

# **CITY OF WASHINGTON**



# **PERSONNEL MANUAL**

Adopted: May 4, 2009  
Last Updated: December 8, 2015

# City of Washington Employee Manual

## Employee Acknowledgement

I, \_\_\_\_\_, hereby acknowledge that I have received a copy of the revised and updated “Personnel Manual of the City of Washington,” as amended.

I further acknowledge that I have read the Personnel Manual and that this signed Acknowledgment will be placed in my Personnel File.

I further acknowledge that this manual does not constitute a contract between the City and me.

I further acknowledge that I am an “at-will” employee and may be dismissed from the service of the City by the City Council or City Administrator at any time.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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# **I. GENERAL PROVISIONS**

## **A. PURPOSE**

The general purpose of this personnel policy is to establish a system of personnel administration that meets the social, economic, and program needs of the people of the City of Washington. This system shall provide means to recruit, select, develop and maintain an effective and responsive work force, and shall include policies and procedures for employee hiring and advancement, training and career development, job classification, salary administration, fringe benefits, leaves, discipline, discharge and other related activities.

Affirmative action as developed at the national level shall be the City of Washington's positive means of implementing equal opportunity for all employees without regard to race, color, religion, national origin, sex, age, or handicapped condition.

It is important that you read and understand these policies as they govern many of the terms and conditions of your employment. From time to time, circumstances may require that the City Council amend, suspend or revoke policies described in this manual, which it may do at its discretion.

## **B. "AT-WILL" EMPLOYEES**

All employees of the City are considered "At-will". This means that all employees serve at the discretion of the City Council and may be dismissed from the service of the City at any time for any or no reason. This manual does not constitute in any way a contract of employment. The employee also has the right to terminate employment at any time.

## **C. ADOPTION AND AMENDMENT OF POLICY**

The City Administrator shall present to the City Council personnel rules to be adopted. Amendments and revisions may be proposed by the City Administrator, Mayor, or Council Member and will be effective upon approval of the City Council. These rules shall govern the operation of the City of Washington personnel system.

## **D. IMPLEMENTATION OF POLICIES**

1. Delegation of Authority: Unless otherwise stated in these rules, upon approval by the City Administrator, authority granted to the Department Head by these rules may be delegated.
2. Availability of Funds: The granting of any compensation in these rules is contingent upon the availability of funds, as determined by the City Administrator and/or City Council.

3. Conflict with Federal or State Requirements: If any policy described in this manual conflicts with any applicable state or federal law, regulation or rule, the conflicting policy shall be disregarded only to the extent necessary to avoid a conflict.
4. Correction of Errors: The City Administrator may correct a manifest error or clear an inequity affecting an employee or an applicant.
5. If any section, subsection, sentence, clause, phrase or portion of this Personnel Manual adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction shall not affect the validity of the remaining portions thereof.
6. Department Heads may create more restrictive regulations for their departments if so desired. The regulations must be approved by the City Administrator.

#### **E. APPLICABILITY**

These rules are applicable to all positions in the City unless a specific chapter or section is excluded from applicability for specified purposes. Pursuant to K.S.A. 12-1225, this personnel manual and any policies set forth herein do not apply to any employees of the Washington Library. Any employees of the Library shall be subject to the policies, guidelines, rules & regulations adopted by the library board.

#### **F. EXEMPT AND NON-EXEMPT EMPLOYEES**

All paid positions with the City are non-exempt except the following listed positions:

1. City Administrator
2. Mayor
3. Council Member

#### **G. PART TIME EMPLOYEES**

Part time employees are those employees who are regularly assigned less than forty (40) hours per week not to exceed 999 hours in a calendar year.

#### **H. DELEGATION OF AUTHORITY**

In the event that the City Administrator is not able to perform his/her duties the following positions will assume the City Administrator's authority in the order listed:

1. City Clerk
2. Mayor
3. President of the City Council

#### **I. DEPARTMENTAL GUIDELINES**



The head of any city department may formulate in writing reasonable guidelines for the conduct of operations of his/her department, such as those relating to safety or operational procedures, which shall be available to all departmental employees. Such departmental guidelines shall not be less stringent than, in violation of, or in conflict with any personnel guidelines adopted by the Governing Body.

**J. PERSONNEL RECORDS**

The City Clerk shall keep adequate records of all persons employed, their pay scale, time worked, accrued leave, all absences for leave, accrued overtime, accrued compensation time and all other records directed to be made and maintained under these policies and guidelines or under applicable state or federal law. An employee's personnel file shall be available during office hours for inspection by that employee.

**K. AMENDMENT OF POLICY**

These policies may be amended from time to time in the same manner as they were adopted. Notice of any amendment to the policies shall be provided to City employees in writing.

## **II. EQUAL EMPLOYMENT POLICY**

### **A. GENERAL**

The City of Washington provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age, disability, status as a Vietnam era or special disabled veteran or status in any group protected by local, state or federal law. This policy applies to all terms and conditions of employment, including but not limited to, hiring, placement, promotion, dismissal, layoff, recall transfer, leaves of absence, compensation and training. The City reasonably accommodates disabled employees as required by the ADA. If you believe you require reasonable accommodation, you should contact the City Administrator.

Under this policy, the City of Washington strictly prohibits any form of unlawful employee harassment based on race, color, religion, sex, national origin, age, disability, status as a Vietnam era or special disabled veteran, or status in any group protected by local, state or federal law. Any form of unlawful discrimination or harassment will not be tolerated. If you believe you have been subjected to any conduct prohibited by this policy, you should report that conduct to the City Administrator.

### **B. ANTI-HARASSMENT POLICY**

If you experience any unlawful job related harassment based on your race, color, religion, sex, national origin, age, disability, status as a Vietnam era or special disabled veteran, or status in any group protected by local, state or federal law, or other unlawful factor, or believe that you have been treated in an unlawful, discriminatory manner, promptly report the incident to your department head or the City Administrator. Your complaint will be kept confidential to the maximum extent practical.

If the City determines that an employee has harassed another individual, appropriate disciplinary action will be taken against the offending employee, up to and including dismissal of employment.

The City prohibits any form of retaliation against any employee for filing a bona fide complaint under this policy or for assisting in a complaint investigation. However, if after investigating any complaint of harassment or unlawful discrimination, the City determines that the complaint is not bona fide and was not made in good faith or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or gave false information.

### **C. SEXUAL HARASSMENT**

It is the policy of the city not to discriminate against any individual with respect to compensation, terms, conditions or privileges of employment because of such employee's sex.

This policy specifically includes prohibition against sexual harassment which may be generally defined as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonable interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Further, it is the policy of the city not to tolerate or permit sexual harassment involving either sexual conduct, which is directly linked to the grant or denial of a tangible job benefit, or sexual conduct that creates an offensive work atmosphere.

In furtherance of the city's policy against sexual harassment, each employee is hereby informed that any incident of discrimination, insult, intimidation or harassment should be immediately reported under the procedure hereinafter set forth. Each employee of the city is hereby informed that any employee who engages in sexual harassment will be reprimanded and subject to discipline. The discipline, depending upon the circumstances, may range from a verbal warning to transfer, demotion or discharge from employment.

The following procedure shall be followed by any employee who feels that he/she has been subject to sexual harassment:

1. The employee shall promptly and without delay bring the matter to the attention of his/her immediate supervisor and shall set forth the occurrence of the event or events upon which the claim of sexual harassment is based in writing; provided, if the employee's immediate supervisor is in any way involved in the event or events upon which the claim of sexual harassment is based, the employee shall promptly and without delay bring the matter to the attention of the City Administrator; provided further, if the City Administrator is in any way involved in the event or events upon which the claim of sexual harassment is based, the employee shall promptly and without delay bring the matter to the attention of the Mayor of the city; provided further if the Mayor of the city is in any way involved in the event or events upon which the claim of sexual harassment is based, the employee shall promptly and without delay bring the matter to the attention of a member of the City Council of the city.

2. Upon a complaint of sexual harassment having been made, the person to whom the complaint is made, shall immediately notify the City Administrator of the complaint; provided, if the City Administrator is in any way involved in the event or events upon which the claim of sexual harassment is based, the person to whom the complaint is made shall notify the Mayor; provided further, if the Mayor is involved in the event or events upon which the claim of sexual harassment is based, the person to whom the complaint is made shall notify the City Council. A thorough investigation of the complaint shall be made as directed by either the Mayor of the city or the City Council and all of the facts alleged as constituting as sexual harassment shall be obtained from the complainant as well as from the person or persons accused of the sexual harassment. All information obtained shall be treated in a strict confidential manner. After the investigation is completed, the person filing the complaint as well as the person or persons accused shall be informed of the results of the investigation.
3. After being informed of the results of the investigation, the complainant and the accused person or persons shall have the opportunity to present any additional facts or information which he/she feels are relevant or should be considered.
4. After the investigation has been finally completed, the complainant and the person or persons accused shall be informed of the results or of the investigation, and if it is determined that a violation did occur, the city shall promptly take such disciplinary action based upon the circumstances of the case as it deems appropriate and the parties shall be informed of the action taken.
5. With the consent of the complainant and the accused person or persons, the person conducting the investigation may have the parties meet together with the investigator to try and reach an agreeable solution.

#### **D. WORKPLACE VIOLENCE/CONCEALED CARRY**

1. The City has a policy of zero tolerance for violence. If an employee engages in any violence in the workplace, or threatens violence in the workplace, the employee may be subject to disciplinary action, up to and including dismissal. No talk of violence or joking about violence will be tolerated.

“Violence” includes, but is not limited to, physically harming another, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, and threatening or talking of engaging in those activities. It is the intent of this policy to ensure that everyone associated with the city, including employees and citizens, never feels threatened by any employee’s actions or conduct.

2. Employees are prohibited from possessing a weapon in any City vehicle or equipment with the exception of Law Enforcement personnel required to carry a weapon in their work duties.

Employees are prohibited from storing a personal weapon in any City facility, equipment or vehicle.

With regard to using a gun, authorized Law Enforcement personnel are the only individuals authorized to use deadly force while acting for and on behalf of the City. Under no circumstances will any other employee use deadly force as a function of their job with the City. If the employee who is not an authorized Law Enforcement Officer uses deadly force, said employee will not have the immunities or be entitled to the same indemnity afforded authorized Law Enforcement Officers.

**E. JOB ANNOUNCEMENT POLICY**

All job announcements shall include appropriate identification that the City of Washington is an Equal Employment Opportunity Employer and supports Affirmative Action (EEO/AA). All job applicants shall be afforded these considerations.

### **III. WORK SCHEDULES AND COMPENSATION**

#### **A. POLICY**

The City of Washington is required to comply with the provisions of the federal law known as the Fair Labor Standards Act. The City Council may designate qualifying employees of the City as exempt from the provisions of the act as provided by law. Those employees of the City as exempt shall not be eligible to receive compensation for overtime worked as provided in this policy.

#### **B. REST BREAKS**

Employees may be awarded a rest break of fifteen (15) minutes for each four (4) hours of work at the discretion of the department head. The time of the rest break, usual mid-morning and mid-afternoon, shall be determined by the employee's immediate supervisor.

Employees not awarded a break, may not use the time at the end of the day to leave work early.

#### **C. NORMAL WORK HOURS**

1. City Hall Employees
  - a. Employees assigned to City Hall shall work 8:00am to 5:00pm Monday through Friday.
  - b. The City Administrator may grant flex time to accommodate an employee's specific need on a limited basis. This shall be determined on a case by case basis.
  - c. The City Administrator reserves the right to alter hours as deemed necessary to address the needs of the City and its citizens on a short term basis.
2. Power Plant Employees
  - a. Employees assigned to the power plant shall work 8:00am to 5:00pm Monday through Friday.
  - b. The Power Plant Supervisor may grant flex time to accommodate an employee's specific need on a limited basis. This shall be determined on a case by case basis.
  - c. When it is required to generate electricity, the Supervisor shall establish shift work as deemed necessary. All shift work scheduling is subject to the review of the City Administrator.
  - d. The City Administrator and Supervisor reserve the right to alter hours as deemed necessary to address the needs of the City and its citizens.

3. Electric Distribution Employees
  - a. Employees assigned to the electric distribution division shall work 8:00am to 5:00pm Monday through Friday.
  - b. The Electric Distribution Supervisor may grant flex time to accommodate an employee's specific need on a limited basis. This shall be determined on a case by case basis.
  - c. From Memorial Day to Labor Day, electric distribution employees shall work 7:00am to 4:00pm. This is done to take advantage of the weather and earlier daylight hours.
  - d. The City Administrator and Supervisor reserve the right to alter hours as deemed necessary to address the needs of the City and its citizens.
  - e. One member of the distribution crew shall work 8:00am to 5:00pm on days dedicated to shut-offs for utilities. This date will be set by the City Administrator and the employee will be selected by the supervisor.
4. Street, Water, and Wastewater Employees
  - a. Employees assigned to the street, water, and wastewater divisions shall work 8:00am to 5:00pm Monday through Friday.
  - b. The Supervisors may grant flex time to accommodate an employee's specific need on a limited basis. This shall be determined on a case by case basis.
  - c. From Memorial Day to Labor Day, street, water, and wastewater employees shall work 7:00am to 4:00pm. This is done to take advantage of the weather and earlier daylight hours.
  - d. The City Administrator and Supervisor reserve the right to alter hours as deemed necessary to address the needs of the City and its citizens.
5. Part Time Employees
  - a. The City Administrator shall work with each supervisor to set the work hours for all part time employees on a case by case basis.
  - b. The hours shall be set based on the needs fulfilled by the position, availability of the employee, and other necessary considerations.

#### **D. RECORDING HOURS WORKED**

Certain employees of the City will be required to keep accurate record of their hours worked. This must be done on approved forms provided by the City. No employee other than the City Administrator may record or change hours for any other employee. Employees required to keep records of their hours worked must sign their timesheet prior to submitting it to the City Clerk for payroll purposes. The City Administrator may waive this requirement in special circumstances.

## **E. CLASSIFICATION OF EMPLOYEES AND OTHER WORKERS (5-5-2014)**

For purposes of salary administration and eligibility for overtime payments, the City classifies its' employees and other workers as follows:

1. Full time regular employees. Employees hired to work the City's normal, full time forty (40) hour workweek on a regular basis, and at least 1,000 hours in a year. Such employees may be either "exempt" or "nonexempt" as defined below.
2. Part-time regular employees. Employees hired to work no more than 999 hours in a year. Such employees may be either "exempt" or "nonexempt" as defined below.
3. Elected officials. Officials elected by the registered voters of the City. This also includes individuals appointed to the City Council by the Governing Body as prescribed in the City Code.
4. Fire Volunteers. Individuals who perform services for the Fire Department of the City without compensation. Fire volunteers are reimbursed for expenses incurred as the result of a response to a call.
5. Ambulance employees. Employees hired to work on the ambulance service. These employees are paid on-call time and for each call as established by the Council. The City's full time EMT is considered a full time employee under this manual. Other than the City's full time EMT, this manual shall not apply to Ambulance employees with respect to overtime compensation, benefits, and on-call and call-out policies.
6. Volunteers. Individuals who perform services without any expectation of compensation. This includes all people appointed to the various boards and committees by the Governing Body.
7. Nonexempt employees. Employees who are required to be paid overtime at the rate of time and one half their regular rate of pay for all hours worked beyond forty (40) hours in a work week, in accordance with applicable federal wage and hour laws.
8. Exempt employees. Employees who are not required to be paid overtime, in accordance with applicable federal wage regulations. Executives, professional employees and certain employees in administrative positions are typically exempt.
9. Temporary employees. Employees who are hired to work for a set period of time. The time frame may be adjusted based on available funds and/or work tasks.
10. Seasonal employees. Employees who are hired to work during a set time of the year on an annual basis to complete specific tasks. The time frame may be adjusted based on available funds and/or work tasks.



You will be informed of your initial status as an exempt or nonexempt employee when you are hired.

If you change positions, you will be informed of any change to your exemption status.

For purposes of calculating overtime, the workweek begins on Saturday at 12:00 am and ends the following Friday at 11:59 pm.

To ensure that accurate records are kept of the hours that you actually work and of the accrued leave time you have taken, and to ensure that you are paid in a timely manner, you will be required to record your time worked and absences on the City's official time record form. Falsifying this time record violates the City's policies, and is grounds for disciplinary action, up to and including dismissal.

## **F. CALL-OUT POLICY**

1. The call-out procedure is established to provide for emergency situations where it is determined that additional assistance is required resulting in an employee being called into duty outside of his/her normal working hours.
2. If an employee is called out to work under the circumstances previously mentioned, the employee will automatically receive credit for a minimum one (1) hour worked regardless of the duration of the call out. Call out time will only be considered overtime (one and one half times the regular pay) if the employee has exceeded forty (40) hours worked in that designated week. Holiday leave counts towards hours worked. This provision does not apply to those exempt employees.

## **G. ON-CALL POLICY**

1. In order to be able to respond quickly to a call for service outside of the typical work hours, the City of Washington will pay non-exempt employees to be placed "On-Call". This will allow for the timely response to requests outside the normal work hours. Exempt employees will receive no additional compensation for "On-Call" time.

The City Administrator shall be considered "On-Call" outside of normal business hours from the start of the workday on Monday through the end of the workday on Friday, excluding official city holidays.

From the end of the workday on Friday to the start of the workday on Monday, non-exempt employees performing "On-Call" time and duties will be credited four (4) hours of Compensation Time for an entire weekend. Non-exempt full time employees will receive an additional two (2) hours of Compensation Time for performing "On-Call" time and duties on an official City holiday. If the employee is called into work, the Call-Out Policy will take effect.

City Administrator and non-exempt employees will rotate weekend call from the end of the work day on Friday to the beginning of the workday on Monday.

In the event that a non-exempt employee is required to perform “On-Call” time outside of normal business hours from the start of the workday on Monday through the end of the workday on Friday, the employee shall receive one (1) hour of Compensation Time from the end of each workday to the beginning of the following work day.

2. The call-out procedure is established to provide for emergency situations where it is determined that additional assistance is required resulting in an employee being called into duty outside of his/her normal working hours.
3. During this “On-Call” time the employee shall respond to a request by phone within five (5) minutes. The employee shall be on-site to a call within thirty (30) minutes. If an employee does not meet these criteria, he/she may be required to forfeit the “On-Call” pay for that period. The employee may also be subject to disciplinary actions as described in this manual.
4. Employees placed “On-Call” shall remain in the immediate area and be in condition to report for duty within the thirty (30) minutes as stated above. If the employee is not able to respond to a call, he/she may be disciplined as described in this manual.
5. Employees placed “On-Call” may have the option of taking home a City owned vehicle. This vehicle is to be used only for official city business and is subject to payroll taxes as a taxable benefit. Employees will select the option of using a city vehicle for on-call time during open enrollment of Flexible Spending Account of each year for the following year. This option may not be changed until open enrollment of the following year. New employees may select their option when hired and then be included in the annual option process during open enrollment. See Chapter 28 for additional rules and regulations for take home vehicles.

## **H. OVERTIME COMPENSATION**

1. Overtime work may sometimes be necessary to meet emergency situations, seasonal, or peak workload requirements, and Department Heads are responsible for the advance planning required to minimize the need for overtime. All non-exempt employees shall be compensated at one and one half (1.5) hours per hour of overtime worked.
2. Overtime compensation will only be paid for hours actually worked in excess of forty (40) hours in a work week, including call-out time. Holiday hours are considered time worked. Overtime shall be calculated to the nearest one quarter (1/4) hour of overtime worked.

## **I. COMPENSATORY TIME**

1. The Department Head may elect to substitute time off for overtime pay at the rate of one and one half (1.5) hours for each hour of employment for which overtime pay would normally be required. The compensatory time will be added to the employee's accrued compensatory time at the rate of one and one half (1.5) hours for each hour worked in excess of the regular forty (40) hours in a week. Holiday hours are considered time worked.

## **IV. ALCOHOL AND DRUG POLICY**

**This section to be added at a future date.**

## **V. CODE OF ETHICS**

### **A. PURPOSE AND APPLICATION**

1. The City Council determines that the public trust and the enhancement of the integrity of governmental operations may only be secured by the exhibition of the highest standards of integrity and responsibility by those elected and appointed public officers and employees who undertake service to the citizens of the city. In order to secure such result, this code of ethics is adopted to prompt the independence and impartiality of public officers and employees, and impose standards of accountability upon those who violate the public trust. It is the expectation of the City Council that the officers and employees of the City will aspire beyond the minimum standards of this code of ethics to inspire the greatest measure of public confidence in the operation of Washington municipal government, thereby establishing a tradition of honest, devoted and effective service to the community.
2. The minimum standards of conduct set forth in this code of ethics shall be in addition to the requirements otherwise applicable to public officials by the laws of the United States, state of Kansas, or otherwise contained in the charter and ordinances of the City. The more stringent applicable standard of conduct, federal, state or City shall prevail in the event of any conflict among such standards.

### **B. DEFINITIONS**

As used in this section, the terms set forth shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

1. "Business" means any occupation, trade, profession, organization, company, firm, enterprise, corporation, partnership or proprietorship, private or public, including governmental entities and organizations.
2. "City" means the City of Washington, Kansas.
3. "City Council" refers to all council members and the mayor of the governing body of the City.
4. "Confidential information" means any information which is not available to the general public and which is obtained by reason of an officer's or employee's position and shall include, but not be limited to discussions held in executive session, personnel files, negotiations held with third parties which may be the subject of executive sessions pursuant to Kansas statute, and any other information which is not subject to disclosure pursuant to the Kansas Open Meetings Act and/or the Kansas Open Records Act.

5. "Contract" includes any arrangement or agreement pursuant to which any material, service or other thing of value is to be furnished to the city for a valuable consideration to be paid by the city, (except the provision of personal services within the scope of employment with the city) or sold or transferred by the city.
6. "Immediate family" means a spouse, a child by birth or adoption, stepchild, dependent, parent, grandparent, grandchild, sibling or the spouse of any member of the immediate family, set out above.
7. "Officers or employees" means all officers, including council members, each municipal judge, the city administrator, the city attorney and members of city boards, and employees of the city, whether elected or appointed, paid or unpaid, whether full-time, part-time, seasonal or temporary.
8. "Personal interest" means any private interest in the matter, other than financial interest, which could substantially interfere with or influence the conduct of public duties.
9. "Substantial interest" means any of the following:
  - a. As used in this subsection, "client or customer" means a business or combination of businesses.
  - b. If an individual or an individual's spouse, either individually or collectively, has owned within the preceding twelve (12) months a legal or equitable interest exceeding five thousand dollars (\$5,000.00) or five (5) percent of any business, whichever is less, the individual has a substantial interest in that business.
  - c. If an individual or an individual's spouse, either individually or collectively, has received during the preceding calendar year compensation which is or will be required to be included as taxable income on federal income tax returns of the individual and spouse in an aggregate amount of two thousand dollars (\$2,000.00) from any business or combination of businesses, the individual has a substantial interest in that business or combination of businesses.
  - d. If an individual or an individual's spouse, either individually or collectively, has received directly or indirectly in the preceding twelve (12) months, gifts or honoraria having an aggregate value of five hundred dollars (\$500.00) or more from any person, the individual has a substantial interest in that person. If a gift is received for which the value is unknown, the individual shall be deemed to have a substantial interest in the donor. A substantial interest does not exist under this subsection by reason of: (a) A gift or bequest received as a result of the death of the donor; (b) a gift from a spouse, parent, grandparent, sibling, aunt or uncle; or (c) acting as a trustee of a trust for the benefit of another.

- e. If an individual or an individual's spouse holds the position of officer, director, associate, partner or proprietor of any business, the individual has a substantial interest in that business, irrespective of the amount of compensation received by the individual or individual's spouse.
  - f. If an individual or an individual's spouse receives compensation which is a portion or percentage of each separate fee or commission paid to a business or combination of businesses, the individual has a substantial interest in any client or customer who pays fees or commissions to the business or combination of businesses from which fees or commissions the individual or the individual's spouse, either individually or collectively, received an aggregate of two thousand dollars (\$2,000.00) or more in the preceding calendar year.
10. "Transaction" means the offer, sale, purchase or furnishing of any real or personal property or services by or to any person or entity, directly or indirectly, for the use and benefit of the city or to an officer or employee, or his or her immediate family as a result of the office or employment of such officer or employee with the city.

### **C. PERSONS COVERED**

All city officers and employees shall be bound by this section.

### **D. CONFLICT OF INTEREST PROHIBITED**

- 1. No local governmental officer or employee shall, in the capacity of such an officer or employee, make or participate in the making of a contract with any person or business by which the officer or employee is employed or in whose business the officer or employee has a substantial interest.
- 2. No person or business shall enter into any contract where any local governmental officer or employee, acting in that capacity, is a signatory to or a participant in the making of the contract and is employed by or has a substantial interest in the person or business.
- 3. If a council member or member of any board or commission of the city, or employee, or members of their immediate family has any substantial interest or personal interest, in the outcome of any matter coming before an agency of the city of which he or she is a member, such officer shall disclose on the record of the agency the existence of such interest, and thereafter shall not vote on the matter, or participate in any proceedings in behalf of the city concerning the matter, and shall not communicate about the matter with any person who will vote or participate in the action to be taken therein.
- 4. A local governmental officer or employee does not make or participate in the making of a contract if the officer or employee abstains from any action in regard to the contract.

5. This section shall not apply to the following:
  - a. Contracts let after competitive bidding has been advertised for by published notice; and
  - b. Contracts for property or services for which the price or rate is fixed by law.
6. Any local governmental officer or employee who is convicted of violating this section shall forfeit the office or employment.
7. Nothing herein shall be construed to prohibit any officer or employee from taking any action which is required by law.

**E. JUDICIAL INVOLVEMENT**

No officer or employee shall attempt to influence the municipal judge on any particular pending hearing or trial, nor shall they have discussions with the municipal judge regarding any particular pending hearing or trial unless they appear on record as a material witness with direct knowledge regarding said case.

No officer or employee shall attempt to influence the city attorney in his prosecutorial functions as required in municipal court on any pending hearing or trial nor shall they have discussions with the city attorney on any pending hearing or trial, unless they have direct relevant knowledge regarding said case.

**F. APPEARANCES OF IMPROPRIETY**

Officers and employees shall at all times be sensitive to and exercise prudent restraint in avoiding even the appearance of impropriety, even though the underlying conduct does not in fact violate this code of ethics, or other applicable city ordinance, or state or federal law.

1. Officers, including members of the city council, boards and commissions, who will be, or are, engaged in quasi-judicial decision-making activities, should avoid all contact or discussion outside the hearing process with any of the parties having an interest in the decision.
2. Officers and employees shall avoid participating in travel, lodging, and entertainment activities with persons who have been or who are employees, officers or agents of entities which entered into contracts with the city, or are seeking the city's patronage, even though no actual benefits are paid or provided to the officer or employee.
3. Officers and employees should reasonably limit the payment of or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at duly authorized conventions, seminars and programs at which the officer or employee is scheduled to attend or participate. All means of travel and accommodations shall be at the lowest reasonable and appropriate class or rate available under the circumstances. If equivalent local or in-state programs are available, such programs shall be utilized. The expenditure of public money for alcoholic beverages shall be prohibited.



4. Officers and employees should otherwise refrain from any activities which, if disclosed to the public, would tend to compromise trust in the integrity, honesty and efficiency of governmental operations.

**G. CONFIDENTIAL INFORMATION**

No officer or employee shall, without prior formal authorization of the public body having jurisdiction over said confidential information, disclose the same to any other person or entity.

Whether or not it shall involve disclosure, no official or employee shall use or permit the use of any confidential information to advance the financial or personal interest of himself, herself or any other person.

**H. APPEARANCES BEFORE CITY BOARDS AND COUNCILS**

No officer or employee shall represent or appear in behalf of any private interest, either personally or through a business associate or partner, in any official action, proceeding, hearing, investigation or deliberation of the city, nor shall such officer or employee, for any financial or personal gain use or attempt to use his or her position, directly or indirectly, to influence any other officer or employee in the performance of his or her official duties. Nothing herein shall be construed to preclude an officer or employee from appearing in behalf of an employee of the city in a proceeding under the city personnel policies or where specifically permitted by ordinance of the city.

**I. USE OF CITY PROPERTY AND EMPLOYEE SERVICES**

No officer or employee shall use or permit the use of city-owned or leased facilities, city equipment, material or city personnel or city contractors in any manner and at any time while such personnel or contractors are being compensated by the city or at any discount rates not generally available to the public, except while conducting authorized, official business of the city or where such resources are available to the general public, or where such use is specifically authorized by administrative directive.

**J. CONDUCT FOLLOWING TERMINATION OF CITY EMPLOYMENT OR CONCLUSION OF TERM OF OFFICE**

No officer or employee shall, within six (6) months following termination of his or her office or employment, obtain employment in which he or she will take direct advantage, unavailable to others, of matters with which he or she was directly involved during the term of his or her office or employment. These matters include rules, other than rules of general application, which he or she helped to formulate, and applications, claims or contested cases in the consideration of which he or she substantially participated.

**K. RECEIPT OF GIFTS OR FAVORS**

1. No officer or employee shall accept from any source any gifts or thing or things, services, loan or any other benefit not generally available to the public, from any person who, or entity which, to his or her knowledge, is interested directly or indirectly, in any manner whatsoever, in a transaction with the city, the city council or any board, commission or department of the city as to which he or she has the power, or apparent power, to take or influence official action.
2. The following shall not constitute gifts for purposes of this section:
  - a. Campaign contributions reported in full compliance with all federal and state laws as they may apply.
  - b. A non-monetary award publicly presented by a nonprofit organization in recognition of public service.
  - c. An occasional non-monetary gift of nominal value, such as food at a reception generally open to officers or employees, so long as such gift does not present any conflict of interest in fact or appearance. For purposes of this section "nominal value" shall mean having a value not exceeding twenty-five dollars (\$25.00) on any occasion or from any one person or entity in the aggregate during a consecutive twelve (12) months period. Officers and employees shall keep a written log of any such gifts made or attempted to be made, whether nominal or having value in excess of twenty-five dollars (\$25.00) and shall immediately disclose any attempt or offer of a gift exceeding nominal value made to such officer or employee in his or her official capacity to the city council (if made to the city administrator, city attorney, any council member or member of a board or commission), or to the city administrator (if made to an employee). The log of gifts received during the preceding year which meet the standard of nominal gifts as herein contemplated shall be filed by officers and employees receiving gifts with the city clerk on or before February 1 of each succeeding year, and shall constitute a public record.

## **L. REQUESTS FOR OPINIONS**

1. It is recognized that officers and employees will be confronted with ethical considerations not falling within clearly defined standards, which are elusive of resolution. In such circumstances, and before any action is taken to engage in the questioned conduct, such officer or employee may submit a request for an ethics opinion to the city attorney. Such request shall be based on full disclosure of the underlying conditions known.

2. The city attorney shall issue a written opinion no later than ten (10) business days after submission on the issues presented. If the city attorney is unable to issue an opinion due to conflict or otherwise, such fact shall be disclosed to the city council, which may, at its option, either request the attorney general of the state of Kansas or outside counsel to consider the request presented.
3. The opinion shall be submitted to the requesting officer or employee, with a copy presented to the officer's board or commission, if applicable, the city council, and the city administrator.
4. If the officer or employee, the board or commission or city council or the city administrator is dissatisfied with the opinion, the dissatisfied party may request the city council to or the city council may on its own motion, review the opinion on the basis of the written materials presented. If the circumstances require, the council may secure the assistance of any person or entity having special expertise in the issue of governmental ethical standards. The opinion of the city council shall be final and not subject to any further appeal for purposes of this article. Such opinions shall be advisory only, and shall not serve to exempt or excuse any public officer or employee from fully conforming to this code of ethics, or applicable penal or civil statutes, ordinances and regulations if the questioned conduct is undertaken, however may be considered in mitigation of any violation taken in reliance thereof.
5. It is hereby declared to be in the public interest to encourage officers and employees to obtain ethics opinions prior to engaging in a course of conduct with potential ethical considerations. The identity of the party requesting an ethics opinion and the document requesting an opinion shall be confidential and not subject to public disclosure except as required by law. Opinions rendered shall generally set forth the question presented and the ethical conclusions reached, and are a matter of public record, unless general discussion of the matter would disclose some issue which would be considered confidential pursuant to the Kansas Open Meetings Act and/or Kansas Open Records Act. All opinions shall be maintained by the city clerk in a separate volume containing all opinions rendered pursuant to this chapter. Nothing herein, however, shall be construed to prevent the disclosure to appropriate authorities of any information presented which shall reveal any criminal activity or civil fraud.

#### **M. VIOLATION OF CODE OF ETHICS**

Any complaints against an employee should be submitted to the City Administrator for consideration. Any complaints against the Mayor or a council member should be submitted to the City Administrator for presentation to the Council at the next available council meeting. Any complaints against the City Administrator should be submitted to the Mayor for presentation to the Council at the next available council meeting.

#### **N. PROTECTION FROM RETALIATION**

The city council and city administrator as appointing authority, shall not discharge, threaten or otherwise discriminate against any officer or employee, regarding compensation, terms, condition, location or privileges of employment or office on the basis of any report made against any other officer or employee suspected of violating this code of ethics, or in participating in any investigation, hearing or inquiry conducted pursuant thereto. This section, however, shall not apply to any officer or employee who knowingly or with reckless indifference to the truth makes a false report or provides false information.

## **O. PENALTIES**

1. It shall be unlawful for any officer or employee of the city to knowingly violate any of the provisions of this chapter, and upon conviction, shall be subject to penalty provision provided in the city code.
2. It shall be unlawful for any officer or employee of the city to knowingly, or with reckless indifference to the truth, make a false report or provides false information: by complaint as provided herein, during the investigatory process, or at any hearing provided under this code of ethics, and upon conviction, shall be subject to penalty provided in the city code.
3. In addition to the above penalties, an officer or employee, violating the provisions of this chapter shall be subject to any administrative remedy or proceedings, or action brought by the city for civil relief at law or in equity before any court of competent jurisdiction, including actions to recover damages and restitution, injunctive relief, costs, and reasonable attorneys fees incurred by the city in obtaining such relief as may be appropriate.

## **P. PREROGATIVES OF CITY PROSECUTOR**

Nothing in this code of ethics is intended to diminish in any way the prerogative of the city prosecutor to file such criminal charges as are warranted, pursuant to law, or such charges as may be filed pursuant to violations as provided in this code of ethics, or any other section of the city code.

## **Q. CITY ADMINISTRATOR – AUTHORITY TO PROMULGATE ADMINISTRATIVE DIRECTIVES**

Notwithstanding the provisions of this chapter, the city administrator, pursuant to the powers granted by the code of ordinances of the city which standards shall not conflict with the federal or state law and the ordinances of the City of Washington, shall have the authority to further define ethical standards applicable to city employees. Such administrative directives shall not be subject to the penalty provisions of this chapter, however, shall upon violation, constitute a basis upon which to impose disciplinary action upon the employee as provided by the personnel policies of the city.

## **VI. OUTSIDE EMPLOYMENT**

### **A. GENERAL**

Outside employment by City employees is not prohibited, but is regulated by a few important rules. A City employee must not engage in outside employment during regularly scheduled working hours (defined by each department), while at the City's facilities or when using the City's supplies, equipment, materials or personnel. Outside employment must not cause a conflict of interest or cause deterioration in satisfactory performance of duties while in the City's employ.

Employees shall not engage in outside or other employment or activity which tends to impair their ability to perform the duties and responsibilities assigned them in an acceptable manner. Nor shall employees perform any work in a private capacity which may be construed by the public to be a conflict.

City employees must obtain written approval from the City Administrator to engage in outside employment. A copy of the approval will be provided to the employee, Department Head, City Administrator, and placed in the employee's personnel file. Employees should recognize that any outside employment which might be considered to be joint employment under the provisions of the Fair Labor Standards Act will require close consideration, and conformance with the requirements of that law.

Employees who have accepted outside employment are not eligible to receive compensation during an absence from work which is the result of an injury on the second job, except through properly authorized leave.

## VII.NEPOTISM

### A. GENERAL

For the purpose of this section, relative is defined to include:

Husband	Wife
Mother	Father
Aunt	Uncle
Niece	Nephew
Brother	Sister
Step Children	Step Parents
Son	Daughter
Grandchildren	Grandparents

Appointment of relatives of City employees to regular positions in the City service shall be permitted, provided that the relative shall not be employed in positions where one would be directly supervising the other, or conflict of interest might arise concerning a question of internal control. A regular City employee may not be promoted or transferred into a position involving direct supervision by or of a relative.

Should a marriage between employees result in one having operational or direct supervisory control over the other, transfers must be made to eliminate that situation. If a transfer cannot be accomplished, one party must resign from the City service.

## **VIII. TRAINING**

### **A. RESPONSIBILITY FOR TRAINING**

The responsibility for developing training programs for employees shall be assumed jointly by the City Administrator and Department Heads. Completion of training programs may be considered in making advancements and promotions.

### **B. REIMBURSEMENT**

The City Administrator may grant reimbursement for classes if the training is in the best interest of the City and prior arrangements with the employee's Department Head and the City Administrator have been made in writing. A copy of the agreement will be placed in the employee's personnel file and copies distributed to the employee, the City Administrator and the employee's Department Head. The course or classes should be taken on the employee's own time. Reimbursement may be granted for books and/or tuition.

The City Administrator may correlate the reimbursement to the grade the employee receives in the class.

### **C. COMMERCIAL DRIVER'S LICENSE**

The City of Washington will pay for initial testing and licensing fees for a Class B Commercial Driver's License if required for the position of employment and the employee does not possess one on the date of hire. The City of Washington will provide a qualified vehicle for testing purposes and one employee to drive the vehicle to the test site during business hours. The City of Washington will not pay for renewals, and renewals must be done on employee's own time.

## **IX. HEALTH**

### **A. PRE-EMPLOYMENT EXAMINATION**

As part of the City's employment procedures, applicants may be required to undergo a post-offer, pre-employment illegal and non-prescribed controlled substances drug screening. Any offer of employment is contingent upon, among other things, satisfactory completion of this screening.

### **B. SPECIAL PHYSICAL EXAMINATION**

As a condition of continued employment, employees may also be required to undergo periodic medical examinations that are job related and consistent with business necessity and/or alcohol and drug screening, at times specified by the City. In connection with these examinations, employees are required to provide the City with access to their medical records, if requested. Further, it is important to understand that the City receives medical reports from its physicians regarding the applicant's or employee's health.

### **C. LIGHT DUTY**

Employees who are found by their physicians to be able to perform light duty may be offered light duty jobs, if available, for a limited time if they cannot perform the essential functions of their position. Every attempt will be made to return the employee to duty as soon as possible. During extended periods of light duty, an employee's pay may be adjusted to reflect work assignment and production.

### **D. MEDICAL EXAMINATIONS**

All medical examinations will be conducted by a physician of the City's choice and will be of the type and to the extent determined by the City. All costs associated with required examinations and/or testing will be paid by the City.



## **X. EMPLOYMENT**

### **A. RECRUITMENT**

Recruitment publicity may be carried out through appropriate media for a reasonable period of time to assure sufficient opportunity for the appropriate segment of the labor market to apply and be considered for employment on the basis of abilities and potential. Recruitment shall be carried out on a wide enough scale to ensure an adequate number of applicants for consideration.

### **B. APPLICATION**

All applicants for City employment may make application on forms provided by the City Clerk. The application shall include complete information relating to experience, training, residence, and other necessary qualification information. The City Administrator may use this information to determine applicant eligibility for examination or employment as appropriate. A resume may also be required for some job openings.

Failure to accurately complete the application form may be reason for disqualification from consideration for employment, or dismissal from the City service if hired.

Application forms, when submitted, become the property of the City and shall not be returned. This does not preclude an applicant from requesting a copy of the completed form.

The City Administrator may reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position. Applications shall be rejected if the applicant has made any misstatement of any material fact or has practiced any deception or fraud in the application. Defective applications may be returned to the applicant with notice to amend the same, providing the time limit for receiving the application has not expired.

The City will only accept applications when a job opening has been officially posted.

### **C. CITIZENSHIP VERIFICATION**

All employees initially hired after November 7, 1986, for any position with the City, shall complete an employment eligibility verification statement in compliance with the Federal Immigration Reform and Control Act of 1986.

# **XI. EXAMINATION**

## **A. NATURE AND TYPE OF EXAMINATION**

The selection techniques used in an examination process, if used, shall be impartial, of a practical nature and shall relate to those subjects which, in the opinion of the Department Head and the City Administrator, fairly measure the relative capacities of the persons examined to execute the duties and responsibilities of the class to which they seek to be appointed.

Any examination used shall consist of selection techniques which will fairly test the qualifications of the candidates, such as, but not limited to, achievement and aptitude tests, other written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work samples, medical tests, electronic truth measuring tests, or any combination of these or other tests.

Examinations to measure qualifications of applicants may be conducted by the City Administrator, Department Head, or by persons as properly designated.

## **B. PROMOTIONAL EXAMINATIONS**

Positions are ordinarily filled by promotion from within the City service whenever possible. If qualified applicants for position vacancies are not present in the City service, or if the best interests of the City would not be served through promotion as determined by the City Administrator, the position vacancy may be filled by an applicant outside the City service.

## **C. EXAMINATION RESULTS**

An applicant may review his/her examination results by a request to the City Administrator. If the review should disclose any errors, the examination record of all those affected may be modified by the City Administrator to show a correct record. Requests for examination by any person other than the applicant will be referred to, and reviewed by the City Attorney to ensure that only those records and papers which are considered "public records" according to law are released. The City reserves the right to take into consideration which documents will be deemed public records and those that will not be public records according to law and thus protected to the fullest extent of the law.

## **XII.CERTIFICATION AND APPOINTMENT**

### **A. INTERVIEW, SELECTION AND APPOINTMENT**

Upon the vacancy of any position or the creation of a position as described below the following steps may be used to fill the vacant position. Only with the approval of the City Council shall the following procedure be changed in any way.

1. Advertise the position. The advertisement shall include the position title, brief job description, work hours, pay, benefits (if any), date of first review of the applicants, and any other information deemed important by the department head and/or city administrator.
2. All applications shall be turned into the City Administrator or his/her appointee.
3. After the date of first review, the department head responsible for the position will meet with the City Administrator to review the applications.
4. The department head and City Administrator shall select a minimum of three (3) applicants to interview. Less than three (3) interviews may be completed if the City Administrator determines that there are not at least three (3) qualified applicants. Any applicant not reporting on time for an interview will be considered to forfeit the interview.
5. Step 4 can be skipped in the case of summer help or pool employees, if they have been employed by the City in the past.
6. A questionnaire form must be filled out by the department head and City Administrator for each interviewee.
7. Upon completion of the interviews, the Department Head and the City Administrator will discuss the applicants and determine the best qualified. If it is the opinion of the City Administrator that no qualified applicants were interviewed, then additional interviews may be scheduled, or the job ad may be placed again and the process will start over.
8. If a qualified applicant has been identified by the City Administrator, he/she shall contact the candidate to discuss the position, starting date, proposed hourly wages, and applicable benefits. The City Administrator shall inform the candidate that this is a conditional offer subject to the approval of the City Council.
9. Once a candidate has indicated he/she would accept the position with the proposed wages and benefits, the City Administrator shall then schedule an executive session at the next available City Council meeting to discuss candidates and his/her recommendation for hire and proposed starting wage. The City Council will then either take the recommendation of the City Administrator or develop its own decision.

10. The City Commission shall then in open session of the City Council meeting either make a motion to hire an individual for the position with a starting hourly wage and proposed start date, give the City Administrator additional direction on how to proceed, or other action as deemed appropriate by the City Council.
11. Upon completion of the interviews and the hiring of one of the applicants, the following items must be submitted to the City Clerk:
  - a. Folder with all original applications.
  - b. Questionnaire from each interview.
  - c. Personnel action request form.
12. The applicant shall submit all necessary paperwork and complete any testing required by the City prior to beginning their employment with the City.

## **B. APPOINTMENTS**

Appointments to vacant positions in the City service shall be made in accordance with these personnel rules. Appointments and promotions shall be based on merit and fitness to be ascertained so far as practicable by competitive examination. Examinations may be used and conducted to aid in the selections of qualified employees and shall consist of selection techniques which will test fairly the qualifications of candidates through written tests, personal interviews, performance, work samples, polygraph or any combination of these or other tests.

All appointments shall be made by the City Administrator and may be subject to the review and approval or disapproval of the City Council.

During the period of suspension or incapacity of an employee, such vacancy may be filled by the City Administrator.

## **C. ESTABLISHMENT OF NEW POSITIONS**

Whenever a new position is proposed, the Department Head shall forward to the City Administrator a description of the duties and responsibilities and recommended pay range for the position. The City Administrator shall review the proposal.

The proposed position and recommended pay range may be submitted to the City Council for approval if approved by the City Administrator. New positions shall be filled in the manner and order prescribed in these rules.

## **D. ABOLISHMENT OF POSITIONS**

The City Administrator may recommend to the City Council to abolish any position in the City service. Employees transferred or laid off because of the abolishment of positions shall not have the right to appeal.

## **XIII. CONDUCT SUBJECT TO DISCIPLINARY ACTION**

### **A. GENERAL**

Listed below are some of the rules and regulations of the City of Washington. The City will expect its employees to maintain a high level of personal and professional conduct at all times, and will take appropriate action when this standard is not met. The following are examples of unacceptable behavior and conduct that the City considers inappropriate and could lead to disciplinary action up to and including discharge. The list is not exclusive; it is only representative of the types of conduct which subject an employee to disciplinary action.

1. Unsatisfactory work performance.
2. Abusiveness in attitude, language, or conduct to the public or fellow employees.
3. Violation of any lawful or official regulation or order. Refusal or failure to obey any lawful and reasonable direction given by the employee's superior officer or supervisor.
4. Violation of the City's alcohol and drug abuse policy.
5. Accepting a bribe in the course of work or in connection with it.
6. Using, threatening to use, or attempting to use undue influence, extortion or blackmail in securing employment benefits or advantages for the employee or any other person.
7. Conduct of a type, which will bring discredit or embarrassment to the City.
8. Falsification of City documents or records, making false statements concerning duties with the City, or using fraud to secure an appointment with the City.
9. Causing damage to public property or wasting public supplies due to negligence or willful misconduct.
10. Failure to maintain an acceptable attendance record.
11. Engaging in outside business activities on City time or using City property for personal use.
12. Engaging in unlawful discriminatory action against another employee or applicant for employment on the basis of race, sex, religion, color, national origin, age, disability or any other group protected by law.
13. Failure to maintain minimum standards, licenses or qualifications required for any position.
14. Any conduct declared unlawful under Federal, State or local law.

15. Failure to pass random drug test.
16. Failure to pass post accident drug and/or alcohol test.
17. Sleeping while on the job.

## **XIV. DISCIPLINARY ACTION**

### **A. PURPOSE**

The proper performance of an employee's work and conduct befitting the employee's position play an important part in the continuance of employment with the City. Disciplinary actions shall be a constructive means of dealing with an employee's unacceptable conduct or performance and should be appropriate to the seriousness of the infraction of performance deficiency. Disciplinary actions may include verbal reprimand, written reprimand, disciplinary probation, suspension, demotion and dismissal.

### **B. VERBAL REPRIMAND**

A verbal reprimand may be issued by the City Administrator or the Department Head to an employee for an offense when, in the City Administrator or Department Head's discretion, other forms of discipline are not warranted. The Department Head shall notify the City Administrator of the verbal reprimand as soon as it is practical.

### **C. WRITTEN REPRIMAND**

A written reprimand may be issued by the City Administrator or a Department Head to an employee for an offense when, in the City Administrator's discretion, other forms of discipline are not warranted. When completed by the City Administrator or Department Head, the employee shall sign the reprimand as an acknowledgement of receipt, the City Administrator and Department Head shall also sign as witnesses and to certify knowledge of the reprimand. The original shall be placed in the employee's personnel file and a copy provided to the employee, if requested.

### **D. SUSPENSION**

The City Administrator has the authority to suspend an employee without pay for a maximum of ten (10) days and has the authority to suspend an employee with pay for a maximum of thirty (30) days. The City Council may suspend an employee without pay for a maximum of thirty (30) days.

The City Council may place an employee on paid administrative leave for an indefinite amount of time for purposes including but not limited to disciplinary action or investigations.

Any employee who is suspended, with or without pay, by the City Administrator for more than three (3) working days may request a pre-suspension hearing with the City Council. This request must be made in writing. The City Administrator may suspend an employee with pay pending completion and disposition of an investigation.

If an employee is suspended without pay, they must pay for any insurance premiums for the duration of the suspension. The payment must be made to the City Clerk prior to returning for duty after the conclusion of the suspension.

## **E. DEMOTION**

The City Administrator may demote an employee whose ability to perform required duties falls below the minimum job requirements or for disciplinary reasons as provided in this article. No employee shall be demoted to a position for which he/she does not possess the minimum qualifications.

Written notice of the intended action shall be given to the employee before the effective date of the demotion, and a copy shall be filed in the employee's file. Any employee who is demoted may request a pre-demotion hearing with the City Council. This request must be made in writing.

## **F. DISMISSAL**

1. Authority: The City Administrator or City Council may dismiss an employee from the City service for any or no stated reason as all employees are at-will employees.
2. Hearing: The employee may request a hearing with the City Council regarding the dismissal within ten (10) calendar days of the dismissal.
3. Notification: The City Administrator or Mayor shall sign a written order, which shall constitute the Notice of Dismissal.



## **XV. CHANGES IN ASSIGNMENTS**

### **A. PROMOTION**

1. Eligibility: Promotional examinations are open to all employees who meet the minimum qualifications in the City service, except that an employee who has been demoted at their own request or for cause may not compete in a promotional examination for ninety (90) days after the effective date of the demotion. The City Administrator may waive these limitations.

### **B. TRANSFER**

1. Intra-Department Transfer: The City Administrator may transfer an employee to a different position within the department at the same pay.
2. Inter-Department Transfer: The City Administrator may transfer an employee to a different position at the same pay in another department.
3. Reason for Transfer: An employee may be transferred at the employee's request, for the convenience of the City, or because the employee is no longer capable of performing the essential functions of the position with reasonable accommodation.
4. Qualifications: A transferred employee must meet the minimum qualifications for the position to which the employee may be transferred.
5. Multiple Requests: If two (2) or more employees request a transfer to the same vacant position, the City Administrator shall require examination in the same manner as for promotional vacancies. If an employee requests a transfer for which the employee is qualified and such a position is not open, the employee's name shall be placed on the eligibility list for that position.

### **C. DETAIL**

1. Authority: With the approval of the employee and the City Administrator, a Department Head may place the employee on temporary detail to a higher position than that normally covered by the employee's job classification.
2. Duration: No temporary detail shall extend beyond a period of six (6) months unless approved by the City Administrator.

## **XVI. COMPENSATION AND BENEFITS**

### **A. PREPARATION OF PLAN**

The City Administrator or a person or agency employed for that purpose, shall prepare a pay plan covering all positions and present the plan to the City Council for approval. In arriving at salary rates of pay, consideration will be given to working conditions for comparable work in public and private employment, current costs of living, suggestions of Department Heads, the City's financial condition and policies, and all other relevant factors (education, training, years of service, etc.).

### **B. ADOPTION, AMENDMENT OR REVISIONS OF PLAN**

After initial approval, the pay plan may be amended from time to time after consideration and approval by the City Council. When the pay plan is amended all personnel will be adjusted appropriately by the City Council if deemed appropriate or necessary by the City Council.

### **C. APPLICATION OF RATES**

Employees occupying a position in the City services shall be paid a salary or wage established for that position under the pay plan. A new employee shall start at the first step for the position unless the City Council determines that qualified applicants are not available at the salary specified at the first step or that an applicant has special qualifications that justify a higher starting rate than the first step.

### **D. PAY PERIODS; PAYDAYS; METHODS OF PAY**

The city shall pay all employees every two (2) weeks on the Friday following the end of the previous pay period. Should the regular payday fall on a city holiday, the City Administrator shall determine when to distribute the checks. Payments shall be made by direct deposit to the employee's bank account as he/she designates. If an employee fails to designate a financial institution account for electronic fund transfer or deposit, he/she will receive payment deposited onto a payroll card as established by the employee.

### **E. PERFORMANCE INCREASES**

1. City employees shall be eligible for consideration for performance or pay increases as follows:
  - a. Cost of living increase subject to City Council approval.
  - b. Merit increases or merit bonuses based on the employee's annual evaluation or other information as approved by the City Council.
2. The City Council shall review all employees in November of each year and may discuss possible adjustments in salaries at that time.

3. All salary increases will take effect beginning on the first day of the next pay period following the City Council's approval unless otherwise stated.

#### **F. TEMPORARY ASSIGNMENT**

Upon the recommendation of the Department Head and approval of the City Administrator, an employee may be assigned, on a temporary basis, to additional duties that are normally covered by his/her job position. The City Administrator may make a recommendation for a temporary adjustment in wages to coincide with the additional job duties. The determination to award the increase in pay is solely at the discretion of the City Council and all decisions are final.

#### **G. CLOTHING AND UNIFORMS ALLOWANCE**

Clothing allowances and uniform privileges shall be set by the City Council in its annual budget and administered by the City Administrator.

1. Any clothing purchased by the City remains the property of the City, and must be returned upon leaving City service or employment.

#### **H. REIMBURSEMENT FOR EXPENSES**

The City Administrator shall have the authority to establish administrative regulations providing for the reimbursement to employees and officers of the City for actual and necessary expense incurred while engaged in City business including approved travel and conference expenses. See Chapter XXIII for more details on travel.

#### **I. HEALTH, DENTAL, AND VISION INSURANCE**

The City offers every employee working a minimum of one thousand (1,000) regularly scheduled hours per year coverage under a group health, dental, and vision plan. See the City Clerk for current forms and a copy of the rules and regulations for the policies.

1. Eligibility. Any employee working at least one thousand (1,000) hours in a single calendar year is eligible for coverage under the City's health, dental, and vision plan. Coverage will begin on the first day of the month after a minimum of sixty (60) days of employment. On-call time for fire and ambulance employees does not count as hours worked.
2. Payments. The City pays one hundred percent (100%) of the monthly premium for an employee and their family members for all full time employees. The City will match minimum contribution as established by the plan rules for all eligible part time employees. This is subject to review and possible changes by the City Council at any time and for any reason.

3. Health Insurance Rewards Program or Incentive Discounts. If the City's health insurance plan offers any type of rewards program in order to achieve a discount or incentive, and any employee fails to meet the requirements in order to earn said discount or incentive, the employee must pay the additional premium, which will be withheld as a payroll deduction from the first payroll of each month. This is subject to change at any time by the City Council.
4. Payroll Deductions. If any payment is required from the employee, an automatic payroll deduction of fifty percent (50%) of the premium amount will be deducted from two payrolls each month. In the event of a month with three payrolls, no deduction will be made on the third payroll of the month.
5. The City will continue to pay the premiums for insurance coverage under the approved structure for employees drawing workman's compensation for an injury occurring while performing work for the City of Washington.
6. Retirees of the City of Washington, under the age of sixty-five (65), shall be eligible for continued participation in the city's health care plan, upon payment of all cost thereof, in accordance with the provisions of K.S.A. Supp. 12-5040. In addition, the City complies with those provisions of the Federal Consolidated Omnibus reconciliation Act of 1986 (COBRA) relating to the extension of group health care plan coverage upon termination of city employment.

**J. LIFE INSURANCE**

The City offers every full time employee the following types of insurance at no cost to the employee.

- Basic Term Life
- Basic AD&D
- Dependent Life
- Short Term Disability

See the City Clerk for current forms and a copy of the rules and regulations for each of the policies.

Employees enrolled in the KPERS are eligible for additional optional life insurance through the KPERS. If an employee wishes to apply for additional life insurance, the employee is responsible for the premiums through a payroll deduction.

**K. KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM**

Retirement benefits are required by all qualified employees of the City of Washington through the Kansas Public Employees Retirement System.

Only employees working in excess of 1,000 hours in any one calendar year are eligible for the KPERS program. On-call time for fire and ambulance employees does not count as hours worked.

## **L. FLEXIBLE SPENDING ACCOUNT**

1. Description of Program. The City offers a program to all full time employees to withhold money from their paychecks for unreimbursed medical expenses and dependent day care. This is a voluntary program that is offered to all full time employees only.
2. Program Enrollment. All full time employees shall sign up for the program during open enrollment of each year for the following year. The City Administrator shall set the date each year. No applications will be accepted after the established deadline. New employees that are eligible may enroll in the program at the time of hire and then during open enrollment of each year thereafter. Changes may be made to an employee's withholdings if the employee has a change in status that affects eligibility. The employee should speak with the City Clerk to determine qualifying events.
3. Application for Reimbursement. Employees that have elected to place money into this fund may submit for reimbursement from the fund as costs are incurred. A copy of the invoice for the eligible expenditure along with a form provided by the City must be completed by the employee and submitted to the City Clerk by noon on the last Friday of the pay period. The information will then be submitted to the City's representative for approval. Reimbursement checks will be distributed with payroll checks.
4. Amount of reimbursement. Eligible employees may submit for reimbursements on unreimbursed medical expenses for the entire amount they are schedule to put into the fund at any time throughout the year. Eligible employees may only withdraw the amount currently withheld from payroll for dependent daycare expenses. If an employee leaves the service of the City prior to the end of the year, they will be required to reimburse any money withdrawn from the fund that was not withheld from their paychecks.

## **XVII. PERFORMANCE RATING**

### **A. GENERAL**

To ensure that employees perform their jobs to the best of their abilities, it is important that the City recognize their good performance and provides appropriate suggestions for improvement when necessary. Consistent with this goal, employees will be evaluated, usually by their immediate supervisors, on a periodic basis, typically in early October of each year.

If an employee does not receive a periodic performance review, it is that employee's responsibility to inform the Department Head in writing with a copy provided to the City Administrator. This will help the City ensure that the appraisal process is administered in a timely manner.

Performance reviews are based on an employee's overall performance in relation to the job responsibilities and will also take into account conduct, demeanor and record of attendance and tardiness. Employees shall sign the evaluation to indicate acknowledgement, and may submit written comments in response to the evaluation. The evaluation, and any comments, will be maintained in the employee's personnel file.

An employee may discuss any aspect of his or her evaluation with the City Administrator, who may alter or amend an evaluation.

Copies of the review will be provided to the City Council for review at the first meeting in November of each year for review and discussion and possible wage adjustments.

## **XVIII. LEAVING THE CITY SERVICE**

### **A. RESIGNATION**

An employee wishing to leave the City service in good standing shall file with his/her Department Head at least ten (10) working days before leaving the service a written resignation stating the effective date and the reason(s) for leaving.

The resignation shall be forwarded to the City Administrator for processing. Upon receipt of the signed resignation, the City Administrator or his/her designee shall prepare the appropriate release documents.

Upon submission of the written resignation, the employee's spending authority shall be immediately withdrawn, and the employee may no longer make purchases for or on behalf of the City for the remainder of their employment.

Employees leaving the City service shall turn in all City property, including but not limited to keys, radio, ID badges, any clothing purchased by the City, and clear all debts to the City.

Failure of the employee to comply with the provisions of this article shall be entered into the employee's personnel file and may be cause for denial of future employment with the City.

## **XIX. LEAVE**

### **A. GENERAL**

The policies established in this section will be applied to new and existing employees.

### **B. HOLIDAYS**

The City of Washington observes the following holidays:

New Year's Day	January 1 <sup>st</sup>
Martin Luther King, Jr. Day	3 <sup>rd</sup> Monday in January
President's Day	3 <sup>rd</sup> Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 <sup>th</sup>
Labor Day	1 <sup>st</sup> Monday in September
Veteran's Day	November 11 <sup>th</sup>
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Christmas Day	December 25 <sup>th</sup>

The City Offices will be closed on the Friday after Thanksgiving of each year, as a paid day off with employees using comp or vacation time. The City Offices will close at noon on Christmas Eve, December 24<sup>th</sup>, of each year, as a paid day off with employees using comp or vacation time, but said days will not be considered paid holidays. (12-7-15)

Part time and seasonal employees are not entitled to holiday pay. Employees who are on unpaid leave or on unpaid suspension are not entitled to holidays.

When any of the above holidays fall on a Saturday, the prior Friday shall be observed as a holiday. When any of the above holidays fall on a Sunday, the following Monday shall be observed as a holiday. The City Administrator shall do all in his power to maintain essential services during the holiday.

If the holiday falls on an employee's regular scheduled workday and he does work, he shall receive his regular wage for actual hours worked plus eight (8) hours holiday pay.

To be eligible to receive pay for a city holiday, an employee must not have been absent without leave either on the workday before or the workday after the holiday.

Holiday's hours are to be included as hours worked when considering overtime pay.

### **C. VACATION LEAVE**



1. Definition. Vacation Leave is defined as leave time an employee earns and accrues to be used by the employee for personal use away from the work place.
2. Eligibility. Vacation Leave shall be earned and accrued by all full time employees. Part time, temporary, and seasonal employee are not eligible for this benefit.
3. Accumulation. Vacation Leave shall be earned and accrued beginning with the employee's first full payroll or May 16, 2009 which ever date is later. All full time employees shall accrue Vacation Leave at the following rates:

<u>Years of Service</u>	<u>Accrued per Pay Period</u>
Start of employment	1.54 hrs
After 2 year anniversary	3.07 hrs
After 10 year anniversary	4.62 hrs

4. Use of Vacation Leave. Vacation Leave may be used by an employee after being accrued, but not during the first six (6) months of employment. The employee must submit a Leave Request Form prior to vacation time being awarded. The City Administrator should make an attempt to meet an employee's request for vacation time, but a priority must be given to maintaining City services at all times. In times of conflicting requests, priority will be granted those with longer service to the City. Vacation Leave must be used in increments of one quarter (1/4) hours.
5. Total Accumulated Vacation Leave. No employee may accumulate more than one hundred sixty (160) hours of Vacation Leave. Accumulation will cease once an employee reaches one hundred sixty (160) hours, and will resume upon the employee falling below the one hundred sixty (160) hours threshold.
6. Notification. To be eligible for paid Vacation Leave, an employee, or his/her representative, should give at least a one (1) day notice when requesting up to 24 hours of consecutive leave; if requesting more than 24 hours of consecutive leave, notice should be given at least two weeks prior. An attempt will be made to comply with the employees desires, but the granting of vacation time is not guaranteed.
7. Each employee is responsible for tracking his/her Vacation Leave totals. If at any time the total accrued Vacation Leave exceeds one hundred sixty (160) hours, the excess will be lost. The employee will not be able to recoup any lost hours.
8. Pay upon termination. An employee shall be paid for fifty percent (50%) of the accumulated Vacation Leave at the employee's current wages.

**D. SICK LEAVE**

1. Definition. Sick Leave is defined as the leave time an employee earns and accrues to be used by the employee for absences from work resulting from illnesses, injuries, accidents, or other physical incapacity, occurring either on or off the job.
2. Eligibility. Sick Leave shall be earned and accrued by all full time employees. Part time, temporary, and seasonal employee are not eligible for this benefit.
3. Accumulation. Sick Leave shall be earned and accrued beginning with the employee's first full payroll or May 16, 2009 which ever date is later. All full time employees shall accrue Sick Leave at the rate of 3.69 hours per pay period.
4. Use of Sick Leave. Sick Leave may be used by an employee after being accrued. The employee may use the Sick Leave to recover from and illness or injury to himself/herself. Sick Leave may be used by the employee for appointments with a doctor with approval of the City Administrator. Sick Leave may only be used for the time of the appointment and necessary travel time. An employee may also use Sick Leave to care for a spouse, child, or parent. Sick Leave must be used in increments of one quarter (1/4) hours.
5. Total Accumulated Sick Leave. No employee may accumulate more than four hundred eighty (480) hours of Sick Leave. Accumulation will cease once an employee reaches four hundred eighty (480) hours, and will resume upon the employee falling below the four hundred eighty (480) hour threshold.
6. Notification. To be eligible for paid Sick Leave, an employee, or his/her representative, shall notify the City Administrator and give the reason for the absence no later than thirty (30) minutes after he/she should have reported for duty.
7. Doctor's Certificate. For sick leave in excess of three (3) workdays, the City Administrator may require a signed statement from a physician or dentist verifying the employee's inability to perform his/her assigned duties because of illness or injury.
8. Each employee is responsible for tracking his/her Sick Leave totals. If at any time the total accrued Sick Leave exceeds four hundred eighty (480) hours, the excess will be lost. The employee will not be able to recoup any lost hours.
9. Pay upon termination. An employee shall not be paid for any unused sick leave upon termination of his/her employment with the city.

## **E. COMPENSATION TIME**

1. Definition. Compensation Time is time accrued at the rate of one and one half (1.5) hours for each hour of employment for which overtime pay would normally be required.

2. Accumulation. Compensation Time shall be added to the employee's accrued Compensation Time at the rate of one and one half (1.5) hours for each hour worked in excess of the regular forty (40) hours in a week at the discretion of the Department Head and/or City Administrator.
3. Use of Compensation Time. Compensation Time may be used by an employee in one quarter (1/4) hour increments. The Department Head and/or City Administrator must approve the use of Compensation Time in advance. Any accumulated Compensation Time must be used prior to using any accumulated Vacation Leave.
4. Total Accumulated Time. No employee may accumulate more than eighty (80) hours of compensation time. Any time accumulated compensation time over the eighty (80) hour limit will be paid on the next payroll at the employee's current wage rate.

#### **F. LEAVE PAYOFF AT DISMISSAL**

All employees leaving the service of the City shall be paid for any accumulated Compensation Time at their current wage rate.

Employees who have satisfactorily completed the initial twelve (12) months of service, who resign their employment with the City with a minimum of ten (10) working days notice, and have returned all city property, shall be paid in a lump sum for fifty (50) percent of accumulated Vacation Leave

If an employee has not been employed on a continuous basis for the past twelve (12) months, does not give a minimum of ten (10) working days notice before resigning, or is dismissed from the service of the City by a majority vote of the City Council, that employee will not be entitled to any payment for any accrued Vacation Leave.

#### **G. LEAVE SCHEDULING**

The times during a calendar year at which an employee may take leave shall be determined by the City Administrator with due regard for the wishes of the employee and particular regard for the needs of the service. Except under unusual circumstances, requests for leave shall be made by the employee to the supervisor far enough in advance to allow the supervisor to plan for the absence.

Only in rare cases will leave in excess of forty (40) consecutive hours be granted. This will be treated on a case by case basis and must be approved by the City Administrator or City Council.

In no case shall leave be granted to an employee immediately prior to resignation or retirement.

#### **H. SICK LEAVE IN RELATION TO WORKER'S COMPENSATION**

Employees are insured by the City, under the Kansas Worker's Compensation statutes, against injuries and illnesses occurring in the course of City employment. The law provides for payment of medical expenses and under certain

circumstances, compensation for loss of income. It is mandatory that every job-related injury or illness, regardless of severity, be reported immediately to the supervisor and a written report prepared and submitted to the City Clerk.

If an employee is not able to work due to a worker's compensation claim, the employee will need to take Sick Leave to ensure a full paycheck. During the first week the employee will need to take Sick Leave. If the injury continues, the employee will be paid for two-thirds (2/3) of their regular wages from worker's compensation. The employee may elect to take Sick Leave for the additional one-third to receive a full paycheck. If the employee is out for three weeks, workman's compensation may reimburse the employee for two-thirds (2/3) of the first week's time. When this check is received, the City will reimburse the employee for 26.67 hours of Sick Leave if taken in the first week.

All checks for wage compensation from worker's compensation shall be signed over to the City, the City will then cut a regular payroll check to the employee. This will help ensure the employee is paid in a timely basis and that everything can be accounted.

#### **I. RETURN TO DUTY**

A certification from a licensed physician or practitioner allowing an individual to return to work is required for any absence, due to illness or injury, when it is determined by the Department Head that one is necessary to establish that an employee is fit to perform the essential functions of his/her position.

#### **J. FUNERAL LEAVE**

1. An employee that needs to utilize funeral leave shall verbally notify his/her supervisor as soon as possible.
2. An employee may be granted up to five (5) working days of funeral leave by the City Administrator in the event of the death of a spouse, child, parent, brother, or sister.
3. An employee may be granted up to three working days of funeral leave by the City Administrator in the event of the death of a step-child, step-parent, step-brother, step-sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, grandparent, or grandchild.
4. Any employee desiring to take additional time, make use vacation leave.
5. An employee wanting to attend the funeral of a former city employee, mayor, or council member may request funeral leave. The City Administrator may grant up to four (4) hours.
6. Any employee found to be abusing or violating this policy will be subject to discipline as prescribed by the employee manual.
7. Employees utilizing funeral leave shall have the hours deducted from their accumulated sick leave.

#### **K. MILITARY LEAVE**

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

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

## **L. JURY DUTY LEAVE**

Every full time regular employee of the City who is required to serve as a juror shall be entitled to absent themselves from their duties with the City during the period of such service or while necessarily being present in court as a result of such call. Under such circumstances, the employee shall be paid full salary and any payment received from the court shall be remitted to the City, except travel pay, for such duty. Employees subpoenaed to testify as witnesses in criminal or civil cases shall be entitled to absent themselves in the same manner as for jury leave. No Vacation Time or Sick Leave Time shall be required to use Jury Duty Leave.

## **M. INSURANCE PARTICIPATION**

Employees on special leaves without pay are responsible for the payment of the entire insurance premium. Each such employee must make the premium payment directly to the City Clerk in order to continue coverage. Payments are due to the City Clerk prior to the premiums being remitted to the State. If payments are not made to the City Clerk prior to the premium being remitted, the employee may not be covered.

## **N. FAMILY AND MEDICAL LEAVES OF ABSENCE (FMLA)**

The City will grant a leave of absence to employees (who meet the requirements described below) for the care of a child after birth or adoption or placement with the employee for foster care, the care of a covered family member (spouse, child, or parent) with a serious health condition, or in the event of an employee's own serious health condition. Leaves will be granted for a period of up to eight (8) weeks in any consecutive twelve-month period.

An employee must have completed at least one full year of service with the City and have worked a minimum of 1,250 hours in the twelve-month period preceding the leave to be eligible for such leave. Employees who do not meet these requirements may apply for a leave of absence subject to the conditions described in Section XIX-N-5 of this Policy.

### **1. Child/Family Care Leave**

- a. If you request a leave of absence to care for a child after birth, adoption, or placement in your home for foster care or to care for a covered family member with a serious health condition, you will be granted unpaid leave under the following conditions:
  - 1.) If the leave is planned in advance, you must provide us with at least thirty (30) days' notice prior to the anticipated leave date, using the City's official Leave of Absence Request form.
  - 2.) If the leave is unexpected, you should notify your supervisor and/or the City Administrator by filing the Leave of Absence Request form as far in advance of the anticipated leave date as is practicable. This should be within two (2) business days of when the need for the leave becomes known to the employee.
- b. All benefits that operate on an accrual basis (e.g., vacation and sick leave) will cease to accrue during any period of FMLA leave, which is unpaid.
- c. You will be required to use all unused Sick Leave, Compensation Time, and Vacation Leave during the leave period. Once such benefits are exhausted, the balance of the leave will be without pay.
- d. All group health benefits (e.g., medical, dental, vision, and life insurance) will continue during the leave provided you continue regular employee contributions to these plans.

- e. Employees requesting a leave to care for a covered family member with a serious health condition may be required to provide medical certification from the family member's physician attesting to the nature of the serious health condition, probable length of time treatment will be required, and the reasons that the employee is required to care for this family member. Employees may also be required to provide additional physicians' statements at the City's request at reasonable intervals. Further, the family member may be required to submit to a medical examination by a physician designated by the City at the City's expense.
2. Leave for Employees' Serious Health Condition
- a. If you request a leave of absence for your own serious health condition, you will be granted leave under the following conditions:
    - 1.) If the leave is planned in advance, you must provide the City with at least thirty (30) days notice prior to the anticipated leave date, using the City's official Leave of Absence Request form.
    - 2.) If the leave is unexpected, you should notify your supervisor and/or the City Administrator by filing the Leave of Absence Request form as far in advance of the anticipated leave date as is practicable. This should be within two (2) business days of when the need for the leave becomes known to the employee.
    - 3.) Any time that you expect to be or are absent for more than three (3) consecutive work days as a result of your own serious health condition (including pregnancy), you may be required to submit appropriate medical certification from your physician. Such certification must include, at a minimum, the date the disability began, a diagnosis, and the probable date of your return to work.
  - b. All benefits that operate on an accrual basis (e.g., vacation and sick leave) will cease to accrue during any period of FMLA leave, which is unpaid.
  - c. You will be required to use all accrued, unused Sick Leave, Compensation Time, and Vacation Leave during the leave. Once such benefits are exhausted, the balance of the leave will be without pay, unless you are eligible for short-term disability benefits. The employee may apply for leave time from the City's Sick Leave Bank.
  - d. All group health benefits (e.g., medical, dental, and vision) will continue during the leave provided you continue regular contributions to these plans.

- e. During your leave, you may also be required to provide the City with additional physician's statements on request from the City or the City's insurance carriers at reasonable intervals, attesting to your continued disability and inability to work. You may also be required to submit to medical examinations by physicians designated by the City at its discretion and at the City's expense, at the beginning of, during, or at the end of your leave period, and to provide the City with access to your medical records as required.
  - f. Before you will be permitted to return from medical leave, you will be required to present the City with a note from your physician indicating that you are capable of returning to work and performing the essential functions of your position, with or without reasonable accommodation. Where required, the City will consider making reasonable accommodation for any disability you may have in accordance with applicable laws.
3. Leave Entitlement
- a. Eligible employees are entitled to a leave for up to eight (8) weeks in any twelve (12) month period.
  - b. Leave taken to care for a child after birth, adoption, or placement in your home for foster care must be taken in consecutive workweeks. Leave taken for the employee's or a covered family member's serious health condition may be taken consecutively, intermittently, or on a reduced work/leave schedule based on certified medical necessity.
4. Reinstatement Rights
- a. Eligible employees are entitled on return from leave to be reinstated to their former position or an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Exceptions to this provision may apply if business circumstances have changed (e.g., if the employee's position is no longer available due to a job elimination). In addition, employees on a leave extension are not guaranteed reinstatement.
5. Other Leaves without Pay
- a. Employees who do not qualify for leaves under Section XIX-N-1 or XIX-N-2 of this Manual may request leaves of absence, subject to the following terms and conditions:



- 1.) Leave requests must be made at least thirty (30) days in advance of the date the employee would like the leave to begin or in emergency situation, with as much advance notice as is practicable using the City's official Leave of Absence Request form. This should be within two (2) business days of when the need for the leave becomes known to the employee.
  - 2.) The certification requirements and the conditions for required use of accrued time off, benefits accrual, and continuation of group health insurance during leave set forth in Section XIX-N-2 of this Policy apply to all leave requests.
  - 3.) Unless applicable state or local law requires otherwise, leaves will be limited to a four (4) week maximum duration.
  - 4.) Unless applicable state or local law requires otherwise, reinstatement will not be guaranteed to any employee requesting a leave under the Section XIX-N-5 of this Manual. However, the City will endeavor to place employees returning from leave in their former position or a position or a comparable in status and pay, subject to budgetary restrictions and the City's need to fill vacancies and its' ability to find qualified temporary replacements.
6. All questions regarding leaves of absence should be directed to the City Administrator. Leave of Absence Request forms are also available from the City Administrator or City Clerk.

# City of Washington Leave of Absence Request Form

Employee Name \_\_\_\_\_

Title \_\_\_\_\_

Department \_\_\_\_\_

Date to start leave of absence \_\_\_\_\_

Date to return to duty \_\_\_\_\_

Describe the type of leave requested and reason(s) for the request.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Additional information regarding the request such as documentation from the doctor or other pertinent information should be attached. The City Administrator reserves the right to request additional information, which may include a second opinion to be obtained at the employee's expense if necessary.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

This form should be submitted to the City Administrator.

## **XX. SICK LEAVE BANK**

### **A. GENERAL**

Full time City employees have the option to voluntarily contribute unused Sick Leave to a bank in order to provide assistance to fellow employees in the event of a qualifying illness or injury. The bank is to be used by employees who have exhausted all Compensation Time, Vacation Leave, and Sick Leave benefits and have suffered an illness or injury that completely incapacitates an employee or immediate family member from performing any type of work. A qualifying illness or injury is limited to personal, unplanned events and excludes on-the-job injuries covered under Workers' Compensation.

### **B. ESTABLISHING THE BANK**

The Sick Leave Bank shall be established by allowing employees to contribute hours to the bank.

Donated Sick Leave will be directly subtracted from the donator's leave balance. Donators will have to complete a form indicating the amount of time they wish to contribute to the Bank. Said forms will be kept on file for future reference. Donations to the Sick Leave Bank will be totally voluntary.

Donated Sick Leave cannot be withdrawn from the Pool at a later date, and therefore employees are encouraged to be conservative on calculating the leave they can afford to donate.

A qualifying employee may receive up to a maximum of eighty (80) hours (10 days) donated leave per request. Employees that exhaust their donation from the Sick Leave Bank and still have a need can reapply for additional donations which must be approved by the City Council. *(12-7-15)*

### **C. DONATIONS OF TIME TO THE BANK**

An employee may donate time to the bank up to two (2) times a year. Each donation may not be more than forty (40) hours.

Any employee wishing to donate Sick Leave must fill out the Sick Leave Bank Donation Form and submit it to the City Clerk for processing. Once a form has been submitted to the City Clerk the time will be transferred and cannot be withdrawn by the employee.

At no time shall the total hours in the bank exceed two hundred eighty (280) hours. If any employee submits a request to donate time to the bank after it has reached the maximum, the form will be returned to the employee with a denial of the request. The hours will remain in the employee's personal account.

### **D. PROCEDURES FOR EMPLOYEE REQUESTS FROM THE BANK**

Applications must be made on the appropriate form, which can be obtained from the City Clerk, or from the City's Personnel Manual. All applications must include a written recommendation from the Department Head.

Applications should be completed by the employee or by his/her representative if the employee is too sick to represent himself/herself.

The applicant must be a full-time employee of the City of Washington, and be employed by the City for at least six (6) months.

The applicant must use all accrued Compensation Time, Sick Leave, and Vacation Leave prior to using any hours received from the Sick Leave Bank.

If an employee leaves the City's employment after Sick Leave Bank days have been donated to him/her, or returns to work on a full-time basis, the unused hours granted from the Bank will revert back to the Bank.

Once notice of dismissal of employment has been given, either by an employee or by the City of Washington, requests for leave from the Bank will be refused.

The City will continue to pay health insurance premiums at the same rate for those employees receiving leave from the Bank.

#### **E. ADMINISTRATION OF THE BANK**

All requests for donations of leave time from the Bank should be submitted to the City Administrator who will rule on the request.

The City Administrator shall keep all requests and supporting documentation strictly confidential. It will be the City Administrator's responsibility to determine whether the illness/injury merits leave assistance, and therefore the City Administrator will have the right to review the applicant's leave history, and request any other pertinent information to assist him/her in making a decision regarding the request. The City Administrator will have final decision on other pertinent information requested.

The City Administrator will notify the applicant and the City Clerk of his/her decision and if a donation is granted. The City Clerk will credit the applicant's leave account with the appropriate amount of leave granted and subtract the same amount from the balance of the pool.

# City of Washington Sick Leave Bank Donation Form

I \_\_\_\_\_, do hereby donate \_\_\_\_\_ hours of my accrued Sick Leave to the City of Washington Sick Leave Bank.

As a participant in the Sick Leave Bank, I understand that:

- These donated hours will be deducted from my accrued Sick Leave hours, and my Sick Leave hours' balance can only be replenished through the normal accumulation process.
  
- My election to participate is non-revocable.
  
- My donated hours of Sick Leave can only be used to provide assistance to those employees who have a qualifying illness or injury.
  
- I give up rights to all hours I have donated to the Sick Leave Bank.
  
- The Sick Leave Bank will be administered by the City Administrator.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

This form should be submitted to the City Clerk.

# City of Washington Sick Leave Pool Request Form

Employee Name \_\_\_\_\_

Title \_\_\_\_\_

Department \_\_\_\_\_

Number of Hours Requested \_\_\_\_\_

Date Paid Leave will be exhausted \_\_\_\_\_

Describe the illness or injury making this request necessary

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Additional information regarding the illness/injury such as documentation from the doctor or other pertinent information should be attached. The City Administrator reserves the right to request additional information, which may include a second opinion to be obtained at the employee's expense if necessary.

NOTE: The Sick Leave Bank will not be an option for those eligible for or receiving Workers' Compensation or disability compensation. All Sick Leave must be exhausted prior to using any hours donated from the Sick Leave Bank.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

This form should be submitted to the City Administrator.

## **XXI. GRIEVANCE PROCEDURE**

### **A. GENERAL**

1. The purpose of this section is to promote improved employer-employee relations by establishing grievance procedures, which provide a full and fair hearing of employee dissatisfactions, and to assure employees of freedom from reprisal as a result of airing a grievance. It is also the goal of this procedure to resolve grievances as near as possible to the point of origin and provide that grievances shall be conducted as formally as possible.
2. Any employee may appeal, through the grievance procedure, decisions affecting his/her employment with the following exceptions:
  - a. The content of the Classification Plan. The employee may file a grievance concerning his/her allocation to a given class, but not the structure of the plan itself.
  - b. Content and Structure of the Pay Plan. An employee may file a grievance regarding the denial of an increase or a demotion, but he/she may not file a grievance regarding the basic rates paid by the City to the incumbents of a given job classification.
  - c. Matters related to the general goals of the City, work techniques, the organization of departments, and other matters which are generally agreed to be the prerogative of management.
  - d. Matters related to suspension, demotion, or dismissal.
3. An employee who has a problem or a complaint, should first attempt to settle the matter through discussion, if the employee does not believe the matter has been satisfactorily resolved, he/she shall have the right to discuss it with his/her supervisor's immediate supervisor if any, or with the City Administrator. Every effort should be made to find an acceptable solution by informal means at the lowest possible level of supervision. If the employee is dissatisfied with the results of the informal grievance procedures, he may file a formal grievance as provided in Paragraph 4 below.
4. Formal Grievance Procedures.
  - a. Formal grievances shall be presented in writing and submitted to the employee's immediate supervisor.
  - b. The grievance shall state the nature of the action or decision, which is being appealed, and the nature of the corrective action sought.
  - c. A formal grievance must be filed within fifteen (15) days of the date of the action or decision being appealed, unless the period of more than fifteen (15) days has been consumed in pursuit of a solution through the informal grievance procedure.

- d. The department head shall, within ten (10) calendar days, inform the employee of his/her decision regarding his/her grievance. This reply shall be in writing, and shall state the department head's decision and the reasons therefore. Copies of the employee's grievance and the department head's reply shall be forwarded to the City Administrator.
  - e. If the employee does not agree with the department head's decision or if no answer is received within ten (10) calendar days, the employee may present his appeal in writing to the City Administrator. Failure of the employee to take further action within ten (10) calendar days after receipt of the written decision of his/her department head or within a total of twenty-five (25) calendar days from the date the grievance was filed will constitute dropping of the grievance.
  - f. Within ten (10) calendar days of the date of receipt of a grievance, the City Administrator shall render his/her decision together with reasons therefore in writing to the employee.
  - g. If the employee does not agree with the City Administrator's decision or if no answer is received within ten (10) calendar days, the employee may present his appeal in writing to the City Clerk to be placed on the next available City Council agenda. Failure of the employee to take further action within ten (10) calendar days after receipt of the written decision of the City Administrator or within a total of thirty-five (35) calendar days from the date the grievance was filed will constitute dropping of the grievance.
  - h. At the next available meeting of the City Council, the City Council shall consider the grievance. The City Council may request any information they deem necessary to consider the grievance. This may include, but is not limited to copies of the original grievance, decisions made by the Department Head and/or City Administrator, and/or witness testimony from the employee filing the grievance or any other employee of the City of Washington.
  - i. The City Council may either render a decision at the time the grievance is discussed or they may table a decision to a future meeting to allow for additional information to be submitted. The City Council should make every effort to resolve the grievance as soon as practical to allow for a return to normal operations. The City Council's decision shall be final and is not subject to further appeals.
5. Employees shall be assured of freedom from reprisal for using the grievance procedure.



## **XXII. INTERNET, ELECTRONIC COMMUNICATIONS AND OTHER TECHNOLOGY**

### **A. INTRODUCTION**

The purpose of this Policy for the use of the internet, electronic communications and other technology (the “Policy”) is to give users of the City of Washington electronic communication systems clear guidance on what can and cannot be done with such systems. Failure to follow this policy can result in violations of the law, costly fines and penalties, expensive lawsuits and judgments, and otherwise impair the City of Washington’s ability to conduct its affairs; therefore, it is critical to strictly follow this Policy.

### **B. SCOPE OF POLICY**

Electronic communications include, but are not limited to, electronic mail, instant messaging, access to and use of the Internet, City of Washington run networks and websites, network services, facsimile (fax), file transfers, electronic data interchange, audio and video teleconferencing, voice mail, telephone systems and wireless technologies such as personal digital assistants (PDA’s), cellular phones and pagers.

“Electronic communication system” or “System” as referred to in this policy is any system which is necessary or desirable to support the City of Washington electronic communications, which is owned, leased or otherwise contracted for by the City, or which is being used to access the City of Washington’s electronic communications or otherwise being used in furtherance of the City’s business, whether or not owned or leased by the City of Washington, including such equipment that is owned or leased by an individual user.

This Policy applies to all employees, representatives and agents of the City of Washington and any other users of the electronic communication system (collectively referred to as “Users”).

The City of Washington reserves the right, solely at its discretion, to change this policy at any time with such notice as the City deems appropriate. Individual departments or other entities may, at their discretion, enforce stricter rules than what is stated in this policy and guidelines.

### **C. GENERAL**

1. **Intended Use.** The Electronic Communication System is intended primarily for use in connection with the City of Washington’s mission and related services.

2. No Expectation of Privacy. Communications created, sent, received, stored and/or accessed using the Electronic Communication System are not private. It is not the intention of the City of Washington to regularly monitor the content of User's electronic communications. The City of Washington reserves the right, however, to monitor, review, electronically scan, audit, intercept, access and disclose all electronic communications and data that are created, sent, received, stored and/or accessed using the electronic communication systems, to support operational, maintenance, quality, auditing, security, and investigative activities and to ensure compliance with this Policy, the City of Washington Personnel Manual, or otherwise to further the City of Washington mission. The City of Washington may also disclose the contents of a User's electronic communications or data to third parties without prior notice to or consent of the User. The City of Washington will also respond to legal process, complaints or use in violation of this Policy and fulfill its obligations to third parties. For that reason, Users do not have the same expectation of privacy in their use of the Electronic Communication System as with personally-owned, non-electronic communication system, communication tools. Users should not expect privacy, and Users should structure their electronic communications in recognition of the fact that the City of Washington may from time to time examine the content of electronic communications. Moreover, the deletion of a message or document may not fully eliminate such message or document from the City of Washington computer network. All Users waive any right to privacy in their use of the electronic communication system and consent to access and disclosure of such documents/messages by authorized City of Washington personnel.
3. Ownership. All electronic communications and data that are created, sent, received, stored and/or accessed using the electronic communication systems are City of Washington property. All data and information created, sent, received, stored and/or accessed by employees of the City of Washington during their employment by the City, and which relates in any way to their employment by the City, is the property of the City of Washington, whether such data is stored or accessed using the electronic communication systems, maintained in hard copy, or stored electronically on systems not belonging to the City of Washington. Moreover, all hardware, infrastructure and software provided by the City of Washington are owned by the City. Users are responsible for maintaining such property in good condition and shall return such property to the City upon termination of its use or upgrade.

#### **D. SECURITY OBLIGATIONS**

1. **Goal.** The goal of information system security is to protect information from unauthorized or inappropriate access or modification. The City of Washington will maintain a system of information security to protect its proprietary data. An integral part of this system is the policies, standards and procedures set forth below. All Users must adhere to these policies, standards and procedures for the electronic communication system to remain viable and should immediately report any suspected, attempted or actual security violations or breaches.
2. **Safeguards.** Users must take appropriate care to safeguard the security and integrity of the electronic communication system and not deliberately interfere with the City of Washington access to data stored on the system or deliberately circumvent the City's security procedures. Users should not add additional security, such as passwords, to their workstations or files without prior consent of the City Administrator.
3. **Unauthorized Access.** Users are prohibited from using the system in any manner that creates an unreasonable risk of permitting unauthorized outside access to the electronic communication system. Persons who are not authorized Users may not be given access to, and are not permitted to use, the electronic communication system unless such access or use has been approved in advance by the employees Department Head. If approved, then those persons (including contractors and temporary employees) are subject to this Policy.
4. **User Identification and Passwords.** Users shall not share centrally-administered passwords. In emergency or unusual situations, sharing of passwords for applications with a trusted coworker is permitted. Questions about sharing passwords should be directed to the Department Head. Users must inform their supervisor of any password necessary to obtain access to any security or "lock down" application (such as screen savers, BIOS passwords, etc.) when they are absent while their computer or application requires repair or maintenance.
5. **Accurate Identification.** Users shall identify themselves to the system by signing on with their assigned user name. Users shall not misrepresent, obscure, suppress or replace a user's identity on an electronic communication system. The user name, electronic mail address, instant messenger ("IM") mail address, organizational affiliation and related information included with electronic messages or postings must reflect the actual originator of the messages or postings.

6. Viruses. Since viruses are often transmitted through e-mail attachments, before attaching an attachment, Users should verify through the use of City approved anti-virus software that the attachment does not contain any viruses (such anti-virus software must be installed and kept active at all times on all computers used in connection with the System). Also, when accessing an attachment, Users should always save the attached document to disk or the hard drive, rather than opening it directly. While some file attachments are just web pages or external text files, others are programs, some of which may contain viruses. Be particularly careful with any files that have “.exe”, “.vbs.”, “.scr” extensions, especially when receiving file attachments from unknown sources. Before downloading and opening any file from the Internet, the User should scan the file for viruses. The same precautions should be taken with respect to all storage media.
7. Connection to the Internet. Users shall use the electronic communication system in a manner which does not compromise the security and integrity of the City of Washington’s network, such as allowing intruders or viruses into the City of Washington’s network. When using any computer attached to the City of Washington’s network, users shall not access the Internet except through a City of Washington approved Internet firewall. Users shall not access the Internet directly, whether through a modem or otherwise, unless their accessing computer is disconnected from the City of Washington’s network.
8. Instant Messaging: Information sent using instant messaging (for example, AOL Instant Messenger ) is analogous to sending a postcard -- the information cannot be encrypted and is easily intercepted-- and as such is not secure. If a User accesses an instant messaging service using the system, the User shall select and use a user name that corresponds to their City assigned e-mail address.
9. Breach. Any security breach substantiated or not, must be reported to the City Administrator.

## **E. CONFIDENTIALITY**

1. No Dissemination. Use of the system to disseminate the City of Washington’s confidential information outside the City is expressly prohibited. Special care should be taken when forwarding e-mail messages, especially instant messages. Confidential or proprietary City information must not be forwarded to any party outside the City without the prior approval of the City Administrator. Blanket forwarding of messages to parties outside the City is prohibited.
2. No Interception. Users shall not intercept or disclose, or assist in intercepting or disclosing, electronic communications unless specifically authorized by the City.
3. Employment Agreement Obligations. This Policy does not alter or change an employee’s obligations to the City of Washington.

4. Confidential Information Defined. Confidential information includes all information that is not generally available to the public, including, without limitation, financial information, personnel files, personal information provided by members of the council, or any other information that may be deemed as confidential pursuant to applicable laws regarding public records.

## **F. CONTENT OF MESSAGES**

1. Users. Users of the electronic communication system are expected to use common sense and good judgment, taking into account that the very nature of such systems allow for messages to be forwarded quickly and accidentally to the wrong person. It is particularly important that Users apply this practice in what they say in the content of their electronic messages and in their access of the internet. Assume that your message may be accessed, forwarded and read or heard by someone other than the intended recipient -- even if it is marked as "private". Also, Users should not intentionally access any site that is inappropriate for the City of Washington, or which could cause embarrassment to the organization or the User. While not every standard can be listed here, the following are some common examples to guide your use of the System:
  - a. Confidential Information. Electronic communications should not contain sensitive, critical, confidential or proprietary information, unless encrypted or otherwise secured according to standards established by the City, and even then, limited only to necessary recipients - refer to Sections D and E, above.
  - b. Acts that might create a "hostile environment": Use of the system in a way that violates the City of Washington Personnel Manual; or to disseminate or intentionally access material that is defamatory, sexually oriented, obscene, pornographic, harassing, threatening, illegal, fraudulent, offensive or unwelcome to coworkers is expressly prohibited. In the event that accessing such materials is directly relevant and required by the Users work, the User shall get, in writing, a waiver for access, approved by his/her Department Head and City Administrator. Such waiver will have an expiration date not to exceed one year.
  - c. Unauthorized use or copying of software, copyrighted materials or of information belonging to others. Use of the System for unauthorized copying of copyrighted software or content is expressly prohibited. Similarly, proprietary information belonging to others must not be placed on the System without the prior written approval of the City Administrator.

- d. If a User receives notice, in writing or otherwise, or becomes aware that the electronic communication system is being or is proposed to be used to create, disseminate, store, upload or download any messages, communications or other material in violation of the copyrights, trademarks, patents, intellectual property or other property rights of any party, such User shall inform the City Administrator in writing of such use or proposed use. The City of Washington reserves the right to remove or disable access to any material that is claimed to be infringing or to be the subject matter of infringing activity.
- e. Illegal export. The U.S. and some other countries prohibit the transfer of certain technical data without an export license. No such transfers should be done through the electronic communication system without proper approval.
- f. Unauthorized announcements and solicitations. The system may not be used for political or social announcements not directly connected with the City of Washington unless such announcements are placed in areas specifically designated for that purpose or prior approval by the City Administrator has been obtained.
- g. Bulk E-Mail. The System may not be used to send unsolicited advertising, junk, or chain e-mail messages (also known as “spam”). When sending out bulk e-mail (where one message is sent to numerous recipients):
  - 1.) Ensure that all recipients have requested to receive such communications from the City of Washington (for example, by filling out a registration form);
  - 2.) Follow e-mail service provider’s policies or terms and conditions;
  - 3.) Ensure that all information in the text and header are accurate, including the e-mail’s point of origin;
  - 4.) Ensure that the e-mail is sent with proper routing and transmission;
  - 5.) Use the “bcc” field rather than the “to” or “cc” fields to list recipients’ e-mail addresses;
  - 6.) include in the body of the message the sender’s name, address and e-mail address and clear and conspicuous instructions for how to request to be removed from the mailing list and remove all recipients who have opted out from all mailing lists used by the City of Washington; and
  - 7.) Send a copy of all such e-mail messages to the City Administrator.

- h. Unsolicited electronic mail or communications received from unknown sources should be promptly discarded without forwarding to anyone and/or without responding in any manner to the originator.

## **G. ADDITIONAL USER OBLIGATIONS**

1. Back-ups. In order to conserve limited resources, files that are not City of Washington related should not be stored on the City's network servers. The City has no responsibility to provide copies of personal data to employees leaving the City.
2. Access of City of Washington Facilities by Non-City of Washington Provided Equipment. Access to the City's internal computer networks using non-City provided computers or PDAs, including access from remote locations such as employee homes, hotel rooms and affiliates, must in all instances be approved in advance by the City Administrator. Such remote access may be revoked at any time for any reason, including failure to comply with the City of Washington's security policies.
3. Publication. Users placing information on the Internet relating to the City of Washington or in the course of performing his/her employment duties are, in effect, publishing such information on the City's behalf. Only authorized personnel shall engage in such publishing activities, other than the sending or receiving of e-mail. Authorized personnel shall observe all existing standards, policies and regulations regarding materials published on the City of Washington's behalf, and shall establish accountability for all information regarding the City's mission or publications posted on the Internet for public access, including postings on electronic bulletin boards, chat rooms and information obtained "hyperlinks" to externally stored information. In no event shall a User represent his or her personal opinions as those of the City of Washington or misrepresent oneself as another individual, or company. No materials are to be placed on the City of Washington's website without the approval of the City Administrator. No new websites shall be developed without the prior written approval of the City Administrator.
4. Limited Personal Use. The City of Washington permits the occasional personal use of the electronic communication system by Users, however, Users should understand that personal use (a) must not in any way interfere with or impede the City's mission, (b) must be occasional and minor, (c) must be promptly discontinued at the request of the City, and (d) is expressly subject to all of the provisions in this Policy, as well as all other applicable City of Washington policies and guidelines.
5. "Recreational" Use. Use of the systems for "recreational" uses (non-business Internet access, games, music, talk radio stations, etc.) is prohibited when engaging in such activity interferes with an employee's job duties, violates the City of Washington Employee Manual, or interferes with the efficient functioning of the System.

6. Software. All software used in connection with the system must be authorized by, or acquired through, the City Administrator. The City of Washington complies with all software copyrights and the terms of all software licenses. Users may not duplicate licensed software or related documentation or download such material unless the license agreement expressly allows for such use and the City Administrator approves. The City of Washington reserves the right to remove any unauthorized software from any City owned equipment or any personally-owned equipment on the City's premises. The City of Washington reserves the right to conduct audits of the System to ensure that the City of Washington and its Users are in compliance with all applicable software licenses and internal policies. Users are expressly prohibited from downloading or transmitting unauthorized or unlicensed software from the Internet or other sources onto the System. The downloading of "freeware" or "shareware" from the Internet is also prohibited unless approved by the City Administrator.
7. Use of Credit Cards. City of Washington issued credit cards shall not be used for any purpose to conduct transactions on the internet without the prior approval of the City Administrator. Any such use must be copied to the City Clerk.

## **H. VIOLATIONS**

1. Violations of this Policy may lead to discipline up to and including the termination of the employment with the City of Washington.



## **XXIII. TRAVEL AND TRAINING**

### **A. POLICY STATEMENT**

The City of Washington wishes to make a commitment to train all its personnel to achieve a better educated work force and allow its employees to remain at the top of their profession. This will also allow the City to experience a more efficient work force.

### **B. PROCEDURE**

The following procedures apply to expenses incurred by employees while traveling:

1. An employee wishing to attend a training session, conference, or out of town meeting shall fill out a Travel Request Form and have his/her Department Head approve the training request. The form shall then be forwarded to the City Administrator for approval.
2. Upon return from the training session the following two items must be submitted within one (1) week unless otherwise approved by the City Administrator:
  - a. Memo summarizing the training session. Point out items that could be implemented by the City to help improve service, save resources, or improve employee or public safety. Also, the employee shall make a recommendation if the City should utilize this type of training in the future.
  - b. Expense Report. A detailed expense report should be generated detailing all the costs associated with the training session, including meals, lodging, mileage, fees, etc.
3. The employee is entitled to the following reimbursements if the conditions are met.
  - a. Meals.
    - 1.) No meal reimbursements shall made unless an overnight stay is required for the travel.
    - 2.) Breakfast. If an overnight stay is required and the employee leaves prior to 7:00am he/she is entitled to this meal if it is not provided at the training session.
    - 3.) Lunch. If an overnight stay is required and the employee leaves prior to 11:30am he/she is entitled to this meal if it is not provided at the training session.
    - 4.) Dinner. If an overnight stay is required and the employee leaves prior to 5:00pm he/she is entitled to this meal if it is not provided at the training session.

- 5.) Detailed receipts must be submitted to receive reimbursement for any meal. The detail receipt must show the item or items purchase and the amounts paid. Under no circumstances will alcohol or cereal malt beverages be reimbursed to the employee. The employee needs to make every attempt to ensure that alcohol or cereal malt beverages be placed on a separate ticket.
  - b. Lodging  
The City will reimburse the employee directly for costs associated with lodging. Items that will not be covered will be excessive phone calls, in-room movies, in-room meals, etc. Phone call reimbursements will be at the discretion of the City Administrator.
  - c. Travel
    - 1.) The employee should attempt to take one of the City vehicles for traveling to any training session. If a vehicle is not available the City will reimburse the employee per mile as reported by the employee and subject to the review of the City Administrator.
    - 2.) If an employee elects to take a personal vehicle if a City vehicle is available, reimbursement will be at the discretion of the City Administrator.
  - d. Fees  
All fees for training sessions should be paid directly by the City of Washington. If this option is not feasible the City Administrator may elect to pay for the travel by some other means.
4. Credit Card Use. The City has two (2) credit cards for use in paying for travel expenses. Employees are encouraged to use these cards to limit the out of pocket expenses they may incur.

## **XXIV. CREDIT CARD USE**

### **A. PURPOSE**

This policy is to help guide all city staff as to the proper use and reporting of city owned credit cards.

1. Ensures that credit cards receipts are correctly coded and filed with the City Clerk.
2. Ensures that the user of the credit card is responsible for the use of the card assigned to him/her.

Failure to comply with this policy may result in disciplinary action as deemed appropriate by the City Administrator and/or City Council.

### **B. ISSUANCE**

The City of Washington shall issue a maximum of two (2) cards in the account name of "City of Washington". Said cards shall be issued in the name of the City Administrator and the City Clerk.

### **C. APPLICATION**

The Mayor shall sign all application for any credit card accounts in the name of the municipality. There shall not be any more than two (2) credit card accounts at any one time and there shall not be more than one (1) card issued on each account at any one time.

### **D. CARD LOCATION**

The City Administrator and the City Clerk shall be responsible for keeping the card issued in his/her name. Other employees may check out cards for approved use.

### **E. PURCHASING AND LIMITATIONS**

Under no circumstances shall the purchase of alcoholic beverages or personal expenses be authorized on any municipal credit card or account. The user of the card shall following the current purchasing policy when using a city owned credit card.

### **F. PROCEDURE**

The following procedures must be followed to report credit card uses.

1. The credit cards should be used primarily for travel and training purposes. They should not be used to purchase supplies locally.
2. A credit card shall not be used for personal items at any time. Any person using a city credit card for personal reasons will result in disciplinary action up to and including dismissal.
3. A detailed copy shall be kept of every transaction. A receipt showing only the total is not acceptable.

4. The person the card has been assigned to shall match every transaction on the bill to a detailed receipt. If a receipt is not available, one shall be obtained from the vendor where the purchase was made. If no detailed receipt is produced by the employee, he/she may be held responsible for the charges on the card.
5. Every item on the monthly bill shall be coded to a line item in the budget to allow the City Clerk to pay the bill and code the items correctly.
6. Any person that does not submit the bill back to the City Clerk in time to pay the bill may be personally responsible for any late payment. This will be at the City Administrator's and/or City Council's discretion.
7. Any person checking out a card shall sign for the card typically one day in advance of the need and returned the day after usage along with all detailed receipts.

## **XXV. POLITICAL ACTIVITY**

### **A. POLITICAL ACTIVITY**

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

1. 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.
2. City employees are not prohibited from supporting candidates for office nor from contributing labor to candidates and organizations that endorse candidates. Employees are not permitted to be candidates for city elective office or to make public endorsements of candidates for city elective office.
3. Any employee desiring to become a candidate for city elective office shall first take a leave of absence without pay or resign. Should an employee on leave of absence without pay be unsuccessful in seeking such elective office, he/she shall be returned to employment on the same terms and conditions as any other employee who has taken leave of absence without pay. An employee is considered to be a candidate for elective office once all statutory requirements have been met to qualify as a candidate.
4. 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.
5. No supervisor or other person in authority shall solicit any city employee for contributions of money or labor for any candidate for elective office, or otherwise compel, or attempt to compel, any employee to support a candidate for elective office or to engage in any political activity.
6. 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.

## **XXVI. RESIDENCY**

### **A. RESIDENCY**

All full-time hourly city employees must live within a five mile radius of the City of Washington, and any wishing to live further than a five mile radius must be approved by the Council. All salaried employees must live within the city limits of Washington.

## XXVII. FRAUD

### A. GENERAL

Each employee is responsible for protecting the City from fraud. Fraud encompasses many acts and may be perpetrated by other employees, city officials, or citizens. Examples of fraud may include, without limitation:

1. The unauthorized use of city property for private purposes.
2. Submitting false records or reports.
3. Failure to properly account for the use of City funds or property.
4. Any dishonest or fraudulent act, forgery, or alteration of any document or account belonging to the City.
5. Forgery or alteration of a check, bank draft, or any other financial document.
6. Misappropriation of funds, securities, supplies, equipment, or other assets of the City.
7. Disclosing confidential and proprietary information to outside parties.
8. Accepting or seeking anything of material value from contractors, vendors, or persons providing goods or services to the City of Washington. (Exception: This provision is not intended to encompass promotion items that are designed to be given away or are awarded in a prize or contest.)

Any suspected incident of fraud should be reported to your immediate supervisor. If your immediate supervisor is the person whom you, in good faith, believe to have committed an act of fraud against the City, then you should report the incident to any of the following:

- your immediate supervisor's supervisor;
- the City Administrator;
- the City Clerk;
- the City Treasurer;
- the City Attorney; or
- the Mayor.