation leave shall not accrue while an employee is on unpaid leave status, and time spent on vacation leave does not count toward overtime.

14.4 Sick Leave.

All regular full time employees shall be entitled to sick leave with pay for illness, injuries, accidents, or other physical incapacitation, regardless of whether it occurs on or off the job. An employee may use earned sick leave in the case of an illness within the immediate family. Immediate family is defined for sick leave benefits as an employee's spouse; children; parents; brothers; sisters; grandparents; grandchildren; or mother, father, sister, or brother in law.

Amount of Sick Leave. Regular full time employees shall earn one working day of sick leave for each full month of service. Except when on vacation or sick leave, employees who work less than twelve days in any month shall accrue no sick leave credit for that month of service.

Accumulation of Sick Leave. Employees may not accrue more than 120 days, or 960 hours, of sick leave.

Computing Sick Leave. **Sick leave shall be accounted for in increments of one hour.**

Doctor's Certificate. If an employee is absent due to illness or other medical condition for three or more consecutive days, he or she is required to provide a signed statement from a licensed health care practitioner verifying the employee's inability to perform his or her duties because of illness or injury. This shall be turned into the Human Resource Director. A signed statement from a licensed health care practitioner is required in all cases of work-related injury when the employee has been unable to work after the time of the injury regardless of the number of days the employee was absent from work.

Notification. To be eligible for paid sick leave, an employee shall give reasonable notice to an immediate supervisor of the reason for the absence.

Abuse of Sick Leave. An employee who improperly claims sick leave shall be subject to disciplinary action, including loss of pay or dismissal.

Sick leave days are not considered for the purpose of calculating compensable overtime in accordance with FLSA.

As a wellness incentive for all full time employees, the City will provide one floating holiday (based on regular workday hours) or \$100 payment to any employee who does not utilize any sick leave for the twelve month period from January 1 through December 31.

Sick leave shall not accrue while an employee is on unpaid leave status, and time on sick leave does not count toward overtime.

Termination of Employment. An employee shall not be paid for any unused sick leave upon termination of employment with the City, except upon retirement or separation after twenty or more years of regular service, in which instances the employees shall receive payment for 25% of the unused sick leave up to a maximum of one month's salary (Res. 051506).

14.5 Shared Leave

If an employee or an employee's immediate family member suffers a serious illness, injury, or impairment that is likely to cause the employee to take leave without pay or terminate employment, other employees may donate their leave time to the employee through the Shared Leave program.

Coverage. Shared leave may be granted to a full time employee if the employee has exhausted or will exhaust all eligible paid leave, including sick leave, vacation, compensatory time and/or other forms of paid leave.

Shared leave is not available for minor conditions that are not serious, extreme, or life threatening or that does not cause the employee to take leave without pay or terminate employment.

The City Manager may deny requests for shared leave made by an employee with an unsatisfactory attendance record or a history of leave abuse.

If the employee receives workers' compensation, long-term disability payments or both, the employee is not eligible to receive shared leave.

Duration. Shared leave is meant to cover only the duration of the current illness or injury for which it was collected, up to a maximum of six months from the date the employee begins using shared leave if the employee qualifies for Kansas Public Employees Retirement System (KPERs) long term disability payments. If the employee does not qualify for KPERs long term disability payments after six months of shared leave, and the illness, injury, impairment, or physical or mental condition still exists, the employee can then request more shared leave for up to an additional six months at the discretion of the City Managers review of the request.

Shared leave may only be applied retroactively if the shared leave start date is prior to the approval date. Otherwise, all donated leave must be applied to the current pay period or to future pay periods while the employee is on shared leave.

If an employee returns to work with too little shared leave to cover the period of absence, the employee has thirty days in which to obtain additional donated leave to be applied only to the two pay periods prior to return to work. The Human Resource Director must receive written notification of each instance on retroactive application of shared leave.

Request Procedures. Employees shall follow these procedures in requesting shared leave:

- 1 The employee completes the Shared Leave Request Form from the Human Resource Director.
- 2 The employee obtains appropriate medical documentation from the employee's (or family member's) physician.
- 3 The Human Resource Director reviews the request to determine whether the employee has:
 - a Exhausted or will exhaust all forms of paid leave (sick, vacation, compensatory time and/or other forms of paid leave);
 - b At least six (6) months of continuous service; and
 - c A satisfactory attendance record.

- 4 If the request is for care of a family member, the Human Resource Director will determine if the relationship meets the eligibility requirements. Eligible family members include immediate family. Immediate family is defined for sick leave benefits as an employee's spouse, children, parents, brothers, sisters or grandparents, grandchildren or in-laws.
- 5 The Shared Leave Request will be reviewed by the City Manager, Department Director and Human Resource Director. If the Shared Leave Request is approved, a copy will be forwarded to the employee. If the request is denied, a copy will be forwarded to the employee. The request may be denied if the employee has a history of sick leave abuse.

Donation Procedures. Employees shall follow these procedures in donating shared leave:

- 1 Employee Donations: Donations must be made in writing on the Shared Leave Donation Form.
- 2 Employees donating vacation leave must have a vacation leave balance of at least eighty (80) hours (ten (10) days) after the donation. Employees donating sick leave must have a sick leave balance of at least 480 hours (sixty (60) days) after the donation is made.
- 3 Employees may make multiple donations during a particular approved occurrence as long as the leave balance level requirements are met. Each donation must be made on a new form and must be approved separately.
- 4 Donations may be made to an employee in another department.
- 5 Donations must be made in full hour increments.

Departmental Notification: Each department will be notified of a request for shared leave.

Record Keeping. The Human Resource Director will be responsible for processing shared leave requests, donation forms and leave balance adjustments. All required forms are available from the Human Resource Director.

The Human Resource Director will be responsible for calculating the prorated amount of unused shared leave and credit it back to donor employees in increments of not less than full hour increments based on the original amount and type of donated leave.

Shared leave shall not be returned to donating employees who have left City employment.

14.6 Bereavement Leave

In the event of the death of an immediate family member, the City will pay an employee his or her regular rate of pay for up to three (3) consecutive working days. Leave will be granted at the discretion of the City and based on the circumstances. If an employee requests time in addition to that which is approved as bereavement leave, additional time may be granted by the employee's supervisor or manager, which may be charged against any accrued but unused vacation or sick leave, unless the employee elects to take leave without pay. For purposes of Bereavement Leave, an "immediate family member" is defined as the employee's spouse, child or child-in-law, parent or parent-in-law, sibling or sibling-in-law, aunt or uncle, grandparent, or grandchild.

14.7 Family and Medical Leave

Leave Available. Pursuant to the Family and Medical Leave Act, the City provides job-protected leave to **eligible employees** for:

- The care of an employee's child after birth, adoption, or foster care.
- The care of an employee's parent, child, or spouse, who has a serious health condition.
- A serious health condition that makes the employee unable to perform his/her job.
- A "qualifying exigency" arising out of the active duty or call to active duty of an employee's parent, child, or spouse.
- The care of an employee's spouse, child, parent, or next of kin that suffers a serious injury or illness while on active duty in the Armed Forces ("Armed Forces Caregiver Leave").

Amount of Leave. Employees are entitled to up to twelve weeks of leave for the above within a twelve month period, except that Armed Forces Caregiver Leave entitles an employee to up to twenty-six weeks of leave.

Eligibility for Leave. To be eligible for Family and Medical Leave, (1) the employee must have been employed by the City for at least one year; (2) the employee must have worked at least 1,250 hours over the previous twelve months; and (3) the City employs at least fifty employees within a seventy-five surface mile radius.

Threshold Procedural Requirements. Employees desiring to take Family and Medical Leave must submit written requests no later than thirty days before the anticipated start date of leave. Exceptions can be made when practical reasons, such as emergencies and unforeseen conditions, make meeting this deadline impossible or impractical.

Designation of Family and Medical Leave as Paid Leave. Employees on Family and Medical Leave are required to exhaust all but twenty-four hours of their accrued Vacation Leave, which employees may choose to reserve for future use upon returning from leave. However, the employee must utilize all paid leave before leave without pay. Employees may, at their discretion, exhaust all accrued Vacation Leave while on Family and Medical Leave. The paid time will be counted against the employee's Family and Medical Leave time and the employee's Vacation Leave.

Commencement of Family and Medical Leave. Absences commencing during the time of Family and Medical Leave should be handled under sick leave, vacation leave, authorized leave without pay, or a leave of absence. The employee may not be compelled to use sick leave or vacation leave in any particular order; however, the employee must utilize all paid leave before leave without pay. The employee must state in what order he or she desires to utilize paid leave. The employee is then covered by the appropriate policy.

Medical Certifications. The City will require medical certification by a health care provider to support an employee's request for leave to attend to the employee's own serious health conditions or to care for a seriously ill child, spouse, or parent. Certification of an employee's serious health condition must include, among other items, a statement that the employee is unable to work at all or is unable to perform at least one of the essential functions of his or her position. For leave to care for a seriously ill

child, spouse, or parent, certification must include, among other items, an estimate of the amount of time that the employee is needed to provide care.

The City may require a second medical opinion and subsequent and periodic recertification, at its expense. If the employee's and the City's opinions conflict, the City may require the binding opinion of a third health care provider, approved by both the City and the employee. This process shall be paid for by the City.

When thirty-days notice is provided, the employee must provide the medical certification before the leave begins. When this is not possible the employee must provide the requested certification to the City within the timeframe that the City designates, but no sooner than fifteen calendar days after the request for certification. Exceptions will be made when it is not practical for the employee to do so because of the particular circumstances.

Maternity and Paternity Leave. Birth parents, adoptive parents, and foster parents shall be considered for leave at the time of birth, adoption, or placement. If the birth, adoption, or placement is reasonably foreseeable, the employee shall provide the City with at least thirty days notice before the leave is to begin. If the birth, adoption, or placement is not reasonably foreseeable, the employee should notify the City as soon as practical. The employee may request a total of up to twelve weeks of leave in a twelve month period.

No employee shall be compelled, coerced, or ordered to begin maternity leave at any time during the period of pregnancy. Pregnancies and disabilities caused or contributed to by pregnancy shall be considered and treated as temporary disabilities. Employees affected by pregnancy and related conditions must be treated the same as other employees on the basis of their ability or inability to work.

A Department Director shall require an employee returning from a pregnancy or pregnancy-related condition to have a doctor's release if the employee is returning less than six weeks following the end of the pregnancy. The release must specifically state whether or not the employee is capable of fulfilling full job duties and the date the employee is released.

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.

Intermittent or Reduced Leave. When necessary, Family and Medical Leave may be taken intermittently or by way of a reduced work schedule.

Spouses' Combined Leave. Spouses who are both employed by the City are entitled to a *joint total* of twelve weeks leave, rather than twelve weeks of leave each for the birth of a child, placement for adoption or foster care of a child, or the care of a sick parent.

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 its share of premiums 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 the City's share of health care premiums paid while on Family and Medical Leave. In such cases, a Medical Certification may be required.

Other Benefits. Other benefits will not accrue during Family and Medical Leave if they would not have continued to accrue under other types of leave.

14.8 Military Leave

Leaves of absence shall be granted to the City employees whose United States uniformed services (military) obligations necessitate their absence from work. These leaves are applicable to all such obligations, including Reserve and National Guard assignments, and are governed pursuant to the Uniformed Services Employment and Reemployment Rights Act (“USERRA”). Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

Eligibility. Any employee who leaves the City employment for military duty shall be placed on military leave without pay. If not accepted for such duty, the employee shall be reinstated in his present position without loss of status or reduction in pay.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable position depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service. Employees on military leave for up to thirty days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. If the period of service was 31 days or more, but less than 181 days, the employee must submit an application to the City no later than 14 days following completion of service. For service in the military for over 180 days, the employee must submit an application to the City not later than 90 days after completion of service.

Employees who are subject to multiple military duty assignments may, at their option, present leave notices covering all such obligations or individual leave notices.

Continuation of health insurance benefits will be as required by and in accordance with USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible.

14.9 Jury Duty and Other Civic Leave

The City encourages employees to fulfill their civic obligations. Employees shall be given necessary time off with pay:

- when performing jury duty;
- when appearing in court as a witness in answer to a subpoena or as an expert witness when acting in the official capacity in connection with the City;
- when performing emergency civilian duty in connection with national defense; or
- For the purpose of voting, subject to the restrictions imposed by state law.

Notification. All employees shall notify their supervisor upon notification of jury duty, upon receiving a subpoena, or prior to the day of election to allow the City to cover the employee’s duties in his or her absence. Employees must provide the City with a copy of their jury summons or subpoena.

In the event that an employee is selected to sit on the jury or testify as a witness, the employee shall promptly notify his or her supervisor or manager of the anticipated length of trial.

Voting Leave. Every employee, upon reasonable notice to his/her supervisor will be permitted to take necessary time off from work to vote in a municipal, county, state, or federal political party primary or election that the employee is qualified and registered to vote on the date that a primary or election is held when the polls are not open at least two (2) hours before or after the employee's scheduled hours of work. The necessary time off must not exceed two hours.

The Supervisor/Manager may specify the hours during which the employee may vote such that the flow of the operation is not interrupted. Employees may be required to provide proof that they have participated in an election for which they have been provided leave time under this policy.

Compensation. Employees will receive their regular pay for time actually spent engaging in any of the four civic duties described above. Employees shall not be compensated for more than two hours for voting leave.

Any pay received for jury duty shall be reimbursed to the City. It is the employee's responsibility to provide the City with the proper jury pay documentation in a timely manner to ensure compensation.

If an employee is excused early from jury duty or testifying in court, he or she must report to work, provided two or more hours remain on the employee's regularly scheduled shift, in order to qualify for payment.

Personal Lawsuits not Related to City. An employee involved in a personal lawsuit, either as a plaintiff or as a defendant in an action not related to his or her duties with the City, may take leave without pay for up to fourteen days (14) in a calendar year unless he or she elects to utilize available vacation leave.

14.10 Other Leaves of Absence

Domestic Violence Leave. Under certain circumstances, victims of domestic violence may be entitled to unpaid leave. Employees in need of domestic violence leave should contact their supervisor or the Human Resource Director.

Professional Development Leave. Employees may be granted leave with pay to attend meetings, seminars, and conventions of professional and technical organizations when such attendance is related to the employee's work for the City and when such attendance is authorized by the City.

Education Leave. An employee may be granted leave without pay for a period of up to one year to further education pursuits or seek special training upon approval of the City Manager.

15 BENEFITS

This section generally describes and summarizes various benefits the City makes available to eligible employees. The City continually reviews its benefits programs. These summaries are not exhaustive or all-inclusive, and further information is available in the form of plan descriptions or insurance subscription agreements maintained by the City, which may be reviewed upon request. In the event the information included in this handbook is inconsistent with, or conflicts with, benefit plan documents, the latter documents are deemed controlling.

These descriptions are not intended to and do not create any express or implied contractual obligations or entitlements. The City reserves the right, at and within its sole discretion and where permitted by law, to unilaterally change, modify, amend, or discontinue any benefit.

15.1 Training Period

All employees are subject to a 6 month training period. The employee's training period may be extended at the discretion of the City management. Employees in their training period are not eligible for certain benefits.

15.2 Flexible Benefit Plan

Once each year all regular full time employees will be given an opportunity to enroll or reject participation in a voluntary plan designed to save the employee taxes on all eligible deductions withheld from the employee's paycheck. This Tax Qualified 125 Plan allows the employee to pay eligible insurance premiums and any other eligible deductions by payroll deduction on a pretax basis.

15.3 Health Insurance Program

Each new employee of the City that regularly works twenty (20) hours or more in a standard workweek has the option to participate in the medical plan(s) on the first day of the first month following the beginning of employment with the City.

The City shall pay a portion of the full premium for individual medical and hospital insurance coverage as designated by the City Commission. Part time employees will receive a reduced premium benefit based on the amount of hours worked.

15.4 Workers' Compensation Insurance

The City provides workers' compensation benefits as required by law and at no cost to employees. This program covers on-the-job injuries to the extent required by law. Subject to applicable legal requirements, workers' compensation benefits begin after a short waiting period or immediately if the employee is hospitalized.

No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. Employees who sustain work-related injuries should notify the City within twenty-four hours of sustaining the injury. **All on-the-job injuries must be reported.** Failure to report these injuries to an immediate Supervisor, Manager or Human Resource Director in a timely manner may affect the employee's ability to receive workers' compensation benefits and shall subject the employee to discipline, up to and including termination.

Neither the City nor its insurance carrier will be liable for payment of workers' compensation benefits for injuries occurring during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the City.

15.5 Social Security.

All City employees are covered by Social Security, which provides survivor, disability and old age benefits. Both the City and the employee are required to jointly fund this benefit. Rates for Social Security are determined by the federal government.

15.6 Unemployment Compensation

All employees may receive the benefits of the Kansas Employment Security Law, in accordance with such law and regulations. The cost of this benefit is paid by the employer.

15.7 COBRA – Insurance Continuation

The Consolidated Omnibus Budget Reduction Act ("COBRA") gives employees and their qualified beneficiaries the opportunity to continue, for a specific period of time, health insurance coverage under the City's group health plan when a qualifying event would otherwise result in loss of participation eligibility.

Under federal law, continuation coverage is dependent upon the employee or beneficiary paying the full cost of coverage at group rates plus an administration fee. The City provides each eligible employee with a written notice describing the continuation rights when they become eligible for continuation coverage. The notice contains important information about the employee's rights and obligations. For additional details, employees should consult the terms of the individual plan involved.

COBRA coverage is not automatic. Employees must respond to the appropriate COBRA notification letter, or notify the Human Resource Director that coverage continuation is desired and must also submit all required paperwork within the required time limits specified in the written materials.

Contact the Human Resource Director for complete information and assistance.

15.8 Insurance Continuation for Retirees

In accordance with K.S.A. 12 5040, the City's group health care program shall be available to all retirees and their dependents.

All retiring employees and their dependents shall be offered health and hospital insurance until retiree attains age 65 if they have a minimum of ten (10) years of service and will be receiving a benefit from KPERS or KP&F at the time of retirement (Reference K.S.A. 12 5040). Contribution of retiree shall not exceed 125% of premium cost for other employees.

No employee shall be entitled to a cash payment of any kind from the City in lieu of medical and hospital insurance coverage.

The City offers to all full time retiring employees the following retirement health insurance benefits if the following qualifications are met:

- The employee must retire with KPERS and/or KP&F benefits prior to age 62.

- The employee must have at least ten (10) years of service with the City and be employed by the City at retirement.
- The eligible employee must decide to participate in the group health plan upon retirement and membership must be continuous. (The retired employee cannot elect to terminate the membership during the first year of retirement and then reinstate before age 62.)
- The employer will provide 50% participation in the monthly group health coverage premium until age 62 for the employee only. If the employee keeps dependents on the coverage the employee must pay the full premium for the dependents. The employer will continue to offer group health coverage to the retired employee at its own expense until age 65 (Reference K.S.A. 12 5040).

**The years of service are calculated from the date the individual became a KPERS or KP&F member, not the date of hire. Exception: the employee may purchase the first year of employment, which would have an effect on the total years of KPERS service.*

The following exceptions shall apply:

- If the retired employee dies, the employer's participation in health benefits will cease and are not transferable to the surviving spouse.
- If the retired employee fails to make required premium payments on a timely basis, then coverage will terminate.
- If the retired employee becomes covered or is eligible to be covered under a health plan from another employer, then this policy shall terminate.

15.9 Kansas Public Employees Retirement System (KPERS).

All full time employees, except police and fire personnel, are required to become members of the KPERS. The retirement system provides retirement benefits that are prescribed by state statute and are in addition to Social Security benefits. Under current law, employees currently contribute four percent of their gross salary and the City contribution is based on a variable state prescribed formula. **Employees hired after July 1, 2009 will contribute six percent of their gross salary. Please visit www.kpers.org for information regarding retirement.**

15.10 Kansas Police and Firemen's Retirement System (KP&F).

All police and fire personnel are required, as a condition of employment, to become members of the KP&F retirement system. This system provides retirement and disability benefits as prescribed by state statute. Employees currently contribute seven percent of their gross salary and that contribution is matched by a variable City contribution based on a state prescribed formula.

15.11 Deferred Compensation Plan.

All full time employees shall be offered the opportunity to enter into a qualified 457 deferred compensation plan with the company of their choice in an amount of their choice. After an employee's first full year of service, the employee may participate with a minimum \$10 contribution per pay period and the City shall contribute \$20 per pay period toward the employee's contribution. **The City will not make any contribution for police and fire employees who participate in the plan.** If the employee leaves the employment of the City prior to retirement, the total amount of contribution remains the

employee's property until retirement or an emergency arises under which the funds may be withdrawn (Resolution #022607).

15.12 Optional Group Term Life Insurance.

All eligible employees under KPERS and KP&F shall be offered term life insurance in the amount of their choice, with no cost to the City, through payroll deduction, and the City will remit payment to KPERS.

15.13 Other Optional Insurance Coverage.

Employees may enroll in other types of group insurance coverage approved in the City Benefit Plan document and offered by independent insurance agents. The City does not endorse any of these plans, but does allow the premiums to be paid through a payroll deduction plan. All premiums for these types of coverage are paid by the employee. These types of insurance may include, but are not limited to, cancer, disability, income or supplemental health insurance coverage.

15.14 Wellness Program.

The City, in recognizing the benefits of having healthy employees on the job, shall pay a portion of the membership fees as designated by the City Commission for single coverage in an approved fitness program and encourages all full time employees to participate in this City Wellness Program.

15.15 Education Incentive.

Reimbursement of tuition costs for job-related education up to a maximum of \$2,500 per employee per year may be available with prior Department Director and City Manager approval. To be eligible for this incentive, employees must achieve a "B" grade or better. Employees seeking reimbursement will be required to provide an official transcript to verify completion of the course and the final grade. Education reimbursements are subject to available funds.

15.16 Commercial Drivers License Reimbursements

The City will reimburse the initial cost of obtaining a Commercial Drivers License (CDL) for employees that are required to have a CDL to meet the requirements of their job. Additionally, the City will reimburse employees the difference between the standard Drivers License and the CDL at such time as the CDL is renewed. Employees will be required to provide proof of renewal prior to receiving reimbursements.

EMPLOYEE CONDUCT, DISCIPLINE AND ADMINISTRATIVE REVIEWS

16.1 Employee Conduct

City employees are required to conduct themselves in a professional and courteous manner, whether dealing with coworkers, supervisors, managers, customers, vendors, or the general public. As a representative of the City, an employee's conduct reflects directly on the City, and it is important that the City achieve and maintain a positive reputation in the community. Employees who fail to conduct themselves in accordance with the standards of conduct contained in this Handbook will be subject to immediate discipline.

It is impossible to identify all types of conduct that can subject employees to discipline; however, the list below identifies examples of such conduct. The list is not exhaustive and in no way limits the City's ability to take disciplinary action, up to and including suspension or termination, at the City's discretion.

The policy provided below does not change the fact that City employees are employee's at-will, and either the City or an employee can terminate the employment relationship at any time, with or without cause or reason, and with or without advance notice.

16.2 Examples of Conduct that May Lead to Discipline, Including Termination

Commission of any one of the following acts may result in discipline and/or immediate termination of employment:

- Convicted of violating any City, state or federal law.
- Violating any policy or procedure contained in this Handbook or any other City policy or procedure manual.
- Violating any policy, procedure, or regulation required by state, federal, or any governmental agency or regulatory agency.
- Engaging in sexual harassment or discharging duties in a manner that results in discrimination to any person for any reason that is prohibited by this handbook, federal, state, or local law.
- Gives, attempts to give, or receives any monetary consideration or undeserved service to or from any person or organization for, or in connection with, any test or appointment.
- Takes or offers 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 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; accepts a bribe, gift, money, or other thing of service or value intended to perform or refrain from performing any official act; or engages in any act of extortion or other means of obtaining money or anything or service of value through the employee's position in the service of the City.
- Making, publishing, or distributing false, vicious, or malicious statements concerning any employee or City official.

- Disclosing confidential records or information, unless directed to do so by the Department Director or supervisor.
- Failing to follow prescribed safety procedures, including failure to report unsafe conditions, actions, or injuries to employees or customers.
- Failing to maintain a certification or license, including driver's license, when such certification or license is required as a condition of City employment.
- Displays inattention to duty or carelessness, or is responsible for the destruction or loss of public property, supplies, equipment or funds.
- Displays incompetence, inefficiency, or neglect of duty in the performance of the position.
- Displays discourteous or disruptive conduct or other offensive behavior in public, to the public, or to employees and officers of the City.
- Abuses leave time or falsifies attendance records for oneself or another employee.
- Being excessively absent or tardy.
- Working overtime without prior authorization.
- Leaving an assigned work area or the workplace during working hours without approval or fails to report to work without supervisor approval.
- Engaging in immoral or indecent conduct or soliciting another person for such conduct.
- Induces or attempts to induce any officer or employee of the City to commit an unlawful act or to act in violation of any lawful official order or regulation.
- Possessing, selling, or being under the influence of alcohol and/or illegal drugs when reporting for work, on City property, or while on duty except employees may possess and use controlled substances as prescribed by a physician.
- Engaging in insubordination, including improper conduct or abusive language toward a supervisor or refusal to perform tasks in a manner prescribed by a supervisor.
- Refusing to work any assigned hours, shifts, or overtime.
- Engaging in unprofessional conduct, such as fighting, gambling on City property, discourtesy, rudeness, intimidation or threats of any kind against other employees, vendors or the public while on duty, or using vulgar or profane language with any supervisor, manager, or another employee.
- Engaging in verbal or physical harassment, intimidation, or interference with the rights of any fellow employee or vendor.
- Conducting personal business while on duty. This shall include, but is not limited to, engaging in excessive personal calls, text messages, or e-mails.
- Failing to perform job assignments efficiently and satisfactorily.
- Falsifying or altering City records, including but not limited to, employment applications, employment information, time records, or time cards.
- Possessing or using any type of fireworks, explosives, or weapons on the premises or while performing City duties without prior City approval.

- Engaging in theft, attempted theft, or misappropriation of any funds or property of the City, whether or not it is for personal use or for sale or gift to others.
- Filing or pursuing any false claim, such as workers' compensation.
- Failing to fully cooperate with a City internal investigation, whether conducted by the City personnel or a third party at the City's request.
- Repeatedly failing to record time worked.
- Sleeping while on duty.
- Engaging in conduct having a significant adverse effect upon the operation or reputation of the City.

Furthermore, an employee charged with a criminal offense not related to his or her employment with the City may be suspended without pay pending a full criminal investigation. Following such investigation, the employee may be reinstated at the discretion of the City, without pay.

The City may, at its discretion, add or amend rules and regulations as deemed appropriate and necessary. It is each employee's responsibility to learn and adhere to all of the City's rules, regulations, policies, and principles of professional and personal conduct.

16.3 Authority to Discipline

The City Manager has the authority to discipline Department Directors, supervisory personnel, and all other personnel. Department Directors or supervisors are delegated the authority to discipline personnel pursuant to this policy.

16.4 Disciplinary Procedures and Terminations

The form of discipline is determined on a case-by-case basis and depends entirely upon the facts and circumstances of each situation. The City is not obligated to use increasingly severe means of discipline with individual employees but is free, at and within its sole discretion, to impose the discipline it deems necessary.

The following forms of disciplinary action may be taken:

- **Verbal Warning.** A verbal warning is a verbal reprimand given to an employee by a supervisor or Department Director. A record of the warning shall be recorded in the employee's file.
- **Written Reprimand.** A written reprimand is a written notice to an employee from a supervisor or Department Director, a copy of which shall be recorded in the employee's file.
- **Training Period.** Training period is a trial period of a specific length of time during which an employee is required to fulfill a set of conditions, to improve work performance, or to improve on the job behavior. Failure to meet the training requirements may result in additional disciplinary actions.
- **Reduction in Pay.** A pay reduction is the temporary or permanent reduction of an employee's pay, while the employee continues his or her duties under the same job title.

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

The City may, in its sole discretion, take other more stringent disciplinary actions if it believes such action is appropriate and necessary. Under certain circumstances, the City Manager, Department Director or supervisor may determine the misconduct is so severe that immediate termination is warranted.

16.5 Investigations, Prosecution and Termination.

The City investigates any theft, misappropriation or diversion of assets. The City works in conjunction with local law enforcement agencies to investigate any allegations of theft, misappropriation or diversion of assets. The City may, in its discretion, secure a neutral third party to investigate into any suspected misconduct. If third party investigators are used, disclosure of any investigation report and its contents will be restricted to the City; any federal or state officer, agency, or department, or any officer, agency, or department of a unit of general local government; or any self regulatory organization with regulatory authority over the activities of the employer or employee; as otherwise required by law. The City will immediately terminate and vigorously prosecute any and all employees found to be responsible for or involved in any of these activities. It is the responsibility of all employees to report any actual or suspected theft to a Department Director or the City Manager. Failure to report such acts will be grounds for termination.

16.6 Administrative Review.

The City of Abilene allows employees to pursue complaints involving a misinterpretation or misapplication of a practice or policy under the Personnel Policy. Employees are encouraged to pursue and administrative review with the City Manager before pursuing other avenues of redress. Employees may present a complaint concerning the interpretation or application of the Personnel Policy, department specific regulation, working conditions, issues concerning the relationship between an employee and a co-worker or supervisor, or application of equal opportunity policies. **Administrative reviews, however, will exclude complaints related to termination.**

Employees pursuing an administrative review will not be subject to restraint, interference, discrimination or reprisal.

The City Manager shall make the final judgment as to whether a complaint is eligible for an administrative review. An administrative review will be denied if it concerns City Commission policies, ordinances or state statutes; involves termination actions, pertains to matters that the complaint has no direct interest; or when the City Manager has reason to believe that the complaint has been brought in bad faith or for inappropriate reasons.

16.7 Procedure.

A sincere attempt should be made by each supervisor and Department Director to resolve any employee complaints before it becomes necessary for an administrative review.

Any employee who, after conferring with the direct supervisor, may take the complaint to the attention of the Department Director. If the complaint directly involves the Department Director, the complaint

may be brought directly to the City Manager. If, after conferring with the Department Director, the employee still feels the issue has not been addressed, the employee may bring the matter to the attention of the City Manager. This may be done either in writing or in person. Department Directors shall not prevent an employee from bringing an issue or complaint to the attention of the City Manager. Following an initial review of the issue by the City Manager, additional information may be requested by the City Manager from the employee or other sources. The City Manager shall review the complaint and subsequent information and within five business days render a decision. Such finding shall be final and subject to no further appeal.

SEPARATION FROM EMPLOYMENT

17.1 Absent Without Leave.

Any employee who is absent without approved leave and who fails to return to duty within twenty four (24) hours after having received notice to do so shall be deemed to have resigned the position voluntarily.

Absence without leave shall be any absence in which the employee has failed to secure prior approval or, in the case of illness or emergency, has failed to notify an immediate superior of such absence no later than the day such absence begins.

17.2 Notice of Resignation or Retirement

If an employee wishes to resign or retire from their position with the City, they shall notify their supervisor of their intent to do so at least fourteen (14) calendar days in advance. Department Directors shall provide four (4) weeks' notice. Notification of intent to resign or retire shall be written and provided to the Human Resource Director. A Department Director may approve the withdrawal of a resignation prior to its effective date, provided the employee is still working and an appointment has not been made to fill the anticipated vacancy.

Upon receipt of the notice of resignation, the Department Director and/or the City Manager may, at his or her discretion, accept the employee's resignation effective immediately. Failure to provide proper notice may result in the employee being prohibited from consideration for re-employment.

17.3 Reduction in Force or Work Hours.

Any employee may be laid off from work or have work hours reduced because of lack of work or funds. Whenever possible, at least two (2) weeks' notice or two (2) weeks' severance pay in lieu of the notice shall be given prior to layoff. In determining the order of layoff or work hours reduced, the following factors shall be taken into consideration:

- Needs of service.
- Length of service/seniority.
- Nature of work to be curtailed.
- In addition to the above factors, the advisability of demoting employees in higher classes to lower classes for which they are qualified and laying off those in lower classes may also be considered.

17.4 Retirement.

All eligible employees of the City shall be members of the Kansas Public Employees Retirement System and shall be subject to all laws and supplemental regulations governing such membership. All full time employees of the Police and Fire Departments shall be members of the Kansas Police and Firemen's Retirement System and shall be subject to all laws and supplemental regulations governing such membership.

Employees who take an early retirement in accordance with the Kansas Public Employees Retirement System may seek reemployment with the City if said reemployment is permitted by law. Such reemployment shall be subject to approval by the City Manager, and employees shall not be eligible for said reemployment for a minimum of thirty (30) days following early retirement.

17.5 Payment of Wages upon Termination

An employee who is involuntarily terminated by the City will receive his or her final paycheck on the first regularly scheduled payday following his or her termination or within two weeks, whichever is earlier.

17.6 Return of City Property upon Termination

Employees are responsible for the return of all City owned equipment, motor vehicles, tools, supplies, material, keys, ID cards, credit cards and other items of value by the last day of employment. Employees shall be responsible for the replacement cost of any City property not returned following separation from employment with the City.

17.7 Exit Interviews

An Exit Interview form **may** be provided by the Human Resources Director near the end of the employee's employment to advise of benefit matters, to document the reason for a termination, and to assess the strengths and weaknesses of the City's policies and personnel.

17.8 Reinstatement.

An employee who has been terminated in good standing and who is reemployed within a period of 120 days may be reinstated at not higher than the pre-termination salary.

CITY OF ABILENE

Abilene, Kansas

Anti-Drug and Alcohol Misuse Prevention Policy

(FTA / DOT)

Effective Policy Date: October 2010

Anti-Drug and Alcohol Misuse Prevention Policy

Policy Approval

We have reviewed and concur with the contents of the City of Abilene Anti-Drug and Alcohol Misuse Prevention Policy. Our signatures indicate approval of the policy and its contents.

Diane Miller, Mayor City of Abilene Governing Board

Date

ATTEST

Penny L. Soukup, CMC, City Clerk

Date

TABLE OF CONTENTS

I	GENERAL.....
II	PROHIBITIONS.....
III	TESTS REQUIRED.....
IV	HANDLING OF TEST RESULTS, CONFIDENTIALLY.....
V	CONSEQUENCES OF FAILING OR REFUSING A DRUG TEST.....
VI	CONSEQUENCES OF FAILING OR REFUSING AN ALCOHOL TEST...

APPENDIX

- A. Information Concerning the Effects of Alcohol
- B. DER and Service Agents
- C. Job Classification
- D. Employee Affirmation of Drug & Alcohol Testing Policy
- E. DILUTE NEGATIVE DRUG TEST RESULTS

I. GENERAL

A. Purpose

1. City of Abilene has a long-standing commitment to maintaining the highest standards for employee safety and health. The use of controlled substances and the misuse of alcohol are contrary to these high standards. The purpose of this policy is to bring City of Abilene into compliance with all DOT regulations that require affirmative actions to eliminate the impact of the use of controlled substances and misuse of alcohol in the workplace. The purpose of this anti-drug and alcohol misuse prevention policy is to reduce accidents that result from the use of controlled substances and misuse of alcohol, thereby reducing fatalities, injuries, and property damage.
2. **This policy does not create any contractual rights in favor of employees to whom the Policy is applicable. Nor does this Policy in any way alter the at-will nature of employment or imply that discharge will occur only "for cause".**
3. Title 49 Code of Federal Regulations (CFR) Part 655.3 requires any recipient of Federal financial assistance under Sections 5307, 5309, or 5311 of the Federal Transit Act, as amended and any contractor to comply with these regulations, and submit to drug and alcohol testing administered in accordance with part 655. Recipients of these funds and their subcontractors must test their employees for prohibited drugs and misuse of alcohol under the following work-related conditions:

DRUG TESTING

- a. Pre-employment
- b. Random
- c. Post-accident
- d. Reasonable cause
- e. Return-to-duty
- f. Follow-up

ALCOHOL TESTING

- a. Random
- b. Post-accident
- c. Reasonable cause
- d. Return-to-duty
- e. Follow-up

4. **Those areas of the policy printed in bold and underlined text reflect City of Abilene independent authority to require additional provisions with regard to the drug and alcohol testing procedures.**
5. **The presence of controlled substances in the body as well as the use or possession of controlled substances and/or alcoholic beverages while on City of Abilene property, or in any City of Abilene vehicle, or on duty, including breaks or lunch, paid or unpaid, on any shift, is strictly prohibited.**
6. Drug and Alcohol Program Manager: **Appendix B** contains the name, address, and telephone number of the responsible individual(s). The DAPM shall be responsible for providing oversight and evaluation on the policy; providing guidance and counseling; reviewing of all discipline applied under this policy for consistency and conformance to human resources policies and procedures; scheduling drug and alcohol tests for random, return-to-duty and follow-up testing; maintaining a locked file system with limited access to all test results; and promotion of the employee assistance program (EAP). City of Abilene shall ensure that all covered employees are aware of the provisions and coverage of City of Abilene's anti-drug and alcohol misuse policy.
7. Designated Employer Representative: **Appendix B** contains the name, address, and telephone number of the Designated Employer Representative (DER). The DER is authorized by City of Abilene to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer consistent with the requirements of 49 CFR Part 40.

B. Applicability

1. This policy applies to any employee of City of Abilene who perform safety-sensitive functions.

2. The FTA has determined that “safety-sensitive” functions are performed by those who (49 CFR Part 655.4):
 - a. Operate revenue service vehicles including when not in revenue service.
 - b. Operate non-revenue service vehicles that require drivers to hold a CDL.
 - c. Dispatch or control revenue service vehicles.
 - d. Performing maintenance function including repairing, overhauling, and rebuilding revenue service vehicles or equipment used in revenue service;
 - e. Provide security and carry a firearm.
 - f. These categories include supervisors who perform these functions. Supervisors of employees in these categories who do not themselves perform these functions, are excluded.
 - g. Volunteers required to hold a commercial driver’s license to operate the vehicle; or perform a safety-sensitive function for any entity subject to this part.
 - h. Contractor employees that stand in the shoes of Transit System employees.
 - i. A list of safety-sensitive positions that perform one of the above-mentioned duties is found in **Appendix C**.

C. Testing Procedures

It is a condition of employment that all safety-sensitive employees submit to drug and alcohol testing. All testing conducted under this policy will follow the procedures as set forth in 49 CFR Part 40. The procedures have been developed to protect the employee and the integrity of the testing process, to safeguard the validity of the test results, and to ensure that the test results are attributed to the correct employee.

D. Definitions

Words and phrases used in this policy are as defined and found in 49 CFR Part 40.3 and 655.4.

II. PROHIBITIONS

City of Abilene shall test each covered employee who performs a safety-sensitive function for evidence of the following substances: **Alcohol, Marijuana, Cocaine, Opiates, Phencyclidine, Amphetamines, Heroin (6-acetylmorphine), and MDMA (Ecstasy).**

A. Alcohol

1. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater.
2. No employee shall use alcohol 4 hours prior, on call, or while performing a safety-sensitive function. **This includes beverages containing alcohol or substances containing alcohol including any medication, mouthwash, food, candy, or any other substance that would cause alcohol to be present in the body.**
3. No employee required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until a post-accident alcohol test has been administered, which ever occurs first.

B. Controlled Substances

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance.

1. **ILLEGAL DRUGS: The use of any illegal drug or any substance (identified in Schedules I through V of the Controlled Substance Act) is prohibited at all times unless a legal prescription has been written for the substance. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.**
2. **LEGAL DRUGS: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a supervisor. In addition, the employee must obtain a written release from the attending physician releasing the person to perform their job duties any time they obtain a performance-altering prescription.**

3. **PRESCRIPTION DRUGS: A legally prescribed drug means that the employee has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing safety-sensitive functions is prohibited.**

C. Refusal to Submit to a Required Alcohol or Controlled Substances Test

No employee shall refuse to submit to an alcohol or controlled substance test required by 49 CFR Part 40 and 655.

1. As an employee, you have refused to take a drug test if you:
 - a. Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer.
 - b. Fail to remain at the testing site until the testing process is complete.
 - c. Fail to provide a urine specimen for any drug test required by this part or DOT agency regulations.
 - d. In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of the provision of a specimen.
 - e. Fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
 - f. Fail or decline to take an additional drug test the employer or collector has directed you to take.
 - g. Failing to undergo a medical examination when required.
 - h. Failing to cooperate with any part of the testing process.
 - i. For an observed collection, fail to follow the observer's instructions to raise and lower clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have a type of prosthetic or other device that could be used to interfere with the collection process.
 - j. Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
 - k. Admit to the collector or MRO that you adulterated or substituted the specimen.
 - l. Fail to provide an adequate amount of saliva or breath for any alcohol test required by this part or DOT agency regulations.
 - m. Fail to provide a sufficient breath specimen, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
 - n. Failing to sign Step 2 of the alcohol test form.
2. For Pre-employment Tests the Following are NOT Refusals (Once the donor has received the specimen collection cup from the collector the test has commenced.)
 - a. Failure to appear for the test.
 - b. Failure to remain at the site prior to the commencement of the test
 - c. Failure to provide a specimen before the test commences.

III. TESTS REQUIRED (DOT PANEL)

A. Pre-employment or Transfer Testing

The following conditions establish who may be screened and under what circumstances the drug and alcohol screening may occur. All testing will comply with 49 CFR Part 40 and Part 655.

All applicants for employment in a safety-sensitive position with City of Abilene will undergo urine drug testing immediately following the offer of employment. All current employees who are requesting transfer to a position covered in this policy are also subject to this policy. This policy covers applicants for, or requests for transfer to, full-time or part-time employment and applicants for regular or temporary employment.

Testing involves the following situations:

1. Prior to the first time an employee or applicant performs any safety-sensitive functions, the employee will undergo pre-employment testing. If the employee has a verified negative result, no further immediate action is necessary. (§655.41(a)(1))

2. When a covered employee or applicant has previously failed or refused a pre-employment drug test, the employee must provide proof to the Director of City of Abilene of having completed a referral, evaluation, and treatment plan as described in section 655.62 of subpart G. (§655.41(a)(2))
3. Prior to transferring an employee from a Non safety-sensitive function to a safety-sensitive function, the employee must undergo a pre-employment drug test and have a verified negative result. (§655.41(b))
4. If a pre-employment drug test is canceled, the employee or applicant is required to schedule another pre-employment drug test and have a verified negative result. (§655.41(c))
5. When a covered employee or applicant has not performed a safety-sensitive function for 90 consecutive calendar days, and the employee has not been in the random selection pool during that time, the employee is subject to a pre-employment test which produces verified negative results. (§655.41(d))

B. Post-accident Testing

1. Post-accident testing is required for prohibited drugs and alcohol in the case of certain transit accidents:
 - a. Fatal Accident: Whenever there is a loss of human life, each surviving safety-sensitive employee operating the transit vehicle at the time of the accident must be tested. City of Abilene will also determine using the best information available at the time of the decision whether to test any other safety-sensitive employees (e.g., maintenance personnel) where performance could have contributed to the accident.
 - b. Non-fatal Accident: Whenever an individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or vehicles incur disabling damage as a result of the occurrence and vehicles are transported away from the scene by a tow truck or other vehicle, City of Abilene shall test each safety-sensitive employee operating the transit vehicle at the time of the accident, unless their behavior can be completely discounted as a contributing factor to the accident. City of Abilene shall test any other safety-sensitive employee, whose performance could have contributed to the accident, using the best information available at the time of the accident.
 - c. Post-accident drug and alcohol tests must be performed as soon as possible: Drug tests must be performed as soon as possible but within 32 hours following the accident. Alcohol tests must be performed as soon as possible, within 2 hours following the accident. If the alcohol test is not administered within 2 hours following the accident, City of Abilene must still attempt to administer the test, and must also prepare and maintain on file, a record stating the reason(s) the test was not promptly administered. If the alcohol test is still not administered within 8 hours following the accident, City of Abilene shall cease attempts to administer the test, and must also prepare and maintain on file, a record stating the reason the test was not completed.
 - d. The requirement to test for drugs and alcohol following an accident should in no way delay necessary medical attention for injured people or prohibit a safety-sensitive employee from leaving the scene of an accident to obtain assistance in responding to the accident or to obtain necessary emergency medical care. However, the safety-sensitive employee must remain readily available, which means the transit agency knows the location of the safety-sensitive employee. If he or she leaves the scene of the accident prior to submission to such test, employee may be deemed by the employer to have refused to submit to testing.

C. Random Testing

Random testing of safety-sensitive employees will be conducted in a manner consistent with the requirements of 49 CFR Part 655 (Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations) and 49 CFR Part 40 (Procedures for Transportation Workplace Drug and Alcohol Testing Programs).

The City of Abilene participates in a statewide rural transit consortium; therefore, all employees performing safety-sensitive functions are placed in a statewide pool and will have an equal chance of being selected for testing and will remain in the pool, even after being tested. There is no discretion on the part of management in the selection and notification of the individuals who are to be tested.

Random testing will meet the following criteria:

1. The random alcohol testing will be conducted using the current applicable rates required by KDOT which meets or exceeds FTA requirements. Safety-sensitive positions in the testing pool are tested on a random basis annually under the drug and alcohol testing requirement for alcohol.
2. The random drug testing will be conducted using the current applicable rates required by KDOT which meets or exceeds FTA requirements. Safety-sensitive positions in the testing pool are tested on a random basis annually under the drug and alcohol testing requirement for drugs.
3. Random selection is made through a scientifically valid computerized random number generator program matched with employees' social security number. This program is provided by a contracted, third party administrator for the drug program. (§655.45(e))
4. The dates for administering unannounced testing of randomly selected employees shall be spread reasonably through out the calendar year. Testing must be unannounced, unpredictable and will be conducted at all times of the day when safety-sensitive functions are performed. (§655.45(g))
5. A covered employee will only be randomly tested for alcohol just prior to, during or just after performing a safety-sensitive function. (§655.45(i)) The City of Abilene will ensure that the employee stops performing the safety-sensitive function and proceeds to the testing site immediately. (§655.45(h))
6. Random tests for drugs can be conducted at any time during an employee's shift. Testing can occur during the beginning, middle or end of an employee's shift. (§655.45(i))

D. Reasonable Suspicion Testing

1. A safety-sensitive employee is required to submit to a drug and/or alcohol test when the employer has reasonable suspicion that the employee has used a prohibited drug or has misused alcohol as defined in the regulations.
2. A trained supervisor's determination that reasonable suspicion exists will be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.
3. Under this policy drug testing can occur anytime the employee is on duty. Alcohol testing will only occur during, just preceding, or just after the employee has performed a safety-sensitive function.
 - a. An employer shall conduct a drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and /or engaged in alcohol misuse.
 - b. An employer's determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee. A supervisor (s), or other company official (s) who is trained in detecting the signs and symptoms of drug use and alcohol misuse must make the required observations.

- c. Alcohol testing is authorized under this section only if the observations required by paragraph (b) of this section are made during, just preceding, or just after the period of the workday that the covered employee is required to be in compliance with this part. An employer may direct a covered employee to undergo reasonable suspicion testing for alcohol only while the employee is performing safety-sensitive functions; just before the employee is to performing safety-sensitive functions; or just after the employee has ceased performing such functions.
- d. If an alcohol test required by this section is not administered within two hours following the determination under paragraph (b) of this section, the employer shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by this section is not administered within eight hours following the determination under paragraph (b) of this section, the employer shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

Details of the reasonable suspicion testing process can be found in 49 CFR Part 40, subpart E.

E. Return-to-duty Testing

Details of the return-to-duty testing process can be found in 49 CFR Part 40, subpart O.

F. Follow-up Testing

Details of the follow-up testing process can be found in 49 CFR Part 40, subpart O.

IV. HANDLING OF TEST RESULTS, CONFIDENTIALITY

A. Access to Records

- 1. Except as required by law or expressly authorized by release by an employee, City of Abilene will not release information that is contained in records required to be maintained under 49 CFR Part 40 and 655.
- 2. An employee is entitled, upon written request, to obtain copies of any records pertaining to the use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests.
- 3. An employee's testing records will be made available to a subsequent employer upon receipt of a written request from the employee.
- 4. City of Abilene may disclose information required to be maintained pertaining to a driver to the decision maker in a lawsuit, grievance, or administrative proceeding initiated by or on behalf of the individual, and arising from a positive DOT drug or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test result), (including, but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee).

V. CONSEQUENCES OF FAILING OR REFUSING A DRUG TEST

- A. General. Compliance with this drug testing policy is a condition of employment. Refusal to take a required drug test or failure of a drug test shall result in removal from performing covered functions. **Additional disciplinary action up to and including termination may result.**
- B. Refusal and Prohibited Conduct Prohibitions
 - 1. City of Abilene shall not permit any employee, who fails a drug test as verified by the Medical Review Officer (MRO), as described in Part 655, to perform covered functions or continue to perform covered functions.

2. A covered employee who refuses to submit to a random, post-accident, reasonable suspicion or follow-up drug test shall result in the covered employee not being allowed to perform or to continue to perform any covered functions.
- C. Required Referrals and Evaluation. An employee will be given an opportunity to retain his or her employment, provided they first do the following:
1. Have been evaluated by a Substance Abuse Professional (SAP)
 2. Have completed the recommendations of a qualified SAP on the appropriate evaluation/rehabilitation program.
 3. Pass a return-to-duty drug test.

If an employee refuses to report for assessment, evaluation, and/or referral for treatment with a substance abuse professional, he/she will be terminated.

If an employee, after assessment, is referred for rehabilitation and the employee refuses to enter or successfully complete such a rehabilitation assessment program, he/she will be terminated.

All costs associated with the evaluation and rehabilitation program are the responsibility of the employee.

Employees should consult their insurance policy for extent of nervous, mental and substance abuse coverage.

On duty use or possession of drugs on company time or on company premises will result in termination from City of Abilene.

A second positive drug test or the equivalent will result in immediate termination of employment.

A covered employee who engages in prohibited conduct shall be advised of available resources to evaluate and resolve problems associated with substance abuse misuse.

D. Retesting of Drug Positive Samples

1. General. An applicant/employee may verbally request a retest of a positive sample by contacting the MRO by phone, within 72 hours of notification of the positive test result from the MRO.
2. Retest Provisions. The retest will be conducted at a different SAMHSA certified laboratory. The test will be conducted on the split sample that was provided by the applicant/employee at the same time as the original sample. **All costs for such testing are to be reimbursed to City of Abilene by the applicant/employee unless the result of the split sample test invalidates the result of the original test.** The method of collection, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40.
3. Detection Levels. Because some analytes deteriorate or are lost during freezing and/or storage, quantitation for a retest is not subject to a specific cutoff requirement but must provide data sufficient to confirm the presence of the drug or metabolite.

VI. CONSEQUENCES OF FAILING OR REFUSING AN ALCOHOL TEST

- A. General. Compliance with this alcohol testing policy is a condition of employment. Refusal to take a required alcohol test or failure of an alcohol test shall result in removal from performing covered safety-sensitive functions. **Additional disciplinary action up to and including termination may result.**
- B. Refusal and Prohibited Conduct.
1. A covered employee who has engaged in prohibited conduct as described in Part 655 shall not be permitted to perform covered functions or continue to perform covered functions.

2. A covered employee who refuses to submit to a random, post-accident, reasonable suspicion or follow-up alcohol test shall result in the covered employee not being allowed to perform or to continue to perform any covered functions.
- C. Alcohol Concentration. A covered employee shall be prohibited from reporting for duty or remaining on duty requiring the performance of covered functions while having an alcohol concentration of 0.04 or greater.
1. On-Duty Use: A covered employee shall be prohibited from using alcohol while performing covered functions.
 2. Pre-Duty Use: A covered employee that is on call shall be prohibited from performing a covered function, if the employee has consumed alcohol within four hours of being called to duty.
- D. Required Referrals and Evaluation. An employee will be given an opportunity to retain his or her employment, provided they first do the following:
1. Have been evaluated by a Substance Abuse Professional (SAP),
 2. Have completed the company approved evaluation/rehabilitation program successfully,
 3. Pass a return-to-duty alcohol test.

If an employee refuses to report for assessment, evaluation, and/or referral for treatment with a substance abuse professional, he/she will be terminated.

If an employee, after assessment, is referred for rehabilitation and the employee refuses to enter or successfully complete such a rehabilitation assessment program, he/she will be terminated.

All costs associated with the evaluation and rehabilitation program are the responsibility of the employee.

In all cases of an employee having an alcohol concentration of 0.04 or greater, and who has tested a second time at an alcohol concentration of 0.04 or greater, will be terminated.

An employee who refuses to provide an adequate breath for alcohol testing without a valid medical explanation after he/she has received notice of the requirement to be tested in accordance with the requirements of the DAPM, or who engages in conduct that clearly obstructs the testing procedure, will be terminated from City of Abilene.

On duty use or possession of alcohol on company time or on company premises will result in termination from City of Abilene.

A covered employee who engages in prohibited conduct shall be advised of available resources to evaluate and resolve problems associated with alcohol misuse.

- E. Retesting of Covered Employees for Alcohol
1. A covered employee tested and found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not be permitted to perform or continue to perform covered functions until:
 - a. The employee's alcohol concentration measures less than 0.02 in another alcohol test administered in compliance with this policy; or
 - b. The start of the employee's next regularly scheduled duty period, but not less than 8 hours following administration of the alcohol test.
- F. **Results of a second confirmed alcohol test (in the following twelve month period) indicating an alcohol concentration of 0.02 or greater, but less than 0.04: When an employee has an alcohol test conducted and the alcohol concentration is 0.02 or greater, but less than 0.04, on a second confirmed test, the employee will**

be removed from performing covered functions and shall be referred to a substance abuse professional, and must follow all the recommendations of the assessment. Any subsequent test at 0.02 or greater will result in termination from City of Abilene.

- G. Results of a second confirmed alcohol test (in the following twelve-month period) indicating an alcohol concentration 0.02 or greater, but less than 0.04 after a prior alcohol test which had produced an alcohol concentration of 0.04 or greater: When an employee has an alcohol test conducted and the alcohol concentration is 0.02 or greater, but less than 0.04 after having had a prior alcohol concentration 0.04 or greater, then that employee will be removed from performing covered functions and referred to the substance abuse professional and any subsequent alcohol concentration 0.02 or greater will result in immediate termination.

CITY OF ABILENE
PO Box 519, 419 N. Broadway
Abilene, Kansas 67410

APPENDIX A

ALCOHOL SUPPLEMENT

A. Why you should get involved:

1. Although City of Abilene has no history of substance abuse problems, we recognize that alcoholism and alcohol misuse are problems throughout America.
2. There are three good reasons why you should be concerned if any of your co-workers are using drugs or alcohol on the job.
 - a. Your health and safety may be at risk.
 - b. Alcohol misuse costs you money.
 - c. Alcohol creates a negative work environment.
3. According to the National Institute on Alcohol Abuse and Alcoholism, drug and alcohol use on the job costs society an estimated \$102 billion a year. Since most of this cost is passed on to you in the form of higher health insurance rates or in consumer prices, drug and alcohol use on the job costs you and your fellow workers a significant amount of money.
4. Absenteeism among problem drinkers or alcoholics is 3.9 to 8.3 times greater than normal. If your fellow workers don't come to work, you may have to do their jobs in addition to your own.
5. Workers who misuse alcohol don't function at their full potential. Not only is absenteeism a problem, when they are at work these employees may have reduced capabilities and productivity. Since our product is the safe transportation of people, alcohol misuse is an especially serious issue.
6. No matter what your position is in the organization, there is something you can do to ensure that drug and alcohol use on the job never becomes a problem at the company. Acceptance of any misuse puts you, this company, and the public at risk.

B. Effects of alcohol misuse on an individual's health, work, and personal life:

1. Alcohol is a central nervous system depressant. Taken in large quantities, it causes not only the euphoria associated with being drunk, but also adversely affects your judgment, ability to think, and your motor functions. Drink enough alcohol fast enough and it can kill you.
2. Long term overuse of alcohol can cause liver damage, heart problems, sexual dysfunction, and other serious medical problems.
3. In some cases, alcohol use can lead to physical and psychological dependence on alcohol. Alcoholism is a serious chronic disease. Left untreated it will inevitably get worse.
4. Workers who use alcohol (and other drugs) affect everyone. Studies show that compared to alcohol-and drug-free workers, substance abusers are far less productive, miss more workdays, are more likely to injure themselves or someone else, and file more workers compensation claims.
5. The measurable dollar costs of workplace substance abuse from absenteeism, overtime pay, tardiness, sick leave, insurance claims, and workers' compensation can be substantial. However, the hidden costs resulting from diverted supervisory and managerial time, friction among workers, damage to equipment, and damage to company's public image means that workplace substance abuse can further cut profits and competitiveness.

6. Alcohol can also destroy relationships, lead to serious problems with the law (e.g., drunk driving), and even cause harm to the people you love.
 7. If drinking affects your work life, it could lead to job loss and all the financial problems that would follow.
- C. Signs and symptoms of alcohol misuse - Any one or more of the following signs may indicate a drinking problem:
- Family or social problems caused by drinking
 - Job or financial difficulties related to drinking
 - Loss of a consistent ability to control drinking
 - “Blackouts” or the inability to remember what happened while drinking
 - Distressing physical and/or psychological reactions if you try to stop drinking
 - A need to drink increasing amounts of alcohol to get the desired effect
 - Marked changes in behavior or personality when drinking
 - Getting drunk frequently
 - Injuring yourself - or someone else while intoxicated
 - Breaking the law while intoxicated
 - Starting the day with a drink
- D. Available methods of evaluating and resolving problems associated with the misuse of alcohol.
1. Outpatient programs exist in a variety of settings:
 - a. Community mental health centers
 - b. Full service agencies
 - c. Private physicians’ and therapists’ offices
 - d. Occupational settings
 - e. Specialized alcoholism treatment facilities
 2. Inpatient services, designed for those with more serious alcohol problems, can be found in hospitals, residential care facilities, community halfway houses, and some alcoholism clinics.
 3. Your local telephone directory will list helpful referral organizations such as:
 - a. Local council on alcoholism
 - b. Alcoholics Anonymous
 - c. Community alcoholism or mental health clinic
 - d. Social services or human resources department
 - e. County medical society
 4. The SAP will perform an initial evaluation, recommend any additional treatment if necessary, and will refer employees needing assistance for treatment covered under our health insurance program.

CITY OF ABILENE
PO Box 519, 419 N. Broadway
Abilene, Kansas 67410

APPENDIX B

CITY OF ABILENE

Drug and Alcohol Testing Program
Personnel and Services

1. DESIGNATED EMPLOYER REPRESENTATION (DER)/DRUG AND ALCOHOL PROGRAM MANAGER

Primary Contact

Jane Foltz
PO Box 519, 419 N. Broadway
Abilene, Kansas 67410
(785) 263-7266

Secondary Contact

Penny Soukup
PO Box 519, 419 N. Broadway
Abilene, Kansas 67410
(785) 263-7266

2. LOCAL COLLECTION SITE

Memorial Hospital - Abilene
511 NE 10th St
Abilene, Kansas 67410
(785) 263-3027

Occupational Performance Corporation
519 S. Santa Fe
Salina, KS 67401
(785)825-4444

In most instances the TMHC Services, Inc. mobile collector can do your collections on site. However, a local collection site has been set up for use when the on site collector is unavailable.

3. MEDICAL REVIEW OFFICER (MRO)

Sanford E. Pomerantz, M.D.
515 South Kansas Ave, Suite 301
Topeka, Kansas 66603
Local (785) 291-9162
Toll Free (1-888-842-0348)

4. CERTIFIED LABORATORY

MEDTOX
402 West County Road D
St. Paul, Minnesota 55112
(800) 832-3244

5. EMPLOYEE ASSISTANCE PROGRAM (EAP)

REFERRAL FOR SUBSTANCE ABUSE PROFESSIONAL (SAP)

Employee Assistance Program
Toll Free 1-800-999-1196

CITY OF ABILENE
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Abilene, Kansas 67410

APPENDIX C

EMPLOYEE/SUPERVISORY POSITIONS
SUBJECT TO DRUG AND ALCOHOL TESTING
(JOB CLASSIFICATIONS/TITLES)
SAFETY –SENSITIVE FUNCTIONS

A safety-sensitive function, as defined by FTA 49 CFR Part 655, is any specified duty performed by City of Abilene employees related to the safe operation of mass transit service. These duties include the following activities:

1. Operating a revenue service vehicle, including when not in revenue service;
2. Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver's License (CDL);
3. Controlling dispatch or movement of a revenue service vehicle;
4. Maintaining (including repairs, overhaul, and rebuilding) a revenue service vehicle or equipment used in revenue service;
5. Carrying a firearm for security purposes.

The following specific job titles identify those employees who perform safety-sensitive job functions at City of Abilene:

- a. Parks and Recreation Director
- b. Recreation Supervisor
- c. Public Transportation Driver
- d. Recreation Technician
- e. Recreation Program Leader

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**EMPLOYEE AFFIRMATION OF
DRUG AND ALCOHOL TESTING POLICY**

As an employee in a safety-sensitive position, I affirm that I have received, read and understand City of Abilenes Drug and Alcohol Testing Policy and educational materials. I am aware that I may be required to undergo a drug and/or alcohol screen as outlined by City of Abilene’s policy requirements and that I will be informed prior to the drug/alcohol screen; and, that I may be referred to an education and treatment program depending on the results of the drug/alcohol screen. I agree to abide by all provisions of the anti-drug policy as a condition of my continued employment with the company.

Employee Name (Please Print)

Employee Signature

Date

City of Abilene Representative

Date

SUPPLEMENT

DILUTE NEGATIVE DRUG TEST RESULTS

(This supplement explains what happens when an employer receives a report from the MRO of a negative dilute specimen and employer options)

City of Abilene

A negative dilute specimen (Creatinine 5mg/dl to <20 mg/dl, Specific gravity between 1.001 & 1.003) is a specimen that contains an unusually high level of water concentration. Some of the ways this can occur are outlined below:

1. Donor may consume large amounts of water as part of their regular routine.
2. In the case of “shy bladder” collector may offer extra fluids in order to obtain a specimen.
3. Donor may consume large amounts of water in an effort to intentionally dilute the specimen causing drug concentrations to fall below the cutoff levels.
4. Donor may conceal additional water on their person and add to the specimen in an effort to deliberately dilute the sample.

As an employer you may establish different policies regarding dilute negative specimens based on different types of tests. Under 49 CFR Part 40 Section 40.197, you have the following options:

- a. Accept a negative dilute specimen as a valid drug test.
- b. Require one recollection of the specimen.

Please mark the different types of tests in which your company will accept a negative dilute specimen or require a repeat test to be performed.

Pre-Employment	_____	Accept Test	_____	Repeat Test
Post-Accident	_____	Accept Test	_____	Repeat Test
Reasonable Cause	_____	Accept Test	_____	Repeat Test
Return to Duty	_____	Accept Test	_____	Repeat Test
Follow-Up	_____	Accept Test	_____	Repeat Test
Random	_____	Accept Test	_____	Repeat Test

- 1) You must treat all employees the same for this purpose. For example, you must not retest some employees and not others for each test type. Retests should be done as soon as possible and within the same selection quarter.
- 2) You are required to inform your employees in advance of your decisions on these matters.
- 3) You must ensure that the employee is given the minimum possible advance notice that he or she must go to the collection site.
- 4) You must treat the result of the recollected test as the test result of record.
- 5) You are required to follow the provisions regarding negative dilute specimens as outlined under Section 40.197 of 49 CFR Part 40.

Signature

Title

Date

