

# City of Cape Girardeau Personnel Manual



# TABLE OF CONTENTS

<b>Welcome by the City Manager .....</b>	<b>vi</b>
<b>Mission Statement.....</b>	<b>vii</b>
<b>Organization Chart.....</b>	<b>viii</b>
<b>Article 1. Organization of the City Government .....</b>	<b>1.1</b>
<b>Article 2. General Provisions .....</b>	<b>2.1</b>
A. Purpose .....	2.1
B. Role of Employee .....	2.1
C. Role of the City Manager .....	2.1
D. Role of Department Directors.....	2.1
E. Role of Human Resources Manager.....	2.1
F. At Will Employees .....	2.2
G. Revisions to the Personnel Manual .....	2.2
H. Personnel Manual Distribution.....	2.2
<b>Article 3. Classification of Employees.....</b>	<b>3.1</b>
<b>Article 4. Appointment Procedures .....</b>	<b>4.1</b>
A. Equal Employment Opportunity.....	4.1
B. Vacancies.....	4.1
C. Recruitment .....	4.1
D. Merit System.....	4.1
E. Placement Procedures.....	4.1
F. Pre-employment Health, Fitness, and Wellness Evaluations .....	4.2
G. Involuntary Transfer .....	4.2
H. Re-employment .....	4.2
I. Employment of Relatives .....	4.2
<b>Article 5. Pay Plan and Job Descriptions .....</b>	<b>5.1</b>
A. Job Descriptions .....	5.1
B. Compensation Guidelines.....	5.1
C. Pay Plan Administration.....	5.1
D. Across the Board Increase .....	5.4
E. Additional Compensation .....	5.4
<b>Article 6. Leave Time .....</b>	<b>6.1</b>
A. Vacation Leave .....	6.1
B. Sick Leave .....	6.4
C. Family Medical Leave .....	6.6
D. Personal Days .....	6.9
E. Paid Holidays.....	6.10
F. Workers' Compensation Leave .....	6.11
G. Military Leave .....	6.12

H.	Compassion Leave.....	6.13
I.	Maternity/Paternity Leave.....	6.13
J.	Jury Duty Leave.....	6.13
K.	Election Day Leave.....	6.13
L.	Inclement Weather Leave.....	6.13
M.	Flex Time.....	6.14
N.	Excused Absence Without Pay.....	6.14
O.	Leave of Absence Without Pay.....	6.14
P.	Employees to Provide Notice of Absence.....	6.14
Q.	Time Donation.....	6.14
<b>Article 7. Return-to-Work Medical and Fitness Evaluations .....</b>		<b>7.1</b>
<b>Article 8. Operation of City Vehicles.....</b>		<b>8.1</b>
<b>Article 9. Use of Personal Vehicle for City Business.....</b>		<b>9.1</b>
<b>Article 10. Other Employee Benefits .....</b>		<b>10.1</b>
A.	Tax Savings Plan.....	10.1
B.	Use of City Facilities.....	10.1
C.	Employee Assistance Program (EAP).....	10.1
D.	Moving Expenses.....	10.2
E.	Tuition Reimbursement.....	10.2
F.	Deferred Compensation.....	10.4
G.	Health, Dental and Life Insurance.....	10.4
<b>Article 11. Employee Responsibilities.....</b>		<b>11.1</b>
A.	Current Information.....	11.1
B.	Political Activities.....	11.1
C.	Outside Employment.....	11.1
D.	Dress Code.....	11.2
E.	Purchase of Property.....	11.3
F.	Use of Telephones Including Cellular Phones.....	11.3
G.	Acceptance of Gifts.....	11.4
H.	Residency Requirements.....	11.4
I.	Emergency Response.....	11.4
<b>Article 12. Safety.....</b>		<b>12.1</b>
A.	Rules and Regulations.....	12.1
B.	Reporting Injuries.....	12.1
<b>Article 13. Travel Expenses .....</b>		<b>13.1</b>
<b>Article 14. Drug and Alcohol Abuse .....</b>		<b>14.1</b>
A.	Policy and Purpose.....	14.1
B.	Drug and/or Alcohol Testing.....	14.1
C.	Drug Testing, Process and Procedure.....	14.4
D.	Drug Use Penalties.....	14.5
E.	Alcohol Testing, Process and Procedure.....	14.5

F.	Alcohol Use Penalties.....	14.6
G.	Additional Employee Responsibilities .....	14.6
H.	Supervisor Responsibilities .....	14.7
I.	Employee and Supervisor Training .....	14.7
J.	Program Contacts .....	14.7
<b>Article 15. Disciplinary Procedures .....</b>		<b>15.1</b>
A.	Disciplinary Actions.....	15.1
B.	Offenses and Recommended Actions.....	15.2
C.	Due Process/Appeals .....	15.4
<b>Article 16. Grievance Procedures .....</b>		<b>16.1</b>
A.	Grievance Discussions.....	16.1
B.	Review by City Manager’s Office.....	16.1
C.	Grievance Resolution Process .....	16.1
D.	Decision of City Manager.....	16.2
<b>Article 17. Leaving City Employment .....</b>		<b>17.1</b>
A.	Resignation .....	17.1
B.	Lay Offs .....	17.1
C.	Retirement .....	17.1
D.	Rights of Employee upon Separation from Employment.....	17.3
E.	Responsibilities of Employee upon Separation from Employment.....	17.3
F.	COBRA .....	17.4
G.	HIPPA.....	17.4
<b>Article 18. Final Approval Protocol, Personnel Actions and Employee Requests</b>		<b>18.1</b>
<b>Article 19. Non-Discrimination and Non-Harassment.....</b>		<b>19.1</b>
A.	Purpose .....	19.1
B.	Definition of Discrimination .....	19.1
C.	Definition of Harassment.....	19.1
D.	Scope of Policy.....	19.2
E.	Complaint Procedure .....	19.2
<b>Article 20. Non-Violence Policy.....</b>		<b>20.1</b>
<b>Article 21. Miscellaneous .....</b>		<b>21.1</b>
A.	Departmental Policies.....	21.1
B.	New Employee Orientation .....	21.1
C.	Meet and Confer Session.....	21.1
D.	Personnel Records .....	21.1
E.	Employee Recognition .....	21.2
F.	Retiree Recognition .....	21.2
G.	Right to Privacy.....	21.3
H.	Gender Neutral Declaration .....	21.3

<b>Appendices</b> .....	
HIPAA Privacy Policy/Procedures.....	1a
HIPAA Privacy Practices/Your Rights.....	2a
Receipt of Notice of Privacy Practice .....	3a
Grievance Form .....	4a
Moving Expense Reimbursement Form.....	5a
Notice of Proposed Action/Employee Rebuttal Form.....	6a
Supervisor’s Record of Discussion/Counseling.....	7a
Record of Exceptional Performance.....	8a
Nomination Form .....	9a
Return to Work Form .....	10a
Property Agreement.....	11a
Separation Check List.....	11b
Separation Questionnaire.....	12a
Tuition Reimbursement Request Form.....	13a
Written Reprimand Form.....	14a
Employee Performance Evaluation Form.....	15a
Performance Improvement Plan .....	16a

## WELCOME TO THE CITY OF CAPE GIRARDEAU

We are very pleased that you have joined our staff of nearly 400 employees who are dedicated to making the city a better place to live, work, and play. We recognize that our most valuable asset is our people, and like to think of ourselves as a family, working together to help the city grow.

Whatever your job, by doing it well, you are making an important contribution to City Government and to the Citizens of this Community. To help you do a good job, the City has established the human resources policies, procedures, and wage and benefits programs described in this manual. Please take the time to read the contents and familiarize yourself with your responsibilities and privileges as an employee of the City.

You are encouraged to discuss any problems or questions you may have with your supervisor or department director. Also, Human Resources is always available to talk with you on employment policies, procedures and benefits.

We want you to feel welcome at the City of Cape Girardeau, and we look forward to you being a member of our employee family.

Sincerely,

Scott A. Meyer  
City Manager

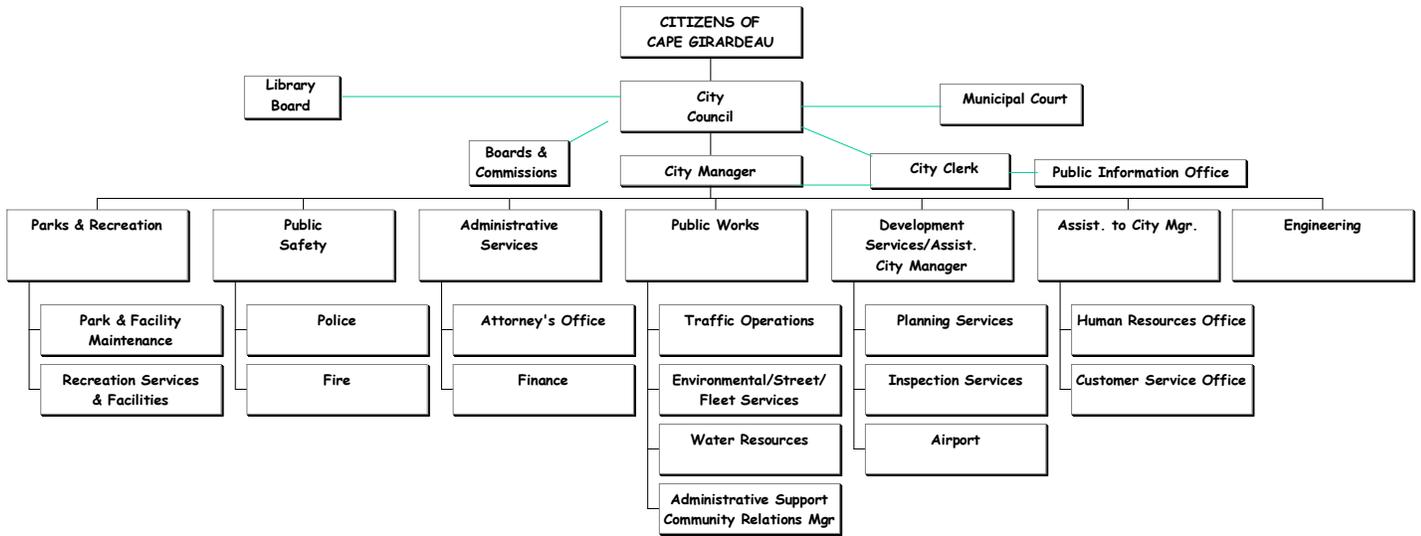


## *City of Cape Girardeau Mission Statement*

The City of Cape Girardeau, the regional hub of Southeast Missouri, will actively promote a safe, innovative climate through city services that enhances the quality of life for its citizens and our region.

***CITY OF CAPE GIRARDEAU, MISSOURI***

# ORGANIZATIONAL CHART



## **Article 1. Organization of the City Government**

The City of Cape Girardeau is incorporated under the Constitution of the State of Missouri. Cape Girardeau was founded January 4, 1793, when Louis Lorimier received his original land grant from the Spanish government. The City was incorporated in 1808 prior to Missouri Statehood, and then reincorporated by a Special Act of the Missouri Legislature in 1843. The City adopted the Council-Manager form of government in 1966, and in 1982 the voters of the City of Cape Girardeau adopted a Home Rule Charter.

The City Charter provides for a Mayor and six Council Members elected for four-year overlapping terms. The Mayor is elected by all voters of the City, while the Council Members are each elected from their respective Ward. The Mayor presides over meetings of the City Council and may vote on all issues. He/she is the head of the city government for all legal and ceremonial purposes. The Mayor has no administrative duties and no veto powers. The Council passes all ordinances and determines the general goals of the City. To carry out its decisions, the Council appoints a City Manager.

As the chief administrative officer of the City, the City Manager is directly responsible to the Council for the day-to-day administrative duties of the City. These activities and services are provided through the work of all the City departments under the direction and supervision of department or division heads who report to the City Manager. The City Manager has authority over all City employees, except those appointed or approved by the City Council.

## **Article 2. General Provisions**

### **A. PURPOSE**

The purpose of this manual is to establish an efficient, equitable and functional system of human resource and benefit administration that is compliant with all federal, state and local employment and labor laws. This section establishes the roles and functional responsibilities that support the Personnel Manual. The provisions set forth in this manual are not intended by the City to grant any employee any contractual commitment, expressed or implied, by its adoption. Additionally, guidelines may vary due to significant unforeseen events.

### **B. ROLE OF EMPLOYEE**

Each City employee is responsible to perform their assigned duties in order to meet service delivery needs of the City. It is the responsibility of each employee to become and remain familiar with these provisions as amended. Lack of knowledge of, or familiarity with, any provision of this manual shall not provide any excuse for violations of that provision.

### **C. ROLE OF CITY MANAGER**

The City Manager is the chief administrative officer of the City and is charged with enforcing all laws, ordinances, and provisions of the City Charter and acts of the City Council. He/she is authorized and directed to put into effect regulations dealing with personnel matters. The City Manager reserves the right to deviate from the guidelines as necessary. The regulations shall provide for hiring procedures, employee standards of conduct, disciplinary procedures and grievance procedures. The City Manager may authorize department directors to issue departmental regulations.

### **D. ROLE OF DEPARTMENT DIRECTORS**

Department Directors are expected to effectively supervise employees of their department and to maintain appropriate working relationships. They have the authority to establish policies affecting departmental functions providing that such policies are consistent with the City's Charter, ordinances, and policies. The department rules that are personnel related shall be in written form and submitted to the Human Resources Manager for review prior to implementation. Department Directors will periodically report upon the efficiency of their subordinates and coordinate with the Human Resources Manager on any changes in duties of their employees for the purpose of Classification Plan maintenance.

### **E. ROLE OF HUMAN RESOURCES MANAGER**

The Human Resources Manager is responsible for the proper administration and interpretation of the City's Personnel Manual, pay plan and job descriptions; and for providing appropriate recommendations on personnel matters including reviewing and making recommendations for updates to this manual as may be necessary, under the direction of the Assistant to the City Manager. Additionally, the Human Resources Manager shall be the Risk Manager for the City responsible for City insurance programs, accident investigation and claims administration, Chair of the City -Wide Safety Committee, act as the Americans with Disabilities Act Coordinator and Privacy Officer. In the

absence of the Human Resources Manager a designee will be appointed to act in his/her behalf.

#### **F. AT WILL EMPLOYEES**

Missouri law provides that employees of municipalities are hired at will and may be discharged at will. The exceptions are the City Clerk, City Treasurer, Municipal Judge and the City Attorney. The adoption of these regulations can in no way conflict with Federal, State or Local laws in that respect.

#### **G. REVISIONS TO THE PERSONNEL MANUAL**

Revisions to the manual will be presented to the City Manager for approval by the Human Resources Office. If approved by the City Manager, revisions to the manual will be issued to each employee by the Human Resources Office.

#### **H. PERSONNEL MANUAL DISTRIBUTION**

With the issuance of each manual and any revisions to the manual, employees will be required to sign documentation verifying receipt of the manual or the update. Signed documentation will be sent to Human Resources to be placed in employees' personnel files.

### **Article 3. Classification of Employees**

(Cape Girardeau City Code §19-4)

A. There are three (3) classifications of City employees: regular, part-time/seasonal and temporary full-time.

1. **REGULAR EMPLOYEES**

Regular employees are all employees who consistently work forty (40) or more hours per week, provide services not limited in duration, and fill approved and regularly funded positions.

2. **PART-TIME /SEASONAL**

- a. The position must be authorized in the current budget and such employees should work less than 1499 hours in any fiscal year.
- b. Such employees are not eligible for benefits except those required by the Social Security Administration.

3. **TEMPORARY FULL- TIME**

These employees are hired for and retained on the basis of a specific project or program. They are scheduled to work 40 hours per week, may work overtime, and are eligible for full benefits except tuition reimbursement while employed.

B. All employees fall under one of the two Fair Labor Standards Act (FLSA) classifications:

1. **EXEMPT EMPLOYEES** are assigned to job classifications, which are designated as executive, administrative, or professional. These classifications are paid on a salaried basis under the provisions of the Fair Labor Standards Act (FLSA) and will not receive overtime compensation.
2. All other employees are considered **NON-EXEMPT** and are governed by the provisions of the Fair Labor Standards Act (FLSA) and will be compensated via overtime pay or compensatory time off in accordance with FLSA guidelines.

## **Article 4. Appointment Procedures**

### **A. EQUAL EMPLOYMENT OPPORTUNITY (Cape Girardeau City Code §19-2)**

No person shall be appointed to or removed from or in any way favored or discriminated against with respect to any City position because of age, race, creed, color, sex, national origin, physical disability, political or religious opinions or affiliations.

### **B. VACANCIES**

Department or Division Directors shall immediately notify the Human Resources Office when a position becomes vacant. Where appropriate, the City Manager or designee will appoint an employee to serve in an acting capacity pending a permanent appointment to the position.

### **C. RECRUITMENT**

1. All regular positions will be posted Citywide on bulletin boards and may be advertised externally in the media unless otherwise authorized by the City Manager.
2. Job postings will describe the general criteria and qualifications of the position and will be posted for a minimum of 5 business days.
3. Hiring decisions will not be made until any posting has expired.

### **D. MERIT SYSTEM**

The City of Cape Girardeau considers and evaluates the knowledge, skills, and abilities of internal and external applicants for position vacancies. It is the preference of the City of Cape Girardeau to fill vacancies from within the organization, whenever possible. The merit system is not seniority based; however when knowledge, skills and abilities are equal, seniority will be the determining factor.

### **E. PLACEMENT PROCEDURES**

1. Applications and information pertaining to vacant positions will be made available by the Human Resources Office to job applicants. The Human Resources Office will receive job applications unless otherwise designated.
2. The Department or Division Director will establish, and the Human Resources Manager will approve, an applicant reviewing process appropriate to the position to be filled. The reviewing process may involve written tests, psychological tests, physical assessment testing, background checks, oral interviews, and other appropriate measures as allowed by law. A selection committee may be used to assist in the reviewing process.
3. Upon completion of the reviewing process and prior to extending a job offer, the Department or Division Director will recommend to the Human Resources Manager, or designee, an individual to fill the vacant position. The Department or Division Director will maintain documentation of the reviewing process.

4. Current City employees are encouraged to apply for vacant positions for which they are qualified. An employee's past service will be considered in the applicant reviewing process.
5. The City Manager or designee must approve all regular and temporary full-time employee appointments.

#### **F. PRE-EMPLOYMENT HEALTH, FITNESS and WELLNESS EVALUATIONS**

1. After accepting a job-offer, but prior to employment, candidates for certain positions shall successfully pass a series of medical evaluations to determine their ability to perform essential job functions that may include:
  - a. Drug Screening
  - b. General health screening and fitness assessment
  - c. Functional Capacity Evaluation
  - d. Comprehensive physical comprising of, but not limited to, lab work, chest X-ray, stress test, and, lung capacity measurement.
  - e. Psychological Evaluation
2. Candidates failing any portion of the pre-employment medical evaluation may be permitted to re-test the failed portion(s) within a reasonable timeframe, provided adequate time is available prior to the need to fill the vacancy; and, that the reason for the failure, in the medical opinion of the City's physician, is due to a testing discrepancy or an easily reversible condition. Candidates failing a second attempt will be passed over for hiring.

#### **G. INVOLUNTARY TRANSFER**

The City Manager may require any employee to transfer into another position.

#### **H. RE-EMPLOYMENT**

The past service of former employees who apply for a vacant position will be considered in the applicant reviewing process.

#### **I. EMPLOYMENT OF RELATIVES**

1. City employees may not supervise any relative on a regularly scheduled basis, nor may they hire, promote, or advocate for hiring or promotion any relative to a position in the department or division in which they work, unless otherwise authorized in writing by the City Manager.
2. Relative means an individual who is related to the City employee as husband, wife, father, mother, son, daughter, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister or first cousin.
3. If a conflict arises with the above policy because an employee marries or changes positions within the City, one of the affected employees may be required to transfer to a vacant position for which they are qualified or may be required to resign from employment. Any such transfer will not guarantee maintenance of current rates of pay or classification.

## **Article 5. Pay Plan and Job Descriptions**

### **A. JOB DESCRIPTIONS**

1. The Human Resources Office maintains an inventory of budgeted positions in the City's service as well as job descriptions for each position, the allocation of each position to its proper Grade and Step of the City's Pay Plan and the Compensation Guidelines governing the plan.
2. Job descriptions for each position include a title; a description of the nature of work and relative responsibilities of the position; examples of work which are illustrative of the duties of the position; requirements of work in terms of knowledge, skills and abilities necessary to perform the work and a statement of minimum qualifications for recruitment into the position.

### **B. COMPENSATION GUIDELINES**

#### **1. PAY PLAN**

- a. The Pay Plan shall be divided into Tables, Grade and Step. Table A is for General Employees and Table B is for Public Safety Employees. Each Grade will consist of positions which are similar in the duties and responsibilities, skills, knowledge, education or training requirements, general working conditions, physical ability demands, and any other position requirements.
- b. Each Grade of positions is divided into twenty-two (22) steps designated A through V.
- c. Each position shall be assigned to the appropriate Table and Grade (pay range) of the City Pay Plan. Any new or unbudgeted position may not be filled until it has been classified by the City Manager in accordance with the City's Pay Plan.
- d. The Pay Plan shall be made available to all employees by posting it at the workplace or by other appropriate measures.

#### **2. PAY CLASSIFICATION (BASE PAY)**

- a. Regular and temporary full-time employees are classified in the Pay Plan according to the position they are filling.
- b. A pay classification code consisting of the Table, Step, and Grade and letter designates where each regular or temporary full-time employee is within the plan. Example: An employee whose position is found in Table A, Grade 3 and whose individual pay is listed under Step F would have a pay classification of A-F-3.

### **C. PAY PLAN ADMINISTRATION**

#### **1. NEW EMPLOYEE STARTING PAY**

- a. A new employee's starting pay will be based on the knowledge, skills, abilities, and experience of the employee.

- b. All appointments of regular employees and temporary full-time employees require the prior review of the Human Resources Manager and the approval of the City Manager.
- c. With prior approval of the Human Resources Manager, a new employee may be started higher than Step A, not to exceed Step C.
- d. With prior approval of the City Manager, a new employee may be started higher than Step C.

## 2. STEP INCREASE

- a. Step increases for employees are contingent upon:
  - (1) Funding
  - (2) An overall performance evaluation rating of 3.0 or higher; and
  - (3) Department or Division Director Approval.
- b. Step increases may be withheld for any of the following reasons:
  - (1) Pending the outcome of a disciplinary procedure in process.
  - (2) When a performance evaluation has an overall performance rating of less than 3, pending re-evaluation in not more than six (6) months. Employees who do not achieve a 3.0 overall performance rating at the time of re-evaluation may be subject to disciplinary action as appropriate and will not receive a step increase.
- c. Step Increases are effective on the position appointment date or the date of final disposition for employees involved in a disciplinary process or the re-evaluation date for employees who originally did not receive a 3.0 performance evaluation. The original performance evaluations shall be submitted to the Human Resources Office for inclusion in the employee's personnel file prior to approval of a step increase. Employees that do not achieve a 3.0 overall performance rating at the time of any re-evaluation will keep their appointment date. The re-evaluation date shall become the new evaluation date and employees will be eligible for evaluation 12 months later.
- d. Regular and temporary full-time employees below Step V and eligible for an increase shall move to the next step of their pay range.
- e. Regular and temporary full-time employees at or above Step V and eligible for an increase shall receive a lump sum payment in the amount of the difference between Steps U and V of their current pay range.

## 3. PROMOTION INCREASE

- a. For promotions within Grades 1-20 and 71-76, the employee's pay rate will be moved to the lowest Step in the new Grade that allows for a 5% increase plus one additional step **or** Step A of the new Grade, if Step A is greater than 7%.

- b. For promotions within Grades 21-26 and 77-82, the employee's pay rate will be moved to the lowest Step in the new Grade that allows for a 10% increase plus one additional step **or** Step A of the new Grade, if Step A is greater than 12% of the previous pay rate.
- c. An employee moving from Grades 1-20 or 71-76 into Grades 21-26 or Grades 77-82 respectively will have their pay rate adjusted per Article 5 C-3b above.
- d. An employee, being promoted per paragraph a., b. c. above, that is within 30 calendar days of being eligible for a step increase shall be given one additional step in the new pay grade after the calculations are made.
- e. When an employee is promoted, his or her appointment date will be changed to coincide with the effective date of the promotion.

#### 4. LATERAL TRANSFERS

For a lateral transfer (voluntary or involuntary) within the same pay Grade, the employee's rate of pay and appointment date will remain unchanged.

#### 5. TRANSFER TO LOWER PAY GRADE

For transfers into a lower pay Grade (voluntary or involuntary), the City Manager, upon recommendation by the Human Resources Manager, shall establish a rate of pay within the pay range of the new position giving consideration to length of service, performance evaluation, work experience, training, skills and qualifications.

#### 6. POSITION RECLASSIFICATION

- a. Department Directors may initiate requests for position reclassification when circumstances produce significant changes in the duties of a particular position. The City Manager or his/her designee and the Human Resources Manager shall review the request and determine its merit. The City Manager's decision concerning the request shall be final.
- b. When a position is reclassified to a higher classification, the affected employee's pay rate will be adjusted by the same process as a promotion.
- c. When a position is reclassified to a lower classification, the affected employee shall be allowed to continue at his or her current rate of pay within the pay range of the new position classification. If the employee's rate of pay is above Step V of the new position classification, then the employee shall be classified at Step V of the new grade while maintaining their current rate of pay.
- d. When a position is reclassified, an employee's appointment date shall not change.

## **D. ACROSS THE BOARD INCREASE**

1. Across the board increases shall be subject to funding availability and may be given in either flat dollar or percentage amounts. Normally, these increases will be effective at the beginning of the calendar year unless otherwise determined. An across the board increase results in changing the pay scale to reflect the COLA increase.
2. All positions listed in the pay plan are eligible for across the board increases.

## **E. ADDITIONAL COMPENSATION**

### **1. SPECIALTY PAY**

- a. Specialty pay is premium pay based on a monthly or hourly rate added to an employee's base pay in accordance with the provisions of the Fair Labor Standards Act.
- b. Specialty pay is provided in certain circumstances for certifications, licenses, education, prior experience or workload differential.
- c. Specialty pay being received by an employee will be designated by a numerical code added in parentheses to the pay classification.
- d. Employees in selected positions may gain and lose specialty pay based on maintaining eligibility.
- e. It is the employees' responsibility to keep their certificates current and to make sure the Human Resources Office has a copy of the current certificate. Specialty pay will not be paid retroactive due to certificates being turned in late.
- f. Specialty pay is:
  - (1) Added to hourly rate for computing overtime pay.
  - (2) Not adjusted by across the board increases.
- g. Specialty pay is for selected positions only as listed in the Pay Plan.

### **2. ALLOWANCES**

- a. Allowances are compensation amounts paid generally monthly or annually to employees for the use of personal items and/or vehicles for the benefit of the City. Allowances will be pro-rated based on time in the position.
- b. Allowances that are provided as reimbursement for the purchase or replacement of work related items, materials, or supplies, including tools and uniform items, will not be added to the employee's hourly rate.
- c. Allowances are a flat rate and are not adjusted by across the board increases.

### 3. OVERTIME/COMPENSATORY TIME

- a. All policies governing overtime/compensatory time shall follow the requirements of the Fair Labor Standards Act (FLSA).
- b. Non-exempt employees are eligible for overtime or compensatory time with prior approval of their immediate supervisor.
- c. Overtime/compensatory time will be given for employees working in excess of 40 hours per workweek, or other work periods as required for Police and Fire Departments in compliance with the FLSA.
- d. Paid time off will not be considered hours worked for purposes of computing overtime/compensatory time.
- e. Overtime shall be compensated at the rate of one and one-half (1½) times the employee's regular rate including specialty pay.
- f. Compensatory time:
  - (1) Based on departmental needs, an employee may receive, in lieu of overtime compensation, compensatory time off at a rate of one and one-half (1½) hours for each hour worked for which overtime compensation would otherwise be required by this section.
  - (2) "Compensatory time" and "compensatory time off" mean hours during which an employee is not working but receives paid time off at the employee's regular rate.
  - (3) City employees may accrue up to a maximum of 40 hours of actual overtime hours worked (accrued at time and one-half equals 60 total compensatory hours). Any hours earned in excess of the maximum limits must be paid as overtime.
  - (4) Employees shall be permitted to use accrued compensatory time within a reasonable time period after it is requested if to do so would not unduly disrupt the operation of the City.
  - (5) Upon termination or reclassification to a FLSA-exempt classification, accrued compensatory balances will be paid to the employee. Payment will be at the hourly rate of pay being received on the date of termination or reclassification and will not be included in the City's contribution towards LAGERS.
- g. Call In Pay
  - (1) Some departments may find it necessary to call employees in who are not scheduled to work in response to an emergency event. In the event a non-exempt employee is called to duty he or she shall be compensated at the overtime rate. Employees called in shall receive a minimum of two (2) hours pay at the overtime rate or overtime for

the hours worked which ever is greater. Employees who are already at work and are required to stay shall be subject to the FLSA, if required to stay for four (4) hours or less. If an employee is required to stay for more than four (4) hours, all hours beyond the regular work shift will be paid at the over time rate.

- (2) Should it be necessary to call in an off duty employee to deal with a minor problem, the employee will be paid a minimum of three hours at the straight time rate or the actual hours worked, whichever is greater. Fair Labor Standards will apply to all hours worked.

#### 4. TRAVEL TIME

Compensation for travel time will be paid in accordance with the Fair Labor Standards Act (FLSA) travel time guidelines. However, the City will compensate the driver and passenger in the same manner for travel time, which is slightly more generous than what is required under FLSA.

## Article 6. Leave Time

### A. VACATION LEAVE

1. Vacation leave is provided to all regular and temporary full-time employees at their regular hourly rate of pay. For purposes of this section 56 hour per week employees shall refer to shift work firefighters; 43 hour per week employees shall refer to shift work police officers. Employees who are on a 56 hour per week schedule and are moved to a 40 hour per week schedule shall have their accruals change to the 40 hour per week rate. Employees moving from a 40 hour per week schedule to a 56 hour per week schedule shall have their accrual adjusted to the appropriate 56 hour per week rate. The accrued balance shall also be adjusted.

#### MONTHLY ACCRUAL RATES

<u>Years of Service</u>	<u>40/43 hour per week Employee</u>	<u>56 hour per week Employee Hired before September 1, 2006</u>	<u>56 hour per week Employee</u>
0 to end of 5 <sup>th</sup> year	8 hours per month	24 hours per month	16 hours per month
Beginning of 6 <sup>th</sup> year to end of 10 <sup>th</sup> year	10 hours per month	30 hours per month	18 hours per month
Beginning of 11 <sup>th</sup> year to end of 15 <sup>th</sup> year	12 hours per month	36 hours per month	20 hours per month
Beginning of 16 <sup>th</sup> year to end of 20 <sup>th</sup> year	14 hours per month	42 hours per month	24 hours per month
Beginning of 21 <sup>st</sup> year to end of employment	16 hours per month	48 hours per month	26 hours per month

**Monthly Accrual Rate for  
New Hires or Employees Returning to Work**

Hired or returning 1 <sup>st</sup> through the 10 <sup>th</sup> of month	Full amount
Hired or returning 11 <sup>th</sup> through the 20 <sup>th</sup> of month	one-half amount
Hired or returning 21 <sup>st</sup> through the end of month	none

## 2. MAXIMUM ACCRUAL

- a. On July 1 of each year, employees will lose any accrued vacation leave balance in excess of:
  - (1) 240 hours (30 days) for 40/43 hour per week employees.
  - (2) 720 hours (30 shift days) for 56 hour per week employees.
- b. Leave time balances in excess of the above maximum accruals may be extended beyond July 1 upon City Manager approval. The employee must submit a request, which includes a reason for the request and a timeline for using all carry-over vacation. Consideration will be given to those circumstances that may have been the result of work load or other situations caused by the City when an employee's scheduled leave time has been or needs to be rescinded. In addition, consideration will be given to an employee for an unforeseen major health condition.

## 3. VACATION LEAVE USAGE

- a. Vacation leave can only be taken after it has been accrued, except as otherwise set out in this section, according to payroll records unless approved by the City Manager.
- b. Fire personnel shall not take vacation time before it has been accrued. However, the division's practice of selecting vacations at the beginning of the calendar year based on seniority does create limited situations in which less senior personnel may have to schedule vacation prior to their actual accrual of vacation. For this reason, during their first five years of employment, personnel hired after September 1, 2006, will be permitted to debit their vacation hours due to be accrued in that year, if there are no sets open for selection beyond the date by which they have accrued 96 hours of vacation time. In the event any person's employment is ended for any reason who has debited their hours, payment for any hours owed will be deducted from the final check.
- c. Use of vacation leave must be approved by the employee's Department/Division Director or designee in advance of the leave start time.

- d. Employees shall use a City “Personnel Action-Employee Request Form” when requesting vacation leave.
- e. Vacation leave may be used in fifteen (15) minute increments rounded to the nearest quarter-hour subject to Department/Division Director approval.
- f. Department/Division Directors may require the use of vacation leave in increments greater than fifteen (15) minutes depending on the overall operational needs of the department or division.
- g. In the event City operations are hindered or an emergency exists, the City Manager or Department/Division Director may rescind vacation leave usage.
- h. An employee becoming ill while on vacation leave may request his/her Department/Division Director to change his/her vacation leave to sick leave. Any such change may, at the discretion of the Department/Division Director, require a doctor’s statement that the employee was ill for the specified period of time to receive approval.

#### 4. SEPARATION OF EMPLOYMENT

- a. Upon separation of employment, an employee shall be paid for accrued vacation leave not taken prior to the date of separation to a maximum of:
  - (1) 240 hours (30 days) for 40/43 hour per week employees
  - (2) 360 hours (15 shift days) for 56 hour per week employees
- b. Should an employee die, any unused vacation leave will be paid to his/her survivors or estate, not to exceed the limits established above.
- c. If a written resignation is not received at least two (2) weeks prior to separation of employment for regular and temporary full-time employees, or thirty (30) days for Department/Division Directors, compensation for accrued vacation hours will not be paid. Written notification is not required for involuntary terminations of employment.
- d. Requested paid leave time will not be approved or compensated during the resignation period specified in Article 16-A, except for special circumstances as approved by the City Manager.
- e. Paid vacation at separation of employment will not be included in the City’s contribution towards LAGERS.

**B. SICK LEAVE**

1. Sick leave is provided to all regular and temporary full-time employees at their regular hourly rate of pay. For the purposes of this section, 56 hour per week employees shall refer to shift work firefighters; 43 hour per week employees shall refer to shift work police officers. Employees who are on a 56 hour per week schedule and are moved to a 40 hour per week schedule shall have their accruals change to the 40 hour per week rate. Employees moving from a 40 hour per week schedule to a 56 hour per week schedule shall have their accrual adjusted to the appropriate 56 hour per week rate. The accrued balance shall also be adjusted.

**Monthly Accrual Rates**

<u>Years of Service</u>	40/43 hour per week <u>Employee</u>	56 hour per week Employee Hired before September 1, <u>2006</u>	56 hour per week Employee
0 to end of employment	8 hours per month	24 hours per month	14 hours per month

**Monthly Accrual Rates for  
New Hires or Employees Returning to Work**

Hired or returning 1 <sup>st</sup> through the 10 <sup>th</sup> of month	Full amount
Hired or returning 11 <sup>th</sup> through the 20 <sup>th</sup> of month	one-half amount
Hired or returning 21 <sup>st</sup> through the end of month	none

2. MAXIMUM ACCRUAL

Accrued sick leave balances will not exceed

- a. 960 hours (120 days) for 40/43 hour per week employees.
- b. 2,880 hours (120 days) for 56 hour per week employees.

Note: Due to the amount of hours allowed to be accumulated, sick leave may continue after FMLA has been exhausted if sufficient time has been accrued.

### 3. SICK LEAVE USAGE

- a. Sick leave may be used for personal or immediate family illness, incapacity, or dental, optical or medical examination. For purposes of this section, immediate family is defined as employee's parent, spouse, child, or stepchild living with the employee. Legal guardianship situations can be reviewed by the Human Resources Office.
- b. If an employee does not have accrued vacation, sick leave may be used for other family members defined as spouse, children, and foster children living with the employee, grandchildren, parents, grandparents, sisters, brothers, nieces, nephews, aunts, uncles, father-in-law, mother-in-law, spouse's grandparents, sisters, brothers, sister-in-laws, brother-in-laws, and step relatives of the same degree for a maximum of 3 work days per fiscal year with prior approval by the Department Director and the Human Resources Manager.
- c. Salaried Exempt employees are not required to use sick leave for medical, dental, or optical appointments or illness requiring an absence of three (3) hours or less. When scheduling such appointments, minimizing time away from work should be considered.
- d. An employee requesting sick leave should do so as soon as practically possible.
- e. The employee must request sick leave authorization through their immediate supervisor or other designated personnel.
- f. An employee must keep his/her immediate supervisor informed of his/her ability to work if the absence is for more than one (1) day.
- g. Whenever three (3) or more consecutive work days (40/43 hour per week employees) or two (2) consecutive work shifts (56 hour per week employees) are missed due to illness or injury, the employee may be required to submit a doctor's release before returning to work. If sick more than 3 consecutive calendar days, such sick leave may constitute FMLA.
- h. Employees may be required to submit a doctor's certificate for any hours missed. An employee shall personally insure all doctor excuses and medical records are submitted directly to the Human Resources Office. If an employee brings medical information to a department or division, the employee shall be directed to deliver this information to the Human Resources Office. The Human Resources Office shall, upon receipt of any such information, immediately provide the employee with a return to work form which will return the employee to full duty or identify any work related restrictions. Departments that may have employees returning to work during a time that the Human Resources Office is not open are subject to their Department's procedure.
- i. An employee becoming ill while on vacation leave may request his/her Department/Division Director to change his/her vacation leave to sick leave. Any such change may, at the discretion of the Department/Division Director, require a doctor's statement that the employee was ill for the specified period of time to receive approval.
- j. Sick leave may be used in fifteen (15) minute increments rounded to the nearest quarter-hour, subject to Department/Division Director approval.

- k. Sick leave can only be taken after accrued, except as otherwise set out in this section, according to payroll records unless approved by the City Manager.
- l. Fire personnel shall not take sick leave before it has been accrued. However, the accrual of sick leave of 14 hours for those employees hired after September 1, 2006 may create limited situations in which an employee has not accrued enough hours to cover a 24-hour shift should sick leave be warranted. Therefore, within the first two months of employment a manual adjustment may be given to allow the usage of sick leave that would have accrued by the end of the second month.
- m. An employee meeting the criteria outlined in the Time Donation Policy maybe eligible for donated Sick leave.

#### 4. SEPARATION OF EMPLOYMENT

At the time of eligible retirement, employees with a minimum of ten (10) years of service will be paid for unused sick leave on a 1:8 ratio. This payment will not be included in the City's LAGERS contribution. Employees leaving the employment of the City under other conditions will not be paid for unused sick leave.

#### 5. INCENTIVE PROVISIONS:

- a. Non-exempt employees who have not utilized sick leave over a continuous period of twelve (12) months shall be entitled to an additional day of vacation leave or have the option of receiving this time in the form of a cash payment. A request for either an additional day of vacation or cash payment must be made via a Personnel Action Form within thirty (30) days after the period of time for the request. Requests that are not received within the thirty (30) day period will not be approved.
- b. Sick leave lasting for more than three (3) consecutive working days may be reinstated up to a maximum of twenty (20) days on a day for day basis for employees who do not utilize sick leave over a continuous period of six (6) months following their return to work at full or "limited duty". Two follow-up visits to a doctor related to the specific injury or illness that necessitated the use of sick leave are allowable and will not impair an employee's ability to receive reinstatement. Proper documentation to substantiate these follow-up visits must be provided. A reinstatement request must be submitted via a Personnel Action Form to the Human Resources Office within thirty (30) days after the end of the six (6) month period. If a request is not received within the thirty (30) day period, sick leave days will not be reinstated.

### C. FAMILY MEDICAL LEAVE

- 1. Eligible employees are allowed up to twelve (12) weeks of unpaid leave during any "rolling" twelve (12) month period or up to twenty six (26) weeks to care for a military service member (measured backward from the date the FMLA leave sought by the employee would begin) for the following reasons:
  - a. Birth of a child or placement of a child for adoption or foster care with the employee; or

- b. To care for a spouse, child or parent with a serious health condition; or
- c. A serious health condition of the employee that renders the employee unable to perform the functions of his or her job for more than 3 consecutive calendar days.
- d. Activation of a family member to active military duty. See Human Resources for complete details.
- e. To care for a family member that is a military service member. See Human Resources for complete details.

NOTE: If a husband and wife both work for the City, and each wishes to take leave for the birth of a child, adoption or the placement of a child into their foster care, or to care for a child with a serious health condition the husband and wife may take only a combined total of twelve (12) weeks of FMLA or twenty six (26) weeks to care for a military service member.

- 2. Eligibility -In order to be eligible for FMLA Leave employees must have been employed by the City for at least one (1) year of cumulative service and must have worked at least 1,250 hours during the twelve (12) months immediately preceding the leave.
- 3. Requirements: Employees seeking to use FMLA are required to:
  - a. Submit their request via a “Personnel Action - Employee Request Form” to the Human Resources Office for approval at least 30 days in advance when the need is foreseeable. If the full 30-day notice is not possible, an employee is expected to give as much notice as is practicable (ordinarily one or two business days) after the employee learns of the need for the leave.
  - b. Employees who request leave under this policy for the serious health condition of the employee or a family member (spouse, child or parent), must provide the City with a statement of medical certification from a health care provider which explains the condition necessitating the leave, the date the condition commenced, the probable duration of the condition. The statement of medical certification should be provided to the City at the time the employee requests leave under this policy, or shortly thereafter. In the case of unforeseen leave (such as for a medical emergency) the statement of medical certification should be provided to the City soon after the leave commences. Failure to comply with the medical certification provisions of this policy may result in the denial of leave until after the employee provides a statement of medical certification to the City.
  - c. If the City has reason to doubt the validity of a medical certification provided by the employee’s health care provider, the City may require the employee to obtain a second opinion, at the City’s expense, from a health care provider designated by the City. In the event the second opinion differs from the first, the City may request the employee to obtain a third and final opinion, at the City’s expense, from a health care provider jointly approved by the City and the employee.

- d. The City may also require periodic reports during the duration of the leave regarding the medical status of the employee or family member and the employee's intention of returning to work. An employee returning from leave under this policy due to his or her own serious health condition must provide the Human Resources Office with a written medical release from a health care provider before initiating work. Failure to provide a release may result in a denial of restoration of employment until the employee provides a medical release to the City.

#### 4. Additional Provisions

- a. Where the cause of serious health condition initially occurred as a result of a work-related injury or illness covered by Workers Compensation Law, such time off as it applies to work-related illness or injury shall be counted as Family Medical Leave under this section on a day for day basis whenever more than three (3) consecutive calendar days are missed.
- b. Whenever more than three (3) consecutive calendar days are missed due to qualified reasons as defined by the FMLA, then this leave shall be designated as FMLA leave retroactive to the first day missed.

NOTE: When FMLA leave is needed for planned (rather than unforeseen) medical treatment, the employee is required to make a reasonable effort to schedule the treatment to minimize disruption to the City's operations.

#### 5. How Leave May Be Taken

- a. The employee may take FMLA leave in twelve (12) consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year), or under certain circumstances, may use the leave to reduce the work-week or work-day, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of twelve (12) weeks over a twelve (12) month period.
- b. The City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule.
- c. For the birth, adoption or foster care of a child, the department director and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced-hour schedule. Leave for the birth, adoption or foster care of a child must be concluded within one year of the birth or placement of the child.
- d. If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee is expected to coordinate any schedule of intermittent leave or a reduced-hour working schedule with the department director before taking such leave. If such a coordinated schedule is not possible, then the employee must prove that use of the leave on an intermittent or reduced-hour schedule is medically necessary.
- e. Depending on the employee's job responsibilities and performance, the City is committed to a flexible approach that could include allowing the employee to work from home while on leave and other approaches that will aid the employee in their return to work. These situations will

be addressed on an individual basis and employees should work with their supervisor and Human Resources to determine what would be acceptable.

#### 6. Treatment of Benefits While on FMLA

- a. During a leave under this policy, an employee's health insurance coverage will be continued at the same level of benefits and under the same terms and conditions as the coverage currently being provided by the City to other benefit eligible employees. If employee is on paid leave, the City will continue to deduct for optional and dependent coverage. While on unpaid leave, the employee is responsible for making payments for optional and dependent insurance coverage either in person or by mail. Payments must be received by Human Resources by the first day of each month. If the payment is more than 30 days late, the optional and dependent coverage may be dropped for the duration of the leave. Reinstatement will be subject to the conditions required by the current benefit providers. Employees failing to return to work at the conclusion of their leave may be required to reimburse the City for insurance premiums paid by the City during the time of the leave.
- b. Employees on FMLA unpaid leave shall not accrue paid time off while on leave.
- c. Should an employee fail to return to work at the end of their FMLA leave, retirement benefits shall be based on the last day worked or of paid time off taken by the employee.
- d. "Anniversary" or Appointment date shall not be affected by an employee utilizing FMLA leave.

#### 7. Reinstatement

Upon return to work, the employee shall be returned to their position held prior to their FMLA leave or an equivalent position with equivalent benefits, pay and other terms and conditions of employment.

#### 8. Pay During Leave

Employees must use accrued paid time off (sick leave, vacation/comp time, or personal days) for any circumstances for which they may be eligible for FMLA leave. This paid leave time shall run concurrently with FMLA leave. The City must designate paid time off requested by an employee as FMLA leave to be considered part of the maximum twelve (12) week leave time, according to FMLA guidelines. Employees utilizing paid leave in conjunction with FMLA will continue to accrue paid leave during that period.

Note: Should FMLA laws change, the City will comply with any new legislation.

### **D. PERSONAL DAYS**

1. Regular and temporary full-time employees shall be granted two (2) days leave with pay on the first day of each fiscal year. Newly hired regular and temporary full-time employees who begin their employment after the first day of the fiscal year and prior to January 1<sup>st</sup> shall be granted one (1) personal day on their start date.

2. Personal days shall be subject to the rules of vacation leave and may be taken in less than full day increments. Unused personal days will be lost at the conclusion of the last day of each fiscal year.
3. This section shall not apply to 56 hour per week employees. These employees will instead receive additional pay to compensate for the personal days.
4. Uniformed personnel in the Police Division at the Sergeant level and below shall be granted three (3) personal days subject to the requirements set forth in this section.
5. Upon separation of employment, an employee shall not be paid for any unused personal days.
6. Regular and temporary full-time employees will be provided a certificate for one (1) day paid leave at their 5<sup>th</sup>, 10<sup>th</sup>, 15<sup>th</sup>, etc. anniversary of continuous service. These days are subject to the requirements set forth in this section. The certificate will be valid for the appropriate shift for the employee i.e. 8, 12, or 24 hours.

## **E. PAID HOLIDAYS**

1. All regular and temporary full-time employees, except 56-hour employees, shall be granted leave with pay at their regular rate of pay on the following holidays:

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

2. This section shall not apply to 56 hour per week employees. These employees will instead receive additional pay to compensate for the holidays.
3. If a holiday falls on a Saturday, the preceding Friday will be observed as a legal holiday. If a holiday falls on a Sunday, the following Monday will be observed as a legal holiday.
4. Holiday pay (time and one half (1½) of an employee's regular rate of pay) shall be paid to all non-exempt regular and temporary full-time employees for the number of hours worked on the actual holiday, not the observed holiday.
5. If the holiday occurs on a day, which is a regularly scheduled day off for the employee, he/she shall receive additional pay for that workweek equal to eight (8) hours pay at their regular rate.
6. Exempt level personnel scheduled to work on an observed holiday will receive an additional day off with pay at their regular rate.

7. Part-time employees and seasonal employees are not eligible for a paid holiday.
8. Any regular or temporary full-time employee eligible for a paid holiday who is on unpaid leave either the last working day before or the first working day after a holiday will forfeit his or her right to compensation for the holiday.
9. Any employee eligible for a paid holiday who takes sick leave either the last working day before or the first working day after a holiday may be required to present written evidence from a doctor before receiving pay for the holiday.
10. The City Manager or designee may, at his/her discretion, make declarations of staff reductions or close City facilities in celebration of certain holidays not listed above. Employees released early will be authorized paid administrative leave for the remainder of their normal workday (shift). No adjustments to attendance records shall be authorized for employees who are already on paid leave at the time the holiday staff reduction is authorized.

## **F. WORKERS' COMPENSATION LEAVE**

1. Workers' Compensation is an insurance type benefit which the City, by law, provides to its employees. Workers' Compensation benefits are regulated by state law and change periodically. The cost of Workers' Compensation insurance is paid entirely by the City. Workers' Compensation benefits apply to employees who suffer injuries or occupational disease related to their employment.
2. All medical expenses incurred as the result of injuries or occupational disease related to employment will be paid by the City through its Workers' Compensation insurance.
3. By Missouri law, Workers' Compensation is not paid for the first three regularly scheduled workdays an employee is unable to work. Beginning with the fourth day scheduled workday, the employee will be compensated for two-thirds (2/3) of their average weekly wage without taxes. If an employee is unable to work for 15 or more scheduled workdays days, Workers' Compensation will then pay two-thirds (2/3) of their average weekly wage for the first three days of lost time.
4. By City policy any accumulated leave time (sick leave, personal days, or vacation/comp time,) may be utilized to compensate an employee for:
  - a. The first three days of lost time if the days are not covered by Workers' Compensation benefits. If an employee is unable to work 15 or more days, two-thirds (2/3) of any leave time used for the first three (3) days may be reinstated at the employee's request through a Personnel Action-Employee Request Form, and the employee's leave time reinstated.
  - b. One-third (1/3) of their average weekly wage not covered by Workers' Compensation benefits.
5. Whenever more than three (3) consecutive workdays are missed due to a Workers' Compensation injury, then this leave time shall be designated as Family Medical Leave. When more than three (3) consecutive workdays are missed, the FMLA leave will be retroactive to the first day missed. See "Family Medical Leave" section of this manual for additional information.

6. When an employee is injured on the job, he/she must report the injury as soon as possible within the shift to his/her immediate supervisor, who will prepare a report of injury. The supervisor must send the first Report of Injury to Human Resources within three days. The supervisor will arrange and coordinate with the Human Resources Office for appropriate medical treatment by a provider of the City's choice.
7. Following medical treatment for a Workers' Compensation injury, an employee must provide a written release or statement of limited duty status from the treating physician before the employee is allowed to return to work. The employee must present this form to the Human Resources Office and receive a return to work form before beginning work. The employee's supervisor should ensure that the employee has a return to duty slip prior to allowing the employee to work.
8. Whenever possible, the City will attempt to assign injured personnel to "limited duty" status in an effort to facilitate return to full employment. However, the City is not obligated to create "limited duty" positions.
9. An employee who returns to work (full or limited duty) and is directed to have follow-up doctor's appointments or treatment during the employee's regularly scheduled work hours will be compensated for hours missed due to the doctor's appointment. Employees should schedule appointments or treatment to minimize time away from work. The employee is to provide a doctor's statement as verification of the appointment or treatment. Supervisors should monitor this time for reasonableness. (rev. July 2008)
10. The City will continue payment of the employee's health insurance, dental insurance and life insurance for as long as Workers' Compensation benefits are paid. An employee may continue to maintain dependent insurance coverage at his/her own expense.
11. While an employee is on Workers' Compensation leave, the employee will continue to accrue paid leave time and will be compensated for holidays as normal.
12. Failure to follow Workers Compensation Policy will be grounds for appropriate disciplinary action.

## **G. MILITARY LEAVE**

1. Employees who are members of the National Guard or any reserve component of the United States Armed Forces shall be entitled to military leave without loss of time, pay, regular leave, or any other rights for periods of military services up to the limits specified in state and federal laws pertaining to such leave.
2. When a request for military leave is submitted on the Personnel Action/Employee Request Form to the supervisor/Department Director, the employee shall attach an official order from the appropriate military authority as evidence of such duty for which military leave is granted. The order shall contain the certification of the employee's commanding officer of performance of duty in accordance with the terms of the order.
3. Employees who enlist, are drafted or activated into full-time military service are given specific rights under the Federal Employment and Reemployment Rights Act for Members of the Uniformed Services. Any employees wishing to enlist, who are drafted or called to active full time

duty, should consult with the Human Resources Manager to gain an understanding of their rights and benefits.

## **H. COMPASSION LEAVE**

1. Regular and temporary full-time employees may be granted up to three (3) paid days off in the death of a family member and two (2) additional paid days off in the death of an immediate family member. These days should be utilized within two weeks of the death. For purposes of this section, family members shall mean: spouse, children, and foster children living with the employee, grandchildren, parents, grandparents, sisters, brothers, nieces, nephews, aunts, uncles, father-in-law, mother-in-law, spouse's grandparents, sisters, brothers, sister-in-laws, brother-in-laws, and step relatives of the same degree and immediate family members shall mean employee's parent, spouse, child, or stepchild living with the employee. Legal guardianship situations can be reviewed by the Human Resources Office. For Fire Department employees, this provision is defined as two (2) work shifts for the death of a family member and one (1) additional work shift for an immediate family member.
2. Regular and temporary full-time employees may be granted up to three (3) paid days off for the death of their unborn child due to natural causes or accidental death.

## **I. MATERNITY/PATERNITY LEAVE**

Maternity Leave shall be handled in accordance with the City's Sick Leave and Family Medical Leave policies. Pregnancy if problematic, may qualify as a serious health condition under FMLA guidelines, and the birth of a child also qualifies for FMLA. See FMLA policy.

## **J. JURY DUTY LEAVE**

Paid leave shall be granted to regular and temporary full-time employees for required jury duty. A Personnel Action/Employee Request Form shall be submitted with court verification of jury service attached.

## **K. ELECTION DAY LEAVE**

Employees who are registered voters may, upon approval by the Department Director prior to the day of an election, have reasonable time off without loss of pay to vote in any local, State or Federal election. Employees are encouraged to vote on their own time, either before or after normal working hours.

## **L. INCLEMENT WEATHER LEAVE**

1. Weather conditions do not provide an exception to normal pay routines. Employees are to be paid for the hours they work or take personal days, vacation, or compensatory time. Should any specific employee not have accrued paid leave, they shall not be paid for the time they did not work and may be considered excused or unexcused depending upon the circumstance.
2. The City Manager or his/her designee may authorize declarations of staff reduction due to inclement weather or damages caused by inclement weather. Employees released early will be put

on authorized paid administrative leave for the remainder of their normal workday (shift). No adjustments to attendance records shall be authorized for employees who are already on paid leave at the time, and inclement weather staff reduction is authorized.

#### **M. FLEX TIME**

The City is supportive of employees working with their supervisors for appropriate and reasonable use of flex time within the same pay period and in conformance with FLSA. These situations will be evaluated on a case-by-case basis.

#### **N. EXCUSED ABSENCE WITHOUT PAY**

A Department Director may grant an employee time off without pay not to exceed 80 hours for a 40 hour per week employee and not to exceed 112 hours for a 56 hour per week employee in any twelve (12) month period. Time off without pay will not be approved if the employee has sick leave available and the circumstances allow for the use of sick leave. Also, paid leave such as vacation or personal days must be exhausted before the granting of a request for time off without pay.

#### **O. LEAVE OF ABSENCE WITHOUT PAY**

Subject to the approval of the Department Director, review by the Human Resources Manager and approval by the City Manager, an employee may be granted a leave of absence without pay for a period not to exceed one (1) year. Request for such leave must be submitted in writing to the appropriate Department Director and the City Manager or his/her designee. Such leave from active status is considered an extraordinary request. If an employee is absent fifteen (15) or more consecutive days within a calendar month, the employee shall not be entitled to any benefits provided by the City. The employee may maintain health, dental and life insurance at the employee's expense under the provisions of COBRA and subject to the regulations of the City's insurance carriers. Unlike FMLA, an approved unpaid leave of absence does not guarantee the employee the right to return to the position held prior to the leave.

#### **P. EMPLOYEES TO PROVIDE NOTICE OF ABSENCE**

1. All employees shall notify their immediate supervisor when for any reason the employee will be absent from his or her duties.
2. Any unauthorized absence of an employee from duty shall be deemed to be an unexcused absence and may be grounds for disciplinary action.
3. Any employee who is absent for three (3) or more consecutive days without authorization and proper notification shall be deemed to have resigned. For Fire Department employees, this provision is defined as two (2) consecutive work shifts.

#### **Q. TIME DONATION**

The purpose of the Time donation policy is 1) to provide City employees a method and opportunity to make voluntary, confidential donations of accrued vacation, sick leave or compensatory time to a pool for fellow employees, and 2) to define eligibility and requirements to receive donations of time from

the pool. This policy should in no way be construed to extend leave beyond the current 12-week Family Medical Leave for a qualifying event.

1. City employees may donate unused accrued vacation, sick leave or compensatory time. A maximum of 80 hours (112 hours by firefighters) in any combination may be donated within each calendar year. Employees making donations must maintain a balance of vacation hours, sick pay hours and compensatory hours that in total will be sufficient to cover an absence of one pay period.
2. How to make donations:

City employees actively working wishing to donate accrued vacation, sick leave or compensatory time must complete and submit a Personal Action Form (PAF) to the Human Resources Manager. The PAF will be reviewed and accepted or rejected based on the criteria listed above. Once time donations are made, they cannot be rescinded. Donations may be made at any time. The donation of leave time will not change an employee's ability to request incentive provisions found in Article 6.B.5.

3. Once a donation is made, how is it accounted for?

All donations will be placed into a pool of hours without regard to rates of pay. The balance in the pool will be expressed as hours. Request for transfer of hours from the pool to an individual employee's accrued sick pay hours will be considered based on hours available. Requests will be processed on a first come basis. If the pool balance is insufficient to cover the employee's request; transfers will not exceed the pool balance. However, when the pool is reduced to 500 hours, a notice will be posted advising employees of the balance. This will serve as notice for employees wishing to donate time. At no time will solicitation of time be made on behalf of any specific employee. Additionally, the pool will be limited to a maximum of 5,000 hours to help employees avoid donating time if there is already a healthy balance in the pool.

4. Eligibility requirements for requesting donated time:

- a. Requests for donated time will be considered when the employee, or the employee's spouse, parent, child, or step child living with the employee has experienced a catastrophic illness or injury which is life threatening, terminal or likely to result in a total permanent disability.
- b. The requesting employee must have exhausted all accumulated compensatory time, personal leave, vacation and sick leave in a responsible manner, before receiving donated time. An employee may request donated time when all of compensatory time, personal leave, vacation and sick leave will be exhausted within the next pay period.
- c. The requesting employee must be classified as either a regular or temporary full-time, employee, and have been employed by the City of Cape Girardeau for a minimum of 1,250 hours in the last 12 months.
- d. The requesting employee cannot be eligible for Workers Compensation or long term disability benefits.

- e. The employee or his/her designee must provide certification/verification from the attending healthcare provider stating his/her expected date of return to either limited or full duty to the Human Resource's Office, if the reason for the request is the employee's own illness or injury.
- f. The employee or his/her designee is responsible for keeping the Human Resources Office informed of changes in the situation that may affect eligibility.

## 5. Limitations

- a. Eligibility for donated time will not extend beyond the approved FMLA leave (12 weeks) or past the date the employee is released to perform limited or full duty whichever is sooner. For example: If a requesting employee has a combination of 6 weeks of leave time (vacation, sick, etc.), he/she would be eligible to request up to 6 weeks of donated leave time to bring the total leave time to 12-weeks.

If the qualifying event should change and no longer meets the eligibility requirements set forth in this policy prior to the end of the approved FMLA leave, the employee will not be able to use donated leave time. This could happen in instances where the employee is still qualified for FMLA, but not the use of donated time.

- b. An employee shall not accrue vacation or sick leave while using donated time.
- c. Donated leave will be used for holidays.
- d. Donated time that is granted but unused shall be returned to the pool.

## 6. How to Request Time Donations

Employees meeting the eligibility requirements above must submit in writing or have submitted on their behalf a letter requesting donated time. The letter should be addressed to their Department Director stating the criteria under which the request is being made along with any additional information pertinent to the request. Any applicable health information should be submitted to the Human Resource's Office.

## 7. Approval process

- a. The employee's Department Director will provide the Human Resources Manager with the employee's letter of request along with a recommendation to approve or deny the request. The Human Resources Manager will review the request and forward the request along with a recommendation to the City Manager for final review.
- b. The Department Director, Human Resources Manager and the City Manager shall consider the employee's employment history, attendance patterns and the overall nature and circumstances of the request in their decision making process.
- c. The decision will be conveyed to the employee in writing in an expeditious manner.
- d. The decision of the City Manager shall be final.

## Article 7. Return-to-Work Medical and Fitness Evaluations

1. At any time, an employee may experience a significant injury, illness, surgery, condition, or medical procedure that may affect his/her ability to safely and effectively perform the Essential Job Functions as outlined in the employee's Job Description. Examples of significant conditions may include, but not be limited to, those which may limit an employee's cardiac output, respiratory function, neurological status, psychological status, or muscular-skeletal performance. Such conditions may be a result of:
  - a. an on-duty injury/exposure
  - b. an off-duty injury/illness/condition
  - c. a planned personal surgery or medical procedure
2. If the significant condition is a result of an on-duty injury or exposure, procedures outlined in Article 6.F of the City Personnel Manual to initiate a Workers Compensation claim shall be followed.
3. If the significant condition is a result of an off-duty injury/illness/condition, the employee shall notify his/her supervisor as soon as practical that he/she has experienced such an injury, illness, or condition. The employee will be instructed to notify the Human Resources office as soon as practical and must receive a return to work slip before returning to duty.
4. If the significant condition is the basis for a planned surgery or medical procedure, the employee shall notify his supervisor as soon as practical that he/she is planning such a surgery or procedure. The employee will be instructed to notify the Human Resources office as soon as practical and must receive a return to work slip before returning to duty.
5. The employee will not be required to share any specific medical details protected by HIPPA regulations with his/her supervisor, however, the employee shall share reasonable information to aid the department in making staffing and scheduling decisions.
6. The following distinctions will be used when referring to the rehabilitation and return-to-work process:
  - a. Attending Physician: the physician responsible for treating and caring for the employee at any given point for their specific injury, illness or condition. This may be the employee's personal physician, the City Physician, or any specialist or health care professional to which the employee is referred for diagnosis or treatment.
  - b. Physical Therapist: the health care professional or facility responsible for conducting any needed rehabilitation for the employee
  - c. City's Physician: the physician specializing in occupational medicine who is responsible for determining if the employee is released for full-duty

7. Prior to returning to full-duty work assignments following any significant injury, illness, condition, surgery or procedure described above, the following steps shall be taken:
  - a. Upon notifying the Human Resources office of their situation and related work restrictions, Human Resources will advise the employee regarding the necessary steps the employee, any attending physician, any physical therapist, and any City physician will need to follow to facilitate an efficient process for the employee to return to work. This will include any forms or releases that may be required for this purpose.
  - b. The employee will be placed on the appropriate leave or restricted duty per the City's Personnel Policy Manual, based on the circumstances of the employee's condition; information provided by the employee and/or the employee's attending physician; and/or consultation with the City's physician.
  - c. The employee will be treated and cared for by the appropriate attending physician. The employee will follow the instructions of the attending physician to aid in their timely recovery and rehabilitation.
  - d. In the event a rehabilitation program is required, the employee will be referred to an appropriate physical therapist by the attending physician. The employee will remain on the appropriate leave or restricted duty based on the circumstances of their condition while they recover and undergo rehabilitation.
  - e. When the attending physician determines the employee is ready to be evaluated by the City's physician for return to work status, the employee will provide the Human Resource Office with documentation that he/she has been released for a return-to-work evaluation.
  - f. In the event the attending physician or therapist is not the City's physician, all medical records pertaining to the care and treatment of the patient regarding the illness or injury in question will need to be forwarded to the City's physician for review. Employees must provide consent to release this information directly to the City's physician. Employee may not be allowed to return to work unless such records have been reviewed.
  - g. The City's physician will determine the minimal necessary course of action to be taken to ensure that the employee is capable of performing his Essential Job Functions without endangering the employee, his co-workers, or the public. The City's physician will make this determination based on their professional knowledge and experience in Occupational Medicine, medical records provided by the employee's attending physician and/or direct conversation and/or exam of the employee.
  - h. If deemed necessary by the City's physician, the employee shall be required to take a job-based Functional Capacity Evaluation, in full or in part, sufficient to ensure the employee can safely and effectively perform his Essential Job Functions to at least the same level of performance achieved prior to the injury or illness.
  - i. In the event the City's physician releases the employee to return to full-duty status, the employee will provide the Human Resource office with documentation of such.
  - j. In the event the City's physician determines the employee cannot safely be released for full duty, the City's physician will outline a plan to further rehabilitate the employee in order to return them to full duty. The employee will remain on the appropriate leave or restricted duty.
8. Throughout the rehabilitation and return-to-work process, information regarding the employee's duty status will be shared between the City's physician, the Human Resource office and the supervisor, although no specific medical information protected by HIPPA regulations will be shared without the written consent of the employee.

9. In the event an employee loses his/her qualifications to safely and effectively perform the Essential Job Functions outlined in their Job Description without endangering themselves, their co-workers, or the public, even after reasonable efforts have been made to rehabilitate the employee, the Human Resources office will work with the employee to review all options available to the employee, including but not limited to, reassignment if available, disability retirement, regular retirement, or resignation.
10. In the event that follow-up examinations reveal the City physician's diagnoses or opinion of the medical condition causing concern does not result in a restriction of duties, the City may reimburse the employee any out-of-pocket expenses incurred by the employee directly related to those follow-up examinations and reinstate any associated leave time taken.
11. In the event the employee does not agree with the findings of the City's Physician, the employee can seek a second medical opinion by an occupational medicine physician of his/her choice.
  - a. All costs associated with obtaining this second opinion will be the responsibility of the employee.
  - b. The City's Physician and the employee's physician will confer to discuss the employee's condition. If no agreement is reached, a third medical opinion will be obtained from a physician mutually agreed upon by these two physicians. The costs associated with obtaining this third opinion shall be shared equally by the City and the employee. The three physicians will confer to discuss the employee's condition and reach a majority medical opinion.
  - c. In the event the majority medical opinion is that the employee has retained his/her ability to perform the essential job functions outlined in their Job Description without endangering themselves, their co-workers, or the public, then the employee will be released for full-duty. In the event the majority medical opinion is that the employee has lost his/her ability to perform the essential job functions outlined in their Job Description without endangering themselves, their co-workers, or the public, then the employee will be not be released for full-duty, and will be subject to Section I of this policy.

## **Article 8. Operation of City Vehicles**

- A. City vehicles are to be used for City business. No City vehicle will be used for personal errands during working hours or after hours unless permission is obtained from the City Manager.
- B. Transporting members of the employee's family or other non-employees for personal reasons is not permitted, unless permission is obtained from the City Manager. Request for approval should be a unique, one time request.
- C. It is the responsibility of the assigned employee to keep the vehicle clean and checked regularly for required maintenance or repair.
- D. As a condition of employment, all employees who drive City equipment shall maintain a valid driver's license appropriate for the equipment being driven.
- E. No employee shall be allowed to take home a City vehicle if that employee resides outside the corporate City limits of Cape Girardeau without prior approval from the City Manager. The exception to this restriction is the Police Division's Car Readiness Program that allows officers to take their assigned vehicles home within a 12-mile radius.
- F. To take a vehicle home requires the written approval of the City Manager.

## **Article 9. Use of Personal Vehicle for City Business**

1. Employees who use their personal automobiles for City business will be reimbursed based on miles traveled at a rate determined by the City Manager.
2. Employees who receive a monthly car allowance are not eligible to receive a per mile reimbursement for local mileage but may participate in the Auto Allowance Tax Savings Program. Participation in this program is voluntary. Employees electing to participate must submit an enrollment application to the Human Resources Office. Employees participating in the program are required to submit an Affidavit for Business Use of Personal Vehicle form to the Human Resources Office between the 20<sup>th</sup> and 25<sup>th</sup> of each month.
3. Employees who receive a car allowance are eligible to receive a per mile reimbursement for travel in excess of a 50 mile radius of Cape Girardeau beginning with the first mile of travel. If an employee requests this additional reimbursement, the mileage cannot be claimed under the Auto Allowance Tax Savings Program.
4. Personal mileage reimbursement and accountable mileage reimbursement under the Auto Allowance Tax Savings Program will not be paid for trips from home to the City facility at which they work.
5. Employees using their personal automobiles for City business will be liable for any claims as a result of a vehicular accident. However, if an employee is injured in a personal vehicle accident while on City business, all bodily injury claims may be covered under Workers' Compensation.

## **Article 10. Other Employee Benefits**

### **A. TAX SAVINGS PLAN**

1. All regular and temporary full-time employees, are eligible to participate in the City sponsored Tax Savings Plan. This program allows employees to have health and dental insurance premiums, reimbursable medical expenses and child/dependent care expenses deducted on a pre-tax basis.
2. Employees may enroll once each year, during the first 30 days of employment, or when there is a significant change in family status.
3. The Human Resources Office has information regarding program details, enrollment forms and claim forms.

### **B. USE OF CITY FACILITIES**

Regular and temporary full-time employees may swim at the Central Pool and Cape Splash; use the recreation facilities at the A. C. Brase Arena Building, Osage Community Centre, and Shawnee Community Center; utilize the Jaycee Municipal Golf Course without having to pay greens fees; obtain admission to the Shawnee Sports Complex and receive a Cape Girardeau Public Library Card free of charge in accordance with guidelines established. Regular and temporary full-time City employees must present their official City ID card in order to obtain these benefits free of charge. General Employees I.D. cards are made at the A.C. Brase Arena Building.

### **C. EMPLOYEE ASSISTANCE PROGRAM (EAP)**

1. The City of Cape Girardeau recognizes that personal problems can have an effect on an employee's job performance. The City further recognizes that almost any problem can be successfully addressed when it is identified in an early state and assistance is obtained from an appropriate helping source. This applies to a broad range of problems including such developments as physical illness, mental or emotional problems, financial difficulties, marital or family stress, alcohol or drug abuse problems, and other concerns.
2. The EAP is made available for all full-time City employees.
3. The EAP is designed to assist in early identification of an existing problem and to provide information to employees regarding an agency available to assist them should they so desire. EAP provides both direct counseling and referral information. Normally the direct counseling is limited to four to six visits depending on the nature and severity of the problem.
4. In the event an employee utilizes the EAP during working hours, accrued sick leave may be used for any appointments with the City's designated provider.
5. Employees and family members who need assistance with personal problems are encouraged to contact the City's EAP provider directly for an appointment or may seek referral through the Human Resources Office.
6. The City will pay for the cost of the first five- (5) consultations for employees and immediate

family members, which includes spouse and dependent children.

7. Participation in the EAP in no way relieves the employee of responsibility to meet acceptable performance standards and may never be used to justify or prolong poor work performance.
8. Supervisors may encourage the use of the EAP when performance problems occur. Participation by an employee in the EAP will not jeopardize an employee's job security or promotional opportunities.
9. All records and information pertaining to counseling by the EAP provider are confidential.

#### **D. MOVING EXPENSES**

1. As a condition of employment, the City Manager may approve reasonable household moving expenses for executive and professional applicants who have accepted employment with the City of Cape Girardeau.
2. Reimbursement of approved moving expenses will be made upon receipt of documentation related to the relocation and a written authorization to withhold reimbursed moving expenses from the final payroll check should the employee leave the employment of the City within three (3) years of his or her initial hire date. Re-payment by the employee shall be on a pro-rated basis.
3. If the employee leaves the employment of the City within three (3) years of the date of initial hire, he or she shall be required to reimburse the City for said moving expenses. The entire amount is due and payable as of their last date of employment, and the amount may be withheld from any amount due to the employee in his/her final check(s). Should these funds be insufficient, the employee must repay the difference to the City within ninety (90) days of his/her last day of employment.

#### **E. TUITION REIMBURSEMENT**

1. It is the policy of the City to make opportunities available to employees for training, career development and advancement consistent with individual ability, performance and requirements of the City.
2. Regular employees who have completed twelve (12) months of continuous service with the City by the first day of class are eligible to apply for tuition reimbursement.
3. Preference will be given to courses offered by an accredited college, university, vocational or technical school or correspondence school. Non-credit and/or refresher courses will not normally qualify for educational assistance.
4. To aid in ensuring there is adequate funding throughout any given budget year, there will be three (3) application deadlines: August 15, December 15 and May 15. A "Tuition Reimbursement Request" form must be received in the Human Resources Office by the application deadline and at least two weeks prior to the start date of the course. For online courses that do not fit into this deadline schedule, please contact the Human Resources Office. No Personnel Action/Employee Request form is required. The request must contain the following information:

- a. Course description from the college, university, vocational or technical school, or correspondence school.
  - b. Job description for the employee's present position with the City.
  - c. Written statement from the employee explaining how the course relates to their present position.
  - d. Dates of the course.
  - e. Cost of the course.
5. If an employee submits a late application for any course after the deadlines outlined above, the employee's application may still be tentatively approved at any time but may only be funded after the May 15 deadline, and then only to the amount of total funding available.
  6. The Human Resources Manager will review each request for reimbursement and indicate approval or disapproval. Approval of the request will be based on whether the course work is related to the employee's current and/or future job classification with the City, benefit to the City and funding availability. The original "Tuition Reimbursement Request" will be maintained in the Human Resources Office, and signed copies will be returned to the employee, the Department Director, and the Budget Analyst.
  7. Employees may submit only one (1) Tuition Reimbursement Request per semester. Reimbursement will be limited to no more than \$850 per fiscal year for any individual employee.
  8. Tuition is the only cost eligible for reimbursement. Student fees, book fees, supplies and other related expenses are not eligible.
  9. After completion of the approved course, the employee must submit a transcript or other acceptable documentation of satisfactory completion within thirty (30) days of receipt, indicating successful completion with a final grade of "C" or better or "pass" on a Pass/Fail basis along with a receipt showing the amount of tuition paid. The employee will then be reimbursed for the approved tuition amount only.
  10. The employee will be required to reimburse the City for course tuition received if the employee leaves the employment of the City within one (1) year from the date the employee receives reimbursement from the City. The entire amount is due and payable as of their last date of employment, and the amount may be withheld from any amount due to the employee in his/her final check(s). Should these funds be insufficient, the employee must repay the difference to the City within ninety (90) days of his/her last day of employment.
  11. If an employee resigns or terminates for any reason prior to receiving reimbursement, there shall be no obligation on the part of the City to reimburse any part of this expense.
  12. The City will not pay the cost of tuition, which has been or will be paid for by sources such as grants, scholarships or other subsidies. This does not include student loans.

13. Under extraordinary situations involving extended education programs which were not paid under the tuition reimbursement program, the City may require all or partial reimbursement if the employee leaves the employment of the City within one (1) year after the employee completes all of the requirements of the program.
14. Courses that conflict with the employee's normal working hours will not be eligible for this reimbursement.
15. The availability of tuition reimbursement is contingent upon sufficient funds being available within the City operating budget. The total available funding per fiscal year may be divided among three application periods. Based on availability of funds during each period, employees may not receive full reimbursement requested.

#### **F. DEFERRED COMPENSATION**

1. All regular and temporary full-time employees may participate in the City's deferred compensation programs. Under this plan, a portion of an employee's pay is deducted from his/her paycheck and transferred for investment to deferred compensation plans.
2. The deferred compensation is subject to Social Security taxes, but not to Federal or State income taxes until the money is withdrawn by the employee.
3. Information concerning the deferred compensation plans is available from the Human Resources Office.

#### **G. HEALTH, DENTAL AND LIFE INSURANCE**

1. The City of Cape Girardeau provides group health, dental and life insurance for all regular and temporary full-time employees.
2. Employees desiring additional coverage for spouse and/or dependent children may purchase it through bi-weekly payroll deductions.
3. Details of these benefits are provided online through the insurance carrier or employees can contact the Human Resources Office.

## **Article 11. Employee Responsibilities**

### **A. CURRENT INFORMATION**

Employees shall report all changes in address, driver's license status, telephone number, marital status and other pertinent information to the Human Resources Office for proper recording within 5 days of the change. This action is necessary in order to maintain accurate records affecting insurance and retirement benefits.

### **B. POLITICAL ACTIVITIES**

1. No city employee shall be an officer of a political party or hold political office. No city employee, other than an employee on unpaid leave of absence, shall be a candidate for any elective political office in conflict with that employee's duties.
2. No person shall knowingly solicit any assessments, contributions or services, for any political party from any on duty city employee.
3. Nothing contained herein shall affect the right of any city employee to hold membership in and support a political party, to vote as he chooses, to express privately his opinions on all political subjects and candidates, to maintain political neutrality, and to attend political meetings.
4. No city employee shall seek or accept election, nomination or appointment as an officer of a political club or organization, or serve as a member of a committee of such club or organization, or take an active part in any municipal political campaign, including seeking signatures to any petition provided for by any law, acting as a worker at the polls, or distributing badges or literature of any kind favoring or opposing any municipal issue or candidate for election or for nomination to a municipal public office. This subsection shall not be construed to prevent any city employee from providing factual information pertaining to any municipal ballot question.
5. No city employee shall wear a campaign button or other evidence of support of a political candidate or issue while on duty.

### **C. OUTSIDE EMPLOYMENT**

1. Prior to accepting outside employment, regular and temporary full-time employees shall submit a request in writing to the appropriate Department/Division Director or City Manager for conditional approval. After receiving conditional approval, the employee may begin secondary employment pending final approval by the Human Resources Manager. The Department Director will forward the request along with his or her recommendation to the Human Resources Manager for final approval.
2. Approval shall not be granted when the outside employment interferes or conflicts with employment obligations to the City. Employees may not work a full-time and part-time job with the City.

3. Employees shall not engage in, accept employment or render any service for private interest when such employment or service is incompatible or creates a conflict of interest with official duties of the City.
4. If 2 and 3 above become an issue, approval may be rescinded.
5. City employees shall not serve on City advisory boards or committees.
6. If prior conditional approval is not received for accepting outside employment; an employee is subject to appropriate disciplinary action.
7. Employees who are unable to work for the City due to a work related injury or personal illness are prohibited from working on outside employment without the prior approval of the City Manager. Failure to comply with this restriction will not only create the presumption that leave time is being misused but will also result in disciplinary action.

#### **D. DRESS CODE**

The dress code policy is applicable to those employees who perform a majority of their job duties within an office setting. However, uniformed employees and employees whose job responsibilities are performed mainly in the field are required to dress in such a manner as to ensure that as a City employee they present a positive image in the community and comply with the department's dress code. Department dress codes should be in writing, be reviewed by the Human Resources Manager and approved by the City Manager.

1. Employees are expected to dress in a business casual manner unless otherwise required.
  - a. For men, business casual requires a short or long sleeved shirt with a collar. Dress slacks, docker style or khaki type slacks are acceptable.
  - b. For women, docker style or khaki type slacks or skirts and casual blouses or collared shirts are acceptable.
2. The following are considered inappropriate at any time. These only serve as examples and are not all inclusive:
  - Shorts (anything above the knee)
  - Tank tops
  - Leggings
  - Tee-shirts
  - Gym attire
  - Beach attire
  - See through clothing
  - Flip-flops
  - Open mid-drifts
3. All clothing is to be properly maintained and exhibit a minimum of wear. (No frayed ends, holes in clothing etc.) Sport-team type clothing, camouflage or clothing exhibiting large logos, advertisements, slogans, lewd or obscene pictures or sayings are not allowed. During City

sponsored events (example-Special Olympics), certain T-shirts with City approval may be acceptable.

4. It is the responsibility of the employee's department management to insure compliance with the Dress Code Policy. An employee reporting for work inappropriately dressed may be sent home to change. Repeated violations or refusal to dress appropriately can result in disciplinary action.

## **E. PURCHASE OF PROPERTY**

Employees, their spouses and children are prohibited from bidding on or purchasing property owned by the City or under the direction and control of the City when the property is being sold at a public sale or auction.

## **F. USE OF TELEPHONES INCLUDING CELLULAR PHONES**

### **1. PRIVACY**

Employees should have no expectation of privacy in their calls. Calls may be monitored for customer service and business reasons.

### **2. PROPER USE OF TELEPHONES**

- a. All calls of a personal nature shall be held to a minimum both in length and occurrence. This includes any calls made on City owned or private cellular phones.
- b. On duty employees shall not use a cellular phone while operating a motor vehicle, equipment or while performing duties that could be unsafe while using a cellular phone, unless required by the duties of their position and approved by their department head.
- c. No personal long distance calls shall be charged to the City.
- d. All cellular phones are to be placed in silent mode or turned off during meetings.
- e. Department/Divisions will be provided with copies of their long distance bills monthly. Each Department Director shall be responsible for ensuring those calls made by his/her Department are verified for compliance with this policy.
- f. The Finance Department may perform audits of phone bills as necessary to determine compliance with this policy.

### **3. CELLULAR/PAGER PACKAGE**

- a. The City will provide a standard cellular/pager service package for qualifying individuals and departments must receive approval from the City Manager for service packages that differ from the standard City service package.
- b. Employees are responsible for reimbursing the City for any charges associated with minutes used over the standard service package regardless if they are work related.

- c. Departments will maintain a list of all phones and pagers issued and the recipient of such and will be responsible for collecting the phone/pager upon separation of employment.

#### 4. VIOLATIONS

Violations of this policy shall be considered a “Group I Offense” with each call made in violation constituting a separate offense under the Disciplinary Procedures Section of this manual.

### **G. ACCEPTANCE OF GIFTS**

Employees shall not solicit or accept any gifts or gratuities for personal use valued greater than \$20 or gifts that could be perceived to create ethical problems due to an employee’s position.

### **H. RESIDENCY REQUIREMENTS (City of Cape Girardeau Code §19-13)**

1. The City Manager shall be required to live within the City limits of Cape Girardeau.
2. Missouri State Law requires that the police officers be residents of the State of Missouri at the time of initial appointment as employees of the City.
3. The City Manager shall have the authority to establish at any time residency requirements for other employees.

### **I. EMERGENCY RESPONSE**

Should a major emergency occur, all employees are expected to report for duty under the guidelines of the Emergency Operations Plan. Individuals who are on vacation should consider vacation cancelled and report to duty as soon as possible. Employees may be expected to perform duties outside their job description.

## **Article 12. Safety**

### **A. RULES AND REGULATIONS**

City employees shall observe the rules and regulations set forth in the City Safety Manual as well as abide by all applicable departmental safety rules. If an employee has an injury caused by the employee's failure to use safety devices provided by the employer or failure to obey a reasonable safety rule of the employer, the compensation and death benefits are reduced at least twenty-five but not more than fifty percent. Additionally, failure to follow safety rules can result in disciplinary action. As provided by Missouri Law, all City employees shall be responsible for the implementation of job assignments in the safest manner possible. See the City Safety Manual regarding the City Safety Committee.

### **B. REPORTING INJURIES**

Any employee who sustains an on the job injury shall report the injury as soon as possible within the current work shift, regardless of severity, to his/her immediate supervisor. The responsible Department/Division shall notify the Human Resources Office of any injury and complete and forward the State mandated report forms within three working days of any such accident. The immediate supervisor shall subsequently investigate and prepare internal reports of such injuries as soon as practicable.

## Article 13. Travel Expenses

- A. Employees will be reimbursed for necessary travel expenses incurred while carrying out official duties or attending authorized conferences and meetings on behalf of the City. Prior approval of the Department/Division Director must be received.
- B. Expenses should be kept to a minimum. Receipts for all expenses, except meals during travel requiring an overnight stay, should be obtained and a travel expense report completed. The report, together with all receipts, should be promptly submitted to the Department Director who will forward these items to the Finance Department for reimbursements.
- C. If an activity takes the employee out of town, the employee will be reimbursed for actual transportation fare to and from the travel destination, actual room costs for overnight lodging, taxi fares, parking, tips and other travel-related expenses upon proper presentation of appropriate itemized receipts. With prior approval, rental car expenses will be allowed at conference or destination sites. Mileage for personal vehicles shall be those reasonable and necessary to conduct City business. Consideration should be given to the cost of mileage versus rental car expense.
- D. When travel involves an overnight stay employees will be paid for up to three meals per day on a pre-determined 'per-meal' basis and meal receipts will not be required. There will be a separate amount approved for each meal (breakfast, lunch and dinner). The individual meal amounts will be based on the City's daily per diem rate as established by the City Manager for each fiscal year. The following percentages of the City's daily per diem rate will be used for the following meals: Breakfast 20%, Lunch 30% and Dinner 50%. **When travel does not involve an overnight stay reasonable amounts will be reimbursed for meals based on actual receipts.**
  - 1. Employees will not be paid for meals that are included in the cost of a motel or conference registration fee.
  - 2. Only necessary meals will be paid for on travel days based on the distance traveled and the time the event begins or ends. **Meals will be paid on travel days under the following conditions.**

	Departure Date	Return Date
<b>Breakfast</b>	<b>Never</b>	<b>Always</b>
<b>Lunch</b>	<b>If departure required before Noon</b>	<b>If returning after 1:00 p.m.</b>
<b>Dinner</b>	<b>If departure required before 6:00 p.m.</b>	<b>If returning after 7:00 p.m.</b>

**Required departure and return times must be approved by the Department Head or Division Director.**

- 3. Department / Division Directors may recommend higher per meal allowances for employees traveling to areas with higher costs of living. All meal allowances greater than the City's standard meal allowance will be subject to prior approval by the City's Finance Director.
- E. Reimbursement for use of a personal vehicle will be made at the lower of (1) the IRS mileage

allowance multiplied by the City related miles driven or (2) the cost of a rental vehicle plus actual cost of gas used for City related purposes. Personal vehicles should be filled up before leaving for the destination and be refilled upon returning. Actual cost of gas will be the cost of all gas purchased after the initial fueling. If personal use is combined with City use on a trip, reimbursement will be adjusted appropriately.

- F. Travel by air or train should be on a coach fare. Special fare rates shall be taken advantage of whenever possible.
- G. Personal expenditures not related to the business of the trip will not be reimbursed including: items of personal hygiene, recreation and other amusements, personal phone calls, laundry and/or cleaning, side trips, room service, and alcoholic beverages. The City will not reimburse the cost of bringing another individual on the trip.

## **Article 14. Drug & Alcohol Abuse**

### **A. POLICY AND PURPOSE**

1. The City of Cape Girardeau is dedicated to providing safe, quality service to all citizens of and visitors to our community. Our most valuable resources in providing this service are our employees. Amongst our major goals is to provide employees with a safe, healthy, satisfying work environment, which promotes personal opportunities for growth. In meeting these goals, it is our policy to:
  - a. Assure employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner.
  - b. Create a workplace environment free from the adverse effects of substance (drug) abuse and/or alcohol misuse.
  - c. Prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances (drugs).
  - d. Encourage employees to seek professional assistance anytime personal problems, including alcohol and/or drug dependency or use, adversely affects their ability to perform their assigned duties.
2. It is the purpose of this policy to:
  - a. Assure employee fitness for duty and to express our policy of zero tolerance for drug and alcohol abuse.
  - b. Protect other employees and the general public from the risks posed by the misuse of alcohol, controlled substance abuse and over the counter medications with side effects causing potential impairments.
  - c. Comply with all applicable State and Federal laws and regulations governing workplace anti-drug and alcohol abuse programs.
  - d. Comply with the following Federal regulations:
    - (1) U. S. Department of Transportation (DOT) 49 of the Code of Federal Regulations (CFR) Part 29, “the Drug-Free Workplace Act of 1988.”
    - (2) DOT 49 CFR Part 40 sets standards for collection and testing of urine and breath specimens.

### **B. DRUG AND/OR ALCOHOL TESTING**

All City employees are covered by one or more of the tests provided by this policy. Drug testing will normally be performed by urinalysis, and alcohol testing will normally be performed by breath analysis. All regular and temporary full-time employees are subject to these tests, additionally, part-time employees or contract employees who routinely operate City vehicles, construction or heavy equipment on public streets or highways are subject to these tests.

## 1. PRE-EMPLOYMENT TESTING

- a. Testing for controlled substances shall be made only after conditional offer of employment, but prior to beginning work. This applies to all regular and temporary full-time employees and any other employee who will be routinely operating City vehicles, construction or heavy equipment on public streets or highways.
- b. If the individual starts employment prior to test results being received, the employee shall not operate any City vehicle or heavy equipment until the drug test results have been received and verified by the Human Resources Office.
- c. Positive test results shall result in the withdrawal of the conditional offer of employment.

## 2. POST ACCIDENT TESTING

- a. All employees of any classification are subject to post accident drug and alcohol testing.
- b. Alcohol testing shall be completed within two (2) hours of qualified accident. Drug testing shall be completed within thirty-two (32) hours of qualified accident.
- c. Testing is required for:
  - (1) Accidents involving a motor vehicle or heavy equipment, unless vehicle or equipment was legally stopped and was struck by another party.
  - (2) Accidents resulting in damage to City equipment or property or private property caused by the operation of City vehicles or heavy equipment.
  - (3) Accidents resulting in an employee being cited for a traffic violation.
  - (4) Accidents resulting from a violation of a safety policy or procedure.
- d. Post accident testing shall be completed during or after necessary medical treatment within the time frame listed above.

## 3. RANDOM TESTING

- a. Controlled substances and alcohol random testing shall be required of all regular public safety employees in the positions of, but not limited to, air traffic controller, police officer, firefighter and other positions that require the employee to operate vehicles (other than passenger cars or passenger trucks) or heavy equipment on public streets or highways. Additionally, temporary full-time, part-time and contract employees who operate City vehicles or heavy equipment or construction equipment on public streets or highways shall be subject to this testing.
- a. Random testing may occur at any time and without warning.
- b. If chosen for random testing, the employee is required to report for testing the same day as notified before 2:00 p.m. unless otherwise approved by the Human Resources Office.
- c. Random testing or testing without individualized suspicion will only be required of employees whose position creates the special need of public safety.

## 4. REASONABLE SUSPICION OR PROBABLE CAUSE TESTING

- a. All employees may be subject to a fitness for duty evaluation, and urine and/or breath testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances, which are consistent with the short-term effects of substance abuse or alcohol misuse. Examples of reasonable suspicion include, but are not limited to, the following:
  - (1) Physical signs and symptoms consistent with controlled or prohibited substance use or alcohol misuse.
  - (2) Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substance.
  - (3) Occurrence of a serious or potentially serious accident that may have been caused by controlled or prohibited substance abuse or alcohol misuse.
  - (4) Fights (to mean physical contact), assaults, and flagrant disregard or violations of established safety, security, or other operating procedures.
- b. Reasonable suspicion referrals must be made by a supervisor who is trained to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol or controlled substance misuse. The Human Resources Manager will be consulted to provide assistance in the determination if the suspicion is reasonable. If the Human Resources Manager is unavailable, a second trained supervisor should be consulted for a second opinion.

## 5. ADDITIONAL TESTING

- a. Return-to-duty testing: Employees who previously identified themselves as drug or alcohol dependent must test negative on a return-to-duty test and be evaluated and released to duty by a Substance Abuse Professional before returning to work. A Substance Abuse Professional (SAP) is a licensed physician or certified psychologist, social worker, employee assistance professional, or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium for Alcohol and Drug Abuse. The SAP must also have clinical experience in the diagnosis and treatment of drug and alcohol related diseases. Before scheduling the return to duty test, the SAP must assess the employee and determine if the required treatment has been completed.
- b. Follow-up testing shall be required of persons returning from voluntary drug or alcohol rehabilitation programs. Employees will be required to undergo frequent, unannounced urine and/or breath testing following their return to duty. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. A qualified Substance Abuse Professional will determine the frequency and overall duration of the follow-up tests beyond the minimum.

## C. DRUG TESTING, PROCESS AND PROCEDURE

1. Analytical urine drug testing and breath testing for alcohol may be conducted when circumstances warrant or as required by Federal regulations.
2. Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (DHHS). All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner, and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.
3. Alternate methods may be utilized when the employee is seeking medical treatment due to an injury.
4. Controlled substances that will be tested for include, but are not limited to:

**Positive test are expressed in nanograms per milliliter.**

	<u>Initial Test</u>	<u>Confirmation Test</u>
a. Amphetamines (speed, uppers, amphetamines, meth-amphetamines, some diet pills, etc.)	1000	500
b. Opiates (heroin, morphine, etc.)	2000	2000
c. Acetylmorphine		10
d. Cannabis (marijuana, hashish, etc.)	50	15
e. Cocaine (codeine will give positive test)	300	150
f. Phencyclidine	25	25

5. Urine specimens will be collected using the split specimen collection method described in 49 CFR Part 40. Each specimen will be accompanied by a DOT or Non-DOT Chain of Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. An initial drug screen will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40, as amended. The test results from the laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive test result. The MRO will notify the employee of the positive laboratory result, and provide the employee with an opportunity to explain the confirmed test result. The MRO will subsequently review the employee's medical history/medical records to determine whether there is a legitimate medical explanation for a positive laboratory result. If no legitimate explanation is found, the test will be verified positive and reported to the City's program manager. If a legitimate explanation is found, the MRO will report the test result as negative.
6. The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary is positive, the split will be retained for testing if so requested by the employee through the Medical Review Officer.

7. In instances where there is a reason to believe an employee is abusing a substance other than the five drugs listed above, the City reserves the right to test for additional drugs under the City's own authority using standard laboratory testing protocols.
8. Any employee who questions the results of a required drug test may request that the split sample be tested. This test must be conducted at a different DHHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the original sample. The employee pays all costs for such testing unless the result of the split sample test invalidates the result of the original test. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted if the delay was due to documented facts that were completely beyond the control of the employee.

#### **D. DRUG USE PENALTIES**

1. Any employee who has a confirmed positive drug test shall be recommended for termination of employment pending due process.
2. Refusal to take any of the tests in this policy will be treated as a positive test result and result in a recommendation of termination of employment pending due process.

#### **E. ALCOHOL TESTING, PROCESS AND PROCEDURE**

1. Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) approved testing device operated by a trained technician. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test will be performed using an NHTSA-approved evidential breath-testing device (EBT) operated by a trained breath alcohol technician (BAT). The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout along with an approved alcohol testing form will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40 as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.
2. Any employee who has a confirmed alcohol concentration of greater than 0.02 but less than 0.04 will be removed from his/her position for eight hours unless a retest results in a concentration measure of less than 0.02. The inability to perform safety-sensitive duties due to an alcohol test result of greater than 0.02 but less than 0.04 will be considered an unexcused absence subject to City disciplinary procedures. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy and a violation of the requirements set forth in 49 CFR Part 654 for safety-sensitive employees.

#### **F. ALCOHOL USE PENALTIES**

1. Any employee who has a positive alcohol test shall be recommended for termination of employment pending due process.
2. Refusal to take any of the tests in this policy will be treated as a positive test result and result in a recommendation of termination of employment pending due process.

## **G. ADDITIONAL EMPLOYEE RESPONSIBILITIES**

1. Employees who may be taking either prescription medication or “over the counter” medication which may impair their normal reaction time, distance judgment or reasoning ability must inform their supervisor of the possible impairment upon reporting for work. The employee should only indicate that an impairment might exist and should not share any medical information with their supervisor. The supervisor will then have the employee work with the Human Resources Office so that the proper medical personnel can determine if any restrictions are needed. If Human Resources determines that restrictions are needed, Human Resources will notify the supervisor of the restrictions and the supervisor is then responsible for assigning duties the employee may safely perform that day or shift. If no suitable work can be assigned, the employee may be relieved from work under sick leave.
2. Employees who have been unexpectedly recalled for duty after consuming medication or alcohol must inform their supervisor or person responsible for making the recall notice. Supervisors shall not recall employees who have consumed medication or alcohol if such recall would place the employee in jeopardy or in violation of this section. Alternatively, the employee may be tested to insure a .00% blood alcohol content prior to assigning employee to duty.
3. Employees who fail to inform their supervisor as required above may be held personally liable for any accident, which results in injury and/or property damage and shall be subject to the penalty part of this section.
4. FAILURE TO NOTIFY SUPERVISOR AT START OF WORK.
  - a. Employees who fail to notify their supervisor at start of work that they are utilizing legal prescription or over the counter medication which may impair their ability to perform in any way shall be considered to have committed a Group III offense under the Disciplinary Procedures section of this manual.
  - b. If an accident occurs involving an injury or property damage, the employee will be in violation of this section, and the employee’s action shall be deemed an offense under the Disciplinary Section of this manual.
  - c. The employee may be terminated from employment and may be suspended without pay pending due process.
5. FAILURE TO NOTIFY SUPERVISOR UPON UNEXPECTED RECALL.
  - a. Unexpected Recall means that an employee has no prior notice that he or she may be recalled. Employees with this notice are under the guidelines of G-2 and G-4 above.

- b. An employee shall be considered to have committed a Group III offense under the Disciplinary Procedures of this manual if, upon recall, he does not notify his supervisor or person responsible for the recall that he has consumed medication or alcohol that may impair his ability to do his job or may present a possible danger by returning to work.
- c. The employee may be held personally responsible for any accident involving injury or property damage.

## **H. SUPERVISOR RESPONSIBILITIES**

Supervisors shall arrange return to home transportation for any employee who reports to work when:

- a. The employee may be affected by prescription or across the counter medication.
- b. The employee may be affected or impaired by alcohol consumption. Alcohol testing may be utilized to determine the employee's fitness for work and/or violation of this policy or state law pertaining to driving while intoxicated.

## **I. EMPLOYEE AND SUPERVISOR TRAINING**

1. All employees whose positions require a CDL or who operate vehicles or heavy equipment weighing 26,001 pounds or greater must receive, on an annual basis, information on signs and symptoms of drug and alcohol abuse, including the effects and consequences of drug use on personal health, safety, and the work environment.
2. All supervisory personnel must receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse at least every 24 months.

## **J. PROGRAM CONTACTS**

Anyone with questions regarding this policy should contact the Human Resources Office.

## Article 15. Disciplinary Procedures

### A. DISCIPLINARY ACTIONS

1. Disciplinary actions should be focused at directing employees to improve job performance to the best of their capabilities. In working within a system of progressive discipline, a series of steps should normally be followed to include the following: Record of Discussion/Counseling, Written Reprimand, Suspension without pay, and Termination. **All disciplinary actions (except discussion and counseling) shall be discussed with the Human Resource Manager prior to communicating the action to the employee in order to ensure consistency across the City.**

a. Discussion/Counseling - The infraction shall be explained to the employee, indicating the corrective steps to be taken to prevent re-occurrence. The supervisor should explain to the employee that any re-occurrence of the infraction may result in disciplinary action. The department shall keep written records of the discussion. Any discussions or counseling should be considered during the performance evaluation process and formally noted on the evaluation form.

There may be times in which a plan is needed in order to correct certain performance issues. The Performance Improvement Plan provides a format to identify the needed areas for improvement in performance, the agreed action to correct the performance, and a completion date for improvement. The format can be a useful tool to help communicate clear expectations.

b. Written Reprimand - The supervisor will put down in writing the date, time and facts of the incident or incidents for which the reprimand is being given, the prior record of similar incidents, and efforts made by the supervisor to correct the problem indicated, if any. One copy of the reprimand will be given to the employee, one copy kept by the department, and the original sent to the Human Resources Manager for filing in the employee's permanent personnel file. Any prior discussion or counseling may be included as part of the Written Reprimand.

c. Suspension Without Pay - A suspension without pay is a temporary removal from duty status without pay of an employee for a specified or indefinite period. In accordance with the provisions of FLSA, salaried employees shall not be suspended without pay for periods of less than one full day.

d. Termination - Termination is the permanent removal from duty status of an employee.

2. The following recommended actions are intended to serve as a guide for employee conduct. The regulations set forth are divided into three groups to reflect degrees of severity of offenses. They are intended as guidelines only and are not all-inclusive. Nothing herein shall restrict the City from taking more severe or lenient corrective action in any given instance where the circumstances warrant.

3. In determining the corrective action to be taken in each group, consideration will be given to, among other things, the severity of the offense, the number of occurrences, time interval between violations, damage to property or endangerment or injury of other persons, the intent or motive of the employee, and the past performance of the employee concerned.

## **B. OFFENSES AND RECOMMENDED ACTIONS**

<b>1. GROUP I OFFENSES</b>	<b>RECOMMENDED ACTION</b>
First Offense	Written Reprimand
Second Offense	One (1) to three- (3) day suspension without pay
Third Offense	Termination

Examples of Group I Offenses Include:

- (a) Failure to report to work for overtime, special hours or special shifts after being scheduled according to overtime and standby duty policies.
- (b) Operating, using or possessing tools, equipment or machines to which the employee has not been assigned, or performing other than assigned work.
- (c) Wasting time, loitering, loafing or neglecting work responsibilities while on duty.
- (d) Failure to obtain permission or inform supervisor of intent to leave assigned work area during working hours or where operations are continuous, leaving work area before officially being relieved.
- (e) Taking more than specified time for meals or break periods.
- (f) Productivity or workmanship not up to required standards of performance.
- (g) Failure to maintain the correct work attitude or courtesy as it relates to co-workers, supervisors or the public.
- (h) Repeated tardiness.
- (i) Repeated absenteeism.
- (j) Absence without permission.
- (k) Violating a safety rule or safety practice.
- (l) Failure to report an accident or personal injury in which an employee was involved while on the job.
- (m) Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, catcalls, demonstrations on the job or similar types of disorderly conduct.
- (n) Creating or contributing to unsafe, unsanitary conditions or poor housekeeping.
- (o) Posting or removal of any official material on City bulletin boards unless authorized.
- (p) Smoking in facilities or offices designated as non-smoking.

- (q) Failure to pay just debts including taxes, licenses, fines or other debts due the City. Employees who are delinquent in the payment of debts due to the City shall be notified of such delinquency and must make satisfactory arrangements with the Finance Department for repayment of all debts owed to the City. Repayment may be authorized through direct payment to the City or through payroll deduction.

2. GROUP II OFFENSES

RECOMMENDED ACTION

- First Offense Up to a five (5) day suspension without pay
- Second Offense Termination

Examples of Group II Offenses Include:

- (a) Threatening, intimidating, coercing or interfering with fellow employees or supervisors at any time.
- (b) Sleeping during working hours, unless otherwise permitted.
- (c) Gambling or engaging in any other game of chance at City work stations at any time.
- (d) Making or publishing of false, vicious or malicious statements concerning any employee or the City.
- (e) Any conduct which jeopardizes the safety of the public, City personnel, equipment, tools or property.
- (f) Failure to report a request for information that would constitute an open record request or failure to notify of a receipt of subpoena from a law firm or any attorney that relates to City business.
- (g) Causing City property to be damaged due to employee negligence.
- (h) Refusal to give testimony or cooperate in City lawsuits or in accident or other internal investigations.
- (i) Inappropriate use of City vehicles.

3. GROUP III OFFENSES

RECOMMENDED ACTION

- First Offense Immediate Termination

Examples of Group III Offenses Include:

- (a) Willful neglect in the performance of duties.
- (b) Maliciously destroying or damaging any City property or property of any employee.
- (c) Falsification or destruction of City records or destruction of personal property.

- (d) Making false claims or misrepresentations in an attempt to obtain sickness or accident benefits, Workers' Compensation or unemployment compensation payments.
- (e) Insubordination to include refusal to perform work assigned or to comply with written or verbal instructions of a supervisor.
- (f) Unauthorized possession of firearms, explosives or weapons on City property.
- (g) Theft or unauthorized removal of any City property or that of an employee from City facilities.
- (h) Unlawful or inappropriate conduct on or off the job which would affect the employee's relationship to the job, fellow workers or reputation or goodwill in the community.
- (i) Use or attempted use of position, political influence or bribery to secure an advantage in any manner.
- (j) Initiation or participation in verbal altercations or physical fighting, except to defend oneself or another, on City property or time.
- (k) Conviction of a felony as defined by applicable law.
- (l) Loss of necessary position requirements or abilities to perform the work, except as restricted by State and/or Federal law.
- (m) Unauthorized or unexcused absence of an employee for three (3) consecutive work days or more than two (2) work shifts for 56 hour per week Fire Department employees.
- (n) Repeated abuse of any City policy or procedure.
- (o) Violation of the City's non-discrimination and non-harassment policy, including any failure to notify Human Resources.
- (p) Violation of the City's Drug and Alcohol Abuse Policy. Zero tolerance.
- (q) Willfully overriding, removing, failing to use or inappropriately using safety devices or protective equipment which results in or could result in injury to an employee or citizen.
- (r) Making or publishing false statements or providing false information during the routine course of employment, during an official inquiry or investigation process, to supervisors or management.

### **C. DUE PROCESS/APPEALS** (Cape Girardeau City Code §19-9)

1. The purpose of Due Process is to provide fair and equitable notice and employee response and appeal opportunity for disciplinary action that will suspend without pay or terminate an employee's employment. **This applies only to employees with 90 days or more of employment.**
2. When any disciplinary action (except discussion and counseling) is being proposed, the Human

Resources Manager or his/her designee shall be contacted to review the circumstances or issues and the proposed action.

3. This Due Process Procedure consists of up to three (3) specific phases:

a. NOTICE OF PROPOSED ACTION

- (1) After consultation with the Human Resources Manager, the Department/Division Director (or designee) and supervisor shall meet with and notify the employee, verbally and in writing of the proposed disciplinary action and circumstances leading to the proposed disciplinary action. Upon request, the employee shall be provided copies of the records if any (that may legally be released) pertaining to the circumstances leading to the proposed disciplinary action.
- (2) The employee shall be informed verbally and in writing that they have two full working days (weekends and holidays excluded) in which to review the records and proposed disciplinary action and to be present at an Employee Rebuttal Meeting scheduled for a specific date, time and location. The employee will be asked to accept the proposed action or to schedule the rebuttal meeting at this time. Actual meeting time and date may be somewhat flexible at the discretion of the Department or Division Director and the Human Resources Manager due to legitimate delays in the employee's ability to produce witnesses, records or statements going clearly beyond the employee's control.
- (3) The employee may be suspended with pay at the conclusion of this meeting and until the conclusion of the Employee Rebuttal Phase. An employee not wishing to rebut or not attending and actively participating in the rebuttal process is not entitled to an appeal to the City Manager and the proposed discipline shall be imposed.
- (4) Both the "Notice of Proposed Action" and the "Employee Rebuttal" phases of this Due Process Procedure are administrative in nature. Ordinarily, attorneys representing the City or the employee will not participate in these administrative phases. Should the City decide to be represented by outside legal counsel, the employee will be notified in a reasonable time to allow the employee to make similar arrangements, if so desired.

b. EMPLOYEE REBUTTAL PHASE

- (1) During the rebuttal meeting, the affected employee shall be provided an opportunity to rebut the circumstances, verbally and in writing, produce witnesses on his/her behalf having direct knowledge of the circumstances, and/or other evidence which may dispute those circumstances. The employee may have a non-participating observer present at the rebuttal meeting.
- (2) An employee who fails to appear for the rebuttal meeting or fails to actively participate shall be deemed to forego any further appeal rights.
- (3) The Department/Division Director or his/her designee and the Human Resources Manager or his/her designee shall consider all evidence presented during the rebuttal meeting and shall determine if the recommended disciplinary action should be modified. After

considering the evidence presented, the Department/Division Director or designee shall notify the employee in writing of the final decision along with the employee's right to appeal. The employee shall indicate whether he/she wants to appeal or waive appeal rights at this time.

- (4) The employee's appeal shall be a written request delivered to the City Manager's office within three (3) full working days (week-ends and holidays excluded).
- (5) An employee may be suspended without pay at the end of the Employee Rebuttal Phase, pending the City Manager's final decision.

c. APPEAL TO THE CITY MANAGER

- (1) Within a reasonable time of receipt of the employee's appeal, the City Manager or designee shall:
  - (a) Schedule an appeal hearing
  - (b) Inform the employee of the date, time and location of the hearing
  - (c) Inform the employee of their right to have legal counsel present at said hearing
- (2) The scheduling of the appeal hearing shall be at the sole discretion of the City Manager or designee.
- (3) The City Manager or designee shall, at the outset of the appeal hearing, clearly establish the purpose of the hearing and how the hearing will be conducted.
- (4) The purpose of the hearing is to:
  - (a) Review the circumstances leading to the proposed disciplinary action, including remedial action attempted by the department, when appropriate.
  - (b) Review the evidence presented by the City and the employee.
  - (c) Review the proposed disciplinary action and determine whether it is appropriately matched to the circumstances.
- (5) Within a reasonable time of conducting the appeal hearing, the City Manager or his/her designee shall issue his/her decision in writing. This decision shall be final and may be made effective retroactively for pay and benefit purposes to the date of Notice of Proposed Action.

## **Article 16. Grievance Procedures**

### **A. GRIEVANCE DISCUSSIONS**

1. The purpose of this section is to resolve real or perceived wrongs of the employee.
2. Any regular or temporary full-time employee with more than 90 days service can pursue a grievance regarding any matter affecting his/her employment with the City except for:
  - a. The particular conditions of employee benefits.
  - b. Suspension without pay.
  - c. Termination of employment.
  - d. Assignment of work within the employee's area of responsibility.
3. Employees should discuss the matter with his/her immediate supervisor. If such discussion does not resolve the concerns, the employee should confer with his/her next level of supervision, continuing on to his/her Department/Division Director if not resolved.
4. These discussions should take place within five (5) days of discovery of the circumstances (weekends and holidays excluded) unless the employee's supervisors are unavailable during this five day period.

### **B. REVIEW BY CITY MANAGER'S OFFICE**

1. If the situation is not resolved at the Department level, the employee may file a grievance with the City Manager's Office.
2. The grievance shall be in writing and shall state:
  - a. The nature of the grievance.
  - b. The efforts made at the department level to resolve the grievance.
  - c. The action which the employee wishes the City Manager to take.
3. The grievance shall be submitted on the form available in the Personnel Manual Appendix.
4. The grievance shall be filed with the City Manager's Office within ten (10) days of the conclusion of the departmental discussions (weekends and holidays excluded).

### **C. GRIEVANCE RESOLUTION PROCESS**

1. The purpose of this section is to identify methods that may be used for a neutral review when the employee's grievance concerns are not satisfactorily resolved at the Department level.
2. The City Manager, at his/her sole discretion, may use any of the following methods to resolve the grievance:

- a. Personally review and/or hear the employee's grievance of Departmental action.
- b. Appoint a grievance officer to review and/or hear the employee's grievance. Upon review, the grievance officer may recommend denying the grievance or to hear the grievance and make a recommendation for final disposition.
- c. Deny the grievance.
- d. Other action as he/she deems appropriate.

#### **D. DECISION OF CITY MANAGER**

1. Following the grievance resolution process, the City Manager shall issue a written ruling on the grievance.
2. A copy of the ruling shall be given to:
  - a. The employee
  - b. His/her supervisory personnel
  - c. Department/Division Director
  - d. Human Resources Manager
3. The decision of the City Manager shall be final and may not be appealed.

## **Article 17. Leaving City Employment**

### **A. RESIGNATION**

1. All regular and temporary full-time are required to give a minimum of two (2) weeks notice in writing prior to leaving City employment. This two weeks notice constitutes the Resignation Period.
2. Department Directors are required to give a minimum of thirty (30) days notice. This 30 day notice constitutes the Resignation Period.
3. All resignations are considered final and binding unless rescinded with the approval of the City Manager.
4. If written notice is not received during the time frame listed above, compensation for accrued vacation hours will not be made. See Article 6, A4.c.
5. Requested paid leave time will not be approved or compensated during the **Resignation Period** except for special circumstances as approved by the City Manager.
6. Payment of accrued vacation or comp time will not be included in the City's LAGERS contribution.

### **B. LAY OFFS**

1. Any employee may be laid off when it becomes necessary due to, but not limited to: budgetary constraints or restructuring.
2. The layoffs shall occur in the departments and classifications as determined by the City Manager. Employees to be laid off shall be determined by the employees' abilities and qualifications to perform the work and their performance evaluation (s). If abilities, qualifications and performance are equal, the order of layoffs shall be based on length of continuous service with the City.

### **C. RETIREMENT**

1. LAGERS
  - a. All regular and temporary full-time employees are enrolled in Missouri's Local Government Employees Retirement System (LAGERS).
  - b. The City pays the entire cost of the retirement program. Contributions for an employee begin after six (6) months of full-time service.
  - c. For retirement purposes, length of service begins with the original full-time date of employment.
  - d. Employees become vested for retirement benefits with Missouri LAGERS after five (5) years

- of full-time service.
- e. Any eligible employee wishing to retire from City employment should do so by submitting a written statement of intent to his or her Department/Division Director at least thirty (30) days before the effective date of retirement. The employee is responsible for making application to LAGERS as well as to Social Security and the City deferred compensation program(s) as applicable.
- f. Payment of any comp time, vacation, or sick leave will not be included in the City's contribution to LAGERS.
- g. Information concerning LAGERS and the City sponsored deferred compensation programs are available from the Human Resources Office.
- h. Pre-retirement seminars are offered on an annual basis. With Department or Division approval, the City will pay the registration cost for an employee to attend up to two (2) local pre-retirement seminars prior to retiring from City employment. Human Resources personnel may attend as required for training.

## 2. SOCIAL SECURITY

- a. All employees are required to participate in the Federal Social Security System. Social Security participation begins upon appointment with the City.
- b. Information concerning Social Security is available from the Social Security Administration.

## 3. RETIREES' HEALTH & DENTAL INSURANCE

- a. The City pays the health and dental insurance premiums for employees retiring under the regular or early definitions of LAGERS from the City of Cape Girardeau and were hired prior to July 1, 2010 based on the following schedule:

10 to less than 15 years of service-City will pay 50% of total premium  
 15 to less than 20 years of service-City will pay 60% of total premium  
 20 to less than 25 years of service-City will pay 70% of total premium  
 25 or more years of service- City will pay 100% of total premium

**Employees hired prior to January 1, 2007 – City will pay 100% of total premium**  
**Employees hired July 1, 2010 or after are not eligible for this benefit.**

**Note: Years of service refers to full-time employment only.**

- b. The City will pay the individual premium or percentage of the premium for the qualifying retiree only and the benefit will cease when the individual is eligible for Medicare coverage. Dependent coverage is available at the retiree's expense.
- c. Coverage can be continued at the retiree's expense after they are eligible for Medicare.
- d. This benefit, like any other, is subject to change at the will of the City Manager but will only

affect those employees who have not retired prior to the effective date of such change.

#### 4. SICK LEAVE CONVERSION AT RETIREMENT

At the time of retirement an employee with a minimum of ten (10) years service will be paid for unused sick leave on a 1:8 ratio: one (1) hour of pay for each eight (8) hours of accrued sick leave.

### **D. RIGHTS OF EMPLOYEE UPON SEPARATION FROM EMPLOYMENT**

1. All employees who separate from the City, including by death, shall receive payment of all salary earned up to the effective date of their separation, less all authorized deductions.
2. All employees shall be paid for accrued vacation leave and compensatory time not taken prior to the date of separation according to the limits established in the Vacation Section and Compensation Guidelines of this manual. However, if a written resignation notice is not received at least two (2) weeks prior to separation of employment for regular and temporary full-time employees, or thirty (30) days for Department/Division Directors, compensation for accrued vacation hours will not be made.
3. Employees involuntarily terminated shall be paid for their accrued vacation hours subject to any limitations that may apply.
4. Employees shall not be paid for unused sick leave balance or personal days, except for retirees as provided for in Article 16, C-4.
5. Requested paid leave time will not be approved or compensated during the resignation period except for special circumstances as approved by the City Manager. The Resignation Period is two weeks for regular and temporary full-time employees and 30 days for Department/Division Directors.
6. All employees with benefits voluntarily leaving City employment will be asked to complete an exit interview questionnaire, which is intended to find out about the quality of the work environment. The employee will also be given the opportunity to have a personal exit interview with the Human Resources Manager. Information from the questionnaire and the interview will be used to assist the City with improving operational conditions and various benefit programs.

### **E. RESPONSIBILITIES OF EMPLOYEE UPON SEPARATION FROM EMPLOYMENT**

1. All employees leaving City employment shall return City owned property and equipment in possession of the employee, including keys, uniforms, identification card, policy manuals, etc., to the department from which the employee is separating, and shall pay all debts due to the City. Failure to return City property or pay debts due to the City may result in the withholding of final pay otherwise due to the employee.
2. Tuition reimbursement may be subject to repayment by the employee if the reimbursement is received within one year preceding the effective date of separation from employment. Refer to the Tuition Reimbursement Section of this manual for further details.

3. Moving Expenses are subject to repayment, on a pro-rated basis, if the employee is separated from employment with the City within three (3) years of the date of initial hire. See Moving Expenses Section of this manual for further details.

## **F. COBRA**

1. The Consolidated Omnibus Budget Reconciliation Act (COBRA) of April 7, 1986, requires employers to inform all employees and family members of their rights for continuation of health care coverage should they lose coverage due to a reduction in hours and/or termination, except for termination due to gross misconduct or specific changes in family status.
2. Employees are responsible for keeping the Human Resources Office informed of any change in family status.
3. Further information concerning COBRA is available from the Human Resources Office.

## **G. HIPAA**

1. The Health Insurance Portability and Accountability Act of August 21, 1996, provides for the availability and portability of health coverage by limiting exclusions for preexisting medical conditions, providing credit for prior health coverage, allowing individuals to enroll for health coverage when they lose group health coverage or have a new dependent, prohibiting discrimination in enrollment and premiums based on health status, and guaranteeing availability of health insurance coverage for small employers.
2. Employees are responsible for keeping the Human Resources Office informed of any change in family status.
3. Further information concerning HIPAA is available from the Human Resources Office.
4. See Appendix for PRIVACY POLICY.

## Article 18. Final Approval Protocol

### Personnel Actions and Employee Requests

This protocol is intended to provide clarification for final approval/disapproval of personnel actions and employee requests. The majority of these items are processed and documented on the “Personnel Action-Employee Request Form” (PAF), though a few other forms and processes may be included in this protocol as indicated. **Regardless of final approval, all PAFs must be forwarded to the Human Resources Office.**

An employee must sign and date all forms as indicated on the form.

Each action or request should be processed from the originator, through each supervisory position on the form, through the final approval. Actions or requests are not effective until the final approval is obtained as indicated below. Final approval responsibilities may be delegated or temporarily assigned when the responsible person is or will be unavailable for two or more workdays.

#### FINAL APPROVAL MATRIX (X indicates required approvals)

<u>Action</u>	<u>Department/ Division Head</u>	<u>Human Resources Manager</u>	<u>City Manager</u>
Time off request, regular, temporary full-time and eligible part-time employees. Excludes FMLA or leave of absence.	x		
Work related travel expenses.	x		
Training and development including Travel request.	x		
Payment of budgeted annual allowances.	x		
Discussion or counseling of employees.	x		
Replacement or repair of employees’ personal items lost or damaged in the performance of their job duties not caused by the employee’s negligence. Amount not to exceed \$100 and to come from the Department or Division funds.	x		
Acknowledgement of employees’ change in personal status i.e. marital status, dependent additions and deletions, address or phone number changes etc.	x		

<u>Action</u>	<u>Department/ Division Head</u>	<u>Human Resources Manager</u>	<u>City Manager</u>
Part-time and seasonal employee personnel actions.	x	x	
Family and Medical Leave (FMLA) request.	x	x	
Tuition reimbursement request.	x	x	
Documented reprimands verbal or written.	x	x	
Request for outside employment.	x	x	
Employee evaluations.	x	x	x
Regular and temporary full-time employee personnel actions excluding personal status changes.	x	x	x
All personnel actions and requests pertaining to direct reports to the City Manager.	x	x	x
Leave of absence.	x	x	x
Leave time requested during the resignation period.	x	x	x

## **Article 19. Non-Discrimination and Non-Harassment Policy**

### **A. PURPOSE**

The City of Cape Girardeau is committed to providing a workplace free of unlawful discrimination and harassment, which includes discrimination or harassment based on race, color, religion, sex, national origin, age or disability. The City strongly disapproves of and will not tolerate discrimination or harassment of employees by managers, supervisors, or co-workers. Similarly, the City will not tolerate harassment of its employees by non-employees with whom the City's employees have a business, service, or professional relationship. The City's policy is that any form of unlawful discrimination or harassment is completely unacceptable and will not be tolerated. Any employee or member of management who discriminates against or harasses another employee will be subject to disciplinary action up to and possibly including termination of employment. It is the obligation of all directors, managers, supervisors, and employees of the City of Cape Girardeau to provide a work environment free of unlawful discrimination or harassment. As part of this obligation, all employees are encouraged to report incidents of discrimination or harassment, utilizing the complaint procedure below. Any employee who makes a complaint of discrimination or harassment or provides information related to such a complaint or incident of discrimination or harassment will be protected against retaliation.

### **B. DEFINITION OF DISCRIMINATION**

Discrimination for the purpose of this policy is defined as actions regarding pay, benefits, promotions, transfers, layoffs, discipline, work assignment and work environment or any other term, condition or privilege of employment directed towards an employee on the basis of race, color, religion, sex, national origin, age or disability for which there is no bona fide business purpose. It would also include facially neutral policies that have a disparate impact upon a protected class of employees noted above for which there does not exist a bona fide business purpose to justify the policies disparate impact.

### **C. DEFINITION OF HARASSMENT**

Harassment for purposes of this policy is defined as verbal or physical conduct that is derogatory or that shows hostility toward an individual because of his or her race, color, religion, gender, national origin, age or disability, and that creates an intimidating, hostile, or offensive working environment. Harassment may include, but is not limited to epithets, abusive language, slurs, jokes, or other verbal or physical conduct relating to an individual's race, color, religion, gender, national origin, age or disability.

Examples of sexual harassment include, but are not limited to, unwanted sexual advances or touching, graphic sexual depictions, displays in the workplace or while on City business of sexually suggestive objects or pictures, and/or humiliating or offensive comments, jokes, or innuendoes. Sexual harassment may also consist of unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature that creates an offensive or hostile working environment. Sexual harassment does not refer to an occasional compliment of a socially acceptable nature. It refers to behavior, which is not welcome, which is personally offensive, and which, therefore, interferes with work effectiveness. This policy also prohibits same-sex harassment.

## **D. SCOPE OF POLICY**

This policy is intended to cover all City of Cape Girardeau employees and other individuals with whom employees have business, service, or professional contact through their employment with the City. All managers and supervisors are also covered by this policy, and are prohibited from engaging in any form of discrimination or harassing conduct as defined in this policy. Further, no manager or supervisor has the authority to suggest to any other employee that any employee's employment, continued employment, future advancement, or other term or condition of employment will be affected in any way by any employee's acceptance of a discriminatory practice or a hostile or offensive work environment as described in this policy, or by any employee's entering into (or refusing to enter into) any form of personal relationship with the supervisory or member of management. Such conduct on the part of any member of management is a direct violation of this policy.

## **E. COMPLAINT PROCEDURE**

Any employee who believes that he or she is being discriminated against by management or harassed by a co-worker, supervisor, manager or other individual at the workplace (whether employed by the City or not), or believes that his or her employment is being adversely affected by such conduct, should immediately report such concerns to his or her Department/Division Director or one of the following individuals in the Human Resources Department:

Human Resource Manager or the  
Assistant to the City Manager  
Offices are located in City Hall located at:  
401 Independence Cape Girardeau, Mo. 63703  
Phone number 573-334-3090

After a complaint of discrimination or harassment is received, a prompt, thorough, and impartial investigation will be conducted and appropriate disciplinary action will be taken in the event the complaint is found to have merit. All complaints of discrimination or harassment will be conducted in a discreet manner and information will be limited to those personnel with a need to know.

Managers who observe or have knowledge of discriminatory or harassing conduct should inform the Human Resources Manager immediately. If it is determined that discrimination or harassment has occurred, the City will take prompt and appropriate corrective action.

The City also emphasizes that it will not tolerate retaliation against any employee for cooperating in an investigation or for making a complaint of discrimination or harassment. If you believe you have been retaliated against for reporting discrimination or harassment, or for making a complaint of discrimination or harassment, or for participating in an investigation related to discrimination or harassment, you should immediately report the alleged retaliatory action to the Human Resources Manager or your Department/Division Director.

## **Article 20. Non-Violence Policy**

1. City of Cape Girardeau strives to provide a workplace free from violence. Therefore, all employees should know what will not be tolerated and the importance of reporting any behavior that may lead to violence. We will hold perpetrators of violence or threats of violence accountable and we will provide assistance and support to victims.
2. Prohibited workplace violence includes, but is not limited to, intimidation, threats, physical attack, domestic violence or property damage. It includes acts of violence committed by employees, clients, relatives, acquaintances or strangers against a City employee in the workplace.
3. Violent conduct while not at work may also be grounds for disciplinary action, up to and including termination if there is a potential adverse impact on a City employee's ability to perform their assigned duties and responsibilities.
4. When it is reasonable to suspect that the potential for violence exists, an employee may be required to undergo an assessment coordinated by the Employee Assistance Program (EAP) to determine the risk of danger. Compliance with recommended treatment will be mandatory.
5. Employees who are victims of workplace violence will be offered all available security measures. The City will work closely with the victims to ensure that both the needs of the victims and the City are addressed. All victims will be encouraged to use the services of the Employee Assistance Program.
6. It is important for all employees to be alert to the possibility of violence by employees, former employees, clients and strangers. Safety should be the highest concern. All acts and threats of violence must be reported immediately to your supervisor. If your supervisor is not available, contact your Department Head or Human Resources. Of course if the situation warrants it, 9-1-1 should be called immediately.
7. Any retaliation against an employee who, in good faith, reports the behavior described in this section will be strictly prohibited. Every effort will be made to protect the safety and anonymity of anyone who comes forward with concerns about a threat or act of violence. Information will only be released on a need-to-know basis or as required by law.
8. As part of the City's efforts to prevent workplace violence, searches may be performed as needed.

## Article 21. Miscellaneous

### A. DEPARTMENTAL POLICIES

Department/Division Directors have the authority to establish written non-pay related policies affecting departmental functions providing that such policies do not conflict with the City's Charter, ordinances and policies. Departmental policies dealing with any personnel issue must be reviewed by the Human Resources Manager and approved by the City Manager prior to implementation. Human Resources should be provided updates of all departmental policies. The policies in this manual supersede any and all prior personnel policies. Unwritten Departmental personnel policies and policies not reviewed by the Human Resources Manager and approved by the City Manager and in conflict with the policies in this manual are not valid. Please note that any contracts or agreements with third party vendors that contain clauses limiting or restricting the actions of City employees are to be considered a part of City Policy and a copy should be forwarded to the Human Resources Office.

### B. NEW EMPLOYEE ORIENTATION

1. All newly hired regular and temporary full-time employees are required to attend an employee orientation session the first time it is offered after their start of employment. The Human Resources Manager may reschedule the employee for the convenience of the City.
2. Any employee, with permission of his /her supervisor, may re-attend an employee orientation on a space available basis.

### C. MEET AND CONFER SESSIONS

1. In accordance with Section 105.520 of Missouri State Statute, the City shall meet, confer, and discuss with representatives of labor organizations issues relative to salaries and other conditions of employment affecting employees within the designated labor organization. .
2. The City is not authorized to enter into binding collective bargaining contracts with public employee labor organizations and the City reserves the right to unilaterally change the terms or conditions of said results without approval by the employee labor organization.
3. The City recognizes and accepts its obligation to provide City employees with good working conditions, competitive wages and benefits, fair treatment and personal respect which each employee deserves.

### D. PERSONNEL RECORDS

1. The Human Resources Office shall be the custodian of official employee personnel records. No official personnel record shall be removed from the Human Resources Office without the express consent of the Human Resources Manager or the City Manager **and will be given only on a need to know basis.**
2. An employee wishing to review his or her personnel file may come to the Human Resources Office during normal business hours and by appointment to inspect the records. Upon request,

employees may receive copies of particular documents. Employees may be charged a copy fee, as determined by City copying policy, under the Missouri Open Records Act.

## **E. EMPLOYEE RECOGNITION**

1. Managers at all levels should strive to maintain highly motivated employees. Recognizing and communicating appreciation for exceptional performance will contribute to that goal. A form for that purpose can be found in the Appendix. However, verbal expressions of appreciation or hand written notes are acceptable.
2. Employees reaching 5, 10, 15, 20, etc. years of service will be presented a certificate of recognition at the department level prepared by the City Manager's Office. The levels of recognition will be based on continuous service and may consist of part-time, full-time or a combination of the two. Certificates will be presented in December of the year in which an employee becomes eligible.
3. Employees who have served the City for 20, 25, 30 and 35 or more years in 5-year increments will receive a special recognition gift presented at the department level in December of each year. These awards will be prepared by the City Manager's office.
4. One employee from each of the six major departments will be selected as a Department employee of the Year. These awards will be presented by the City Manager and respective Department Head in December of each year. See Appendix for Employee Awards Guidelines and Nomination Form.

## **F. RETIREE RECOGNITION**

1. The following Retirement Recognition Program is established for all employees retiring under the City's LAGERS retirement system and immediately receiving a retirement benefit from LAGERS.
2. The retiring employee will receive a plaque recognizing their position and years of service with the City. The plaque will be presented by the Mayor at a regular City Council meeting, if acceptable to the employee. The plaque will be budgeted in the Human Resources Budget. Any other gifts for the retiree may be provided by the department; however, such gifts shall not be purchased with City funds.
3. All retiring employees who have served the City of Cape Girardeau for 10+ years shall be provided a permanent City identification card to allow them free access to the City facilities identified in Article 9 Section B of this Manual.
4. A reception/open house will be provided by the department of the retiring employee, if acceptable to the employee, and shall be open to all City employees and the retiring employee's immediate family. The cost of the party will be covered by the department's line item budget.
5. Prior to the final retirement date of the employee, the department will submit an article to the Public Information Coordinator for publication in Dittos and other internal forms of communication announcing the retirement of the employee.

6. The department of the retiring employee will develop a flier that contains the picture of the employee with their name, position, years of service, date of the City Council meeting at which the employee will be recognized, and the date of the open house for the employee. The flier will be distributed to all City departments/divisions to be posted.

#### **G. RIGHT TO PRIVACY**

1. Employees of the City have no specific right to, and should not have any expectation of, privacy to City owned property or facilities used by the employee, i.e., desk, storage locker, file cabinet, vehicle, computer, etc.
2. The City has the right to enter upon and/or search any property or facility used by the employee, i.e., desk, storage locker, file cabinet, vehicle, computer, etc., for any reason including, but not limited to: violation of City policy, suspected possession of contraband, missing City property, or for security/safety purposes.

#### **H. GENDER NEUTRAL DECLARATION**

The terms he/she or his/her used throughout this manual may be used interchangeably without specifically being considered a reference to gender.

***APPENDIX***

## **HIPAA PRIVACY POLICY**

It is the policy of the City of Cape Girardeau that all employees and business associates preserve the integrity and the confidentiality of protected health information (PHI) pertaining to any employee or member of the public. The purpose of this policy is to ensure that the City has the necessary information to provide its services, manage its employees, and facilitate health insurance and benefits for its employees while protecting the confidentiality of the PHI it maintains to the highest degree possible. To that end, the City of Cape Girardeau, its managers, and employees shall:

- Adhere to the standards set forth in the Notice of Privacy Practices.
- Collect, use and disclose PHI only in conformance with state and federal laws and written authorizations as appropriate.
- Recognize that everyone has a right to privacy with regard to their health information. The City and its employees shall respect each other's individual dignity at all times and act responsibly by treating all individually identifiable health information as sensitive and confidential.
- Recognize that an individual has the right to inspect and obtain a copy of any of their medical records maintained by the City. Specifically, as set out in our Notice of Privacy Practices, the City will permit an individual access to their medical records by submitting a written request to the Privacy Officer, the Human Resources Manager, at City Hall, 401 Independence Street, Cape Girardeau, Missouri 63703, (573) 334-3090.
- Recognize that an individual has the right to request the correction of inaccurate or incomplete PHI in their records and may do so by submitting a written request to the Privacy Officer. The City reserves the right to deny any amendment request if the City believes the information maintained is accurate and complete.
- The Privacy Officer and his staff shall maintain a list of certain disclosures of PHI for purposes other than treatment, payment, and health care operations, and those made pursuant to an authorization as required by HIPAA rules. The Privacy Officer shall provide a list of disclosures of an individual's PHI upon receiving a written request for an accounting by such individual subject to the limitations set forth in the Notice of Privacy Practices.
- All employees of the City of Cape Girardeau must adhere to this policy. The City will not tolerate violations of this policy. Violation of this policy is grounds for disciplinary action, up to and including termination of employment.
- The City of Cape Girardeau reserves the right to change this policy at any time. Any changes will be effective upon release of such revised privacy policy.

## **HIPAA PRIVACY PROCEDURES**

As stated in our HIPAA Privacy Policy, the City of Cape Girardeau recognizes that individuals have a right to privacy with regard to their health information and have a right to inspect and obtain a copy of any of his or her protected health information (PHI) which the City maintains.

### **Privacy Procedures to accomplish our Privacy Policy:**

- The Privacy Officer will provide his/her staff with an original form for any individual to request and complete when such person desires to inspect and copy his/ her PHI.
- The Privacy Officer or his/her staff will respond to any person's requests and/or questions concerning inspecting and copying their PHI. In addition, they will distribute the form to such person upon their request.
- Upon receipt of any written request document, the Privacy Officer shall review such written request and verify that the individual's signature on the document matches the signature on file. In the event that the City does not have a signature on file, the Privacy Officer will verify the identity of the person requesting the information by requesting and reviewing at least one form of personal identification documentation.
- The Privacy Officer shall review the written request and respond to the individual within thirty (30) days from the date of the request unless extenuating circumstances prohibit a timely response. If the Privacy Officer is unable to respond to the request within thirty (30) days, he shall send a written letter to the requesting party explaining the reason for the delay and when the person should receive the requested information.
- The Privacy Officer should agree to all reasonable requests. If access is denied, the Privacy Officer shall provide the requesting party with an explanation for the denial as well as a description of any appeal rights.
- When a written request to inspect has been received and accepted, the Privacy Officer or his staff should accompany the requesting party to a private area to inspect his/her records and remain with the person during the inspection. After the person inspects the records the Privacy Officer or his staff will note in the records the date and time of the inspection and whether the person made any requests for amendments or changes to the records.
- When a written request to copy PHI has been received and accepted, the Privacy Officer or his staff shall copy such records and may charge the requesting party ten cents per page. After copying the records, the Privacy Officer or his staff will note in the records the date and time of the duplication and whether the requesting party made any requests for amendments or changes to the records.
- The Privacy Officer or his staff shall note in any record containing PHI the date and time of any disclosure, the name of the party to whom the information was disclosed, and the reason such information was disclosed.

- Upon receipt of any request for an accounting of disclosures, the Privacy Officer shall review the written request and respond to the individual within thirty (30) days from the date of the request unless extenuating circumstances prohibit a timely response. If the Privacy Officer is unable to respond to the request within thirty (30) days, he shall send a written letter to the requesting party explaining the reason for the delay and when the person should receive the requested information.

## **NOTICE OF HIPAA PRIVACY PRACTICES**

THIS NOTICE DESCRIBES HOW PROTECTED HEALTH INFORMATION ABOUT YOU MAY BE USED OR DISCLOSED BY THE CITY OF CAPE GIRARDEAU. THIS NOTICE ALSO SETS OUT OUR LEGAL OBLIGATIONS CONCERNING PROTECTED HEALTH INFORMATION AND DESCRIBES YOUR RIGHTS TO ACCESS AND CONTROL YOUR PROTECTED HEALTH INFORMATION.

### **OUR COMMITMENT TO YOUR HEALTH PRIVACY**

The City of Cape Girardeau is committed to maintaining the privacy of your individually identifiable health information. As your employer and health plan sponsor we may create, maintain, or receive records regarding you that contain health information. We are required by law to maintain the privacy of health information that identifies you. We are also required by law to provide you with this Notice of our legal duties and the privacy practices that we maintain concerning protected health information and must abide by the terms of this Notice. We reserve the right to revise or amend this Notice and make the new provisions effective for all protected health information that we maintain.

### **CONTACT PERSON**

If you have any questions about this notice, please contact our Privacy Officer, the Human Resources Manager, at City Hall, 401 Independence Street, Cape Girardeau, Missouri 63703. (573) 334-3090.

### **OUR RESPONSIBILITIES**

We may use and disclose your individually identifiable health information (a.k.a. protected health information) for the following purposes:

1. Payment - to pay claims for services provided to you or to otherwise fulfill our responsibilities for coverage and providing health care benefits.
2. Health Care Operations- to support our business functions in providing health insurance coverage to our employees which includes quality assessment, reviewing provider performance, and underwriting.
3. Treatment- to assist physicians, therapists, etc. involved in your treatment and in some cases, spouses, children and parents.
4. Business Associates- to administer claims or to provide services such as subrogation, or pharmacy benefit management. Examples of our Business Associates would be a third party administrator, insurance consultants or brokers, reinsurers, and a mail order pharmacy.
5. Disclosures required by federal, state or local law.

## **YOUR RIGHTS**

The following is a description of your rights with respect to your protected health information. To assert any of the following rights, you must make your request in writing to the Human Resources Manager, our Privacy Officer, at 401 Independence, Cape Girardeau MO 63703.

1. Right to request a restriction. You have the right to request a restriction in our use or disclosure of your protected health information for treatment, payment or health care operations. We are not required to agree to your request; however, if we do agree, we are bound by our agreement except when otherwise required by law, in emergencies, or when the information is necessary for your treatment. Your request must describe in a clear and concise fashion:
  - (a) the information you wish restricted;
  - (b) whether you are requesting to limit our use, disclosure or both; and
  - (c) to whom you want the limits to apply.
2. Right to request confidential communications. You may request that we communicate with you regarding your information in a particular manner or a particular location. For example, you may ask that we only contact you at your work address or via your work e-mail. We will accommodate all reasonable requests and do not require that you state a reason for such requests.
3. Right to inspect and copy. You have the right to inspect and obtain a copy of any protected health information about you that we possess.
4. Right to amend. You may request that we amend your health information if you believe it is incorrect or incomplete. We reserve the right to deny an amendment request if we believe the information maintained is accurate and complete.
5. Right to an accounting of disclosures. You have the right to request an accounting of the disclosures we have made of your protected health information for non-treatment, non-payment or non-operations purposes. All requests must state a time period, which may not be longer than six (6) years from the date of the disclosure and may not include dates before April 14, 2003.
6. Right to file a complaint. If you believe your privacy rights have been violated, you may file a complaint with us through our Privacy Officer or with the Secretary of the Department of Health and Human Services. You will not be penalized for filing a complaint.
7. Right to provide an authorization for other uses and disclosures. We will obtain your written authorization for uses and disclosures that are not identified by this notice or permitted by applicable law. Any authorization you provide to us may be revoked at any time in writing. If you revoke your authorization, we will no longer use or disclose your protected health information for the reasons described in the authorization.

**CITY OF CAPE GIRARDEAU**

Receipt of Notice of Privacy Practices  
Written Acknowledgement Form

**I, \_\_\_\_\_, have received a copy of The City of Cape Girardeau's Notice of Privacy Practices.**

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

\_\_\_\_\_  
Date

# City of Cape Girardeau

## GRIEVANCE FORM

---

---

Employee \_\_\_\_\_ Position \_\_\_\_\_  
Department \_\_\_\_\_ Division \_\_\_\_\_  
Date \_\_\_\_\_

---

### EMPLOYEES' GRIEVANCE

Reason for grievance, including description of events, dates, times, witnesses, etc.

Efforts made at the Department level to resolve the grievance.

Action employee wishes City Manager to take.

Grieving Employee's Signature \_\_\_\_\_ Date \_\_\_\_\_

---

### SUPERVISOR'S ACKNOWLEDGEMENT

We have reviewed the above grievance and have been unable to resolve at the Department level. We are aware of this request for review by the City Manager or an employee grievance committee.

Supervisor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Dept. Head's Signature \_\_\_\_\_ Date \_\_\_\_\_

---

### CITY MANAGER'S RESPONSE

0 Resolved (attach description of how resolved)

City Manager's Signature \_\_\_\_\_ Date \_\_\_\_\_

cc: Human Resources Manager  
HR Office Personnel File

## Moving Expense Reimbursement Agreement

The City Manager has approved reimbursement of reasonable moving expenses not to exceed \$ \_\_\_\_\_ for my relocation. Reimbursement request should be made on a Personnel Action Form with receipts attached. I understand and agree that should I leave the employment of the City of Cape Girardeau, Missouri within three (3) years of the date of my initial hire, I will be required to reimburse the City for said moving expenses. The entire amount will be due and payable as of my last date of employment, and the amount may be withheld from any amount due to me on my final check. Should those funds be insufficient, I agree to repay the difference to the City within ninety (90) days of my last day of employment. Additionally, I understand and agree to pay any legal fees or collection fees brought about by my failure to reimburse the City in a timely manner.

Estimated moving expenses. \$ \_\_\_\_\_

Employee's name-printed \_\_\_\_\_

Employee's signature \_\_\_\_\_ Date \_\_\_\_\_

Witness's name- printed \_\_\_\_\_

Witness's Signature \_\_\_\_\_ Date \_\_\_\_\_

Actual amount reimbursed \$ \_\_\_\_\_

Check number \_\_\_\_\_ Date \_\_\_\_\_

Employee signature \_\_\_\_\_ Date \_\_\_\_\_

Notice of Proposed Action  
Employee Rebuttal

I have been advised of the proposed disciplinary action to be taken against me and have been advised that I have two (2) full working days in which to review any records relating to the proposed disciplinary action. I have also been advised that an Employee Rebuttal Meeting will be scheduled if I would like to rebut such proposed disciplinary action. I understand that if I do not wish to rebut or if I do not attend such meeting or do not actively participate in the rebuttal process, I am not entitled to an appeal to the City Manager and the proposed discipline shall be imposed without further delay.

I understand that I have two options at this time:

(1) I accept the proposed disciplinary action and do not wish to rebut and understand that the proposed disciplinary action will be imposed immediately without right of appeal to the City Manager.

Employee's Name (Printed) \_\_\_\_\_

Employee's signature \_\_\_\_\_ Date \_\_\_\_\_

(2) I understand that by signing below the scheduled meeting information that I am indicating that I wish to rebut the proposed disciplinary action and fully co-operate in the rebuttal process.

Employee's Name (Printed) \_\_\_\_\_

Employee's signature \_\_\_\_\_ Date \_\_\_\_\_

Supervisor/  
Manager's Signature \_\_\_\_\_ Date \_\_\_\_\_

If a rebuttal meeting is desired it shall be conducted:

Time \_\_\_\_\_ Date \_\_\_\_\_ Location \_\_\_\_\_

cc: Human Resources Manager  
HR Office Personnel File



## SUPERVISOR'S RECORD OF DISCUSSION/COUNSELING

---

Employee \_\_\_\_\_ Position \_\_\_\_\_

Date(s) of Incident \_\_\_\_\_ Time of Incident \_\_\_\_\_

---

**TYPE OF INCIDENT:**

- |                                           |                                       |                                    |
|-------------------------------------------|---------------------------------------|------------------------------------|
| <input type="checkbox"/> Substandard Work | <input type="checkbox"/> Conduct      | <input type="checkbox"/> Tardiness |
| <input type="checkbox"/> Carelessness     | <input type="checkbox"/> Disobedience | <input type="checkbox"/> Other     |

**DESCRIPTION OF INCIDENT (including date, time, location, etc):**

Has similar conduct occurred in the past:  Yes  No

If yes, explain?

Recommended action to improve performance:

- Counseling  Training  Safety Measures  Other:

Explain:

**EMPLOYEE'S COMMENTS**

(The absence of any statement on the part of the employee indicates his/her agreement with the report above.)

I have entered my version of the above matter. I have read this Record of Discussion/Counseling and understand it. I know that I have a right of appeal through established grievance procedures.

---

Employee's signature \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor's Signature \_\_\_\_\_ Date: \_\_\_\_\_

---

Original: Supervisor – To be noted on Annual Performance Evaluation.

cc: Employee



# City of Cape Girardeau

## RECORD OF EXCEPTIONAL PERFORMANCE

---

Employee \_\_\_\_\_ Position \_\_\_\_\_

Date(s) \_\_\_\_\_ Time \_\_\_\_\_

---

**TYPE of Exceptional Performance:**

- |                                           |                                        |                                        |
|-------------------------------------------|----------------------------------------|----------------------------------------|
| <input type="checkbox"/> Exceptional Work | <input type="checkbox"/> Conduct       | <input type="checkbox"/> Prompt Action |
| <input type="checkbox"/> Customer Service | <input type="checkbox"/> Attentiveness | <input type="checkbox"/> Other         |

**DESCRIPTION of Exceptional Performance:**

Has similar performance been noted in the past:     Yes     No

If yes, explain?

Action taken to encourage similar performance in the future:

Supervisor's Name (print/type): \_\_\_\_\_ Date: \_\_\_\_\_

Original: Department

cc: Employee

Supervisor – To be noted on Annual Performance Evaluation.

HR Office Personnel file

**CITY OF CAPE GIRARDEAU**  
**Departmental Employee of the Year**  
**Nomination Form**

**EMPLOYEE NOMINATED:**

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Division: \_\_\_\_\_

**QUESTIONS TO BE ANSWERED FOR NOMINATIONS:**

A. How long has this person been employed by the City of Cape Girardeau? \_\_\_\_\_

B. What is this persons regular job? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

C. What does this person do that is above and beyond the call of duty? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

D. What great accomplishments has this person demonstrated throughout the workplace? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

E. What type of working relationship does this person have with co-workers? Are they a team member or a leader? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

F. Other Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**NOMINATED BY:**

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Position: \_\_\_\_\_

Division: \_\_\_\_\_

Do you mind if your name is announced as the nominator at the awards ceremony?  Yes  No



# RETURN TO WORK

Date: \_\_\_\_\_

Employee: \_\_\_\_\_

- Return to Work **WITHOUT** Restrictions
- Return to Work **WITH** Restrictions

**Restrictions:**

- No reaching above shoulder with R/L
- No repetitive stooping, crawling, climbing or squatting
- No walking or standing over \_\_\_\_\_ hrs per shift
- Left/Right handed work only
- Ground level work only
- No hazardous equipment operation, driving motor vehicles or crane
- No lifting, pushing or pulling over \_\_\_\_\_ lbs
- No repetitive bending or twisting of the back/neck
- No walking on uneven ground
- No tight gripping with the left/right hand
- Alternate sit/stand/walk as tolerated

**Other Restrictions:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Next Workers Comp Doctor Appointment:** \_\_\_\_\_

Received by: \_\_\_\_\_

**PLEASE SUBMIT THIS FORM TO YOUR SUPERVISOR BEFORE RETURNING TO WORK.**

(This form is for Human Resources Office use only.)

***City of Cape Girardeau  
Property Agreement***

I recognize that I am financially responsible for all City of Cape Girardeau property issued to me.\* I also understand that I am responsible to ensure that all property remains at all times in good working condition, and that should an item need repair or replacement, it is my responsibility to notify my supervisor immediately.

I understand that any property that is not in good working condition at the time of my resignation or termination will be considered my failure to maintain that item, and because I am financially responsible for all property issued to me, the price of repair or replacement will be my responsibility. Based on applicable state statutes, reimbursement to the company will be achieved through payroll deduction of my wages.

My signature below serves as undisputed proof that I understand my responsibility regarding the property issued to me, and also serves as authorization for City of Cape Girardeau to deduct the appropriate amount from my final paycheck.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

\* See attached list of City of Cape Girardeau property issued to employee.

**City of Cape Girardeau  
Property/Equipment**

Items Issued	Amount
Keys	
Employee I.D.	
City Personnel Manual	

Date Issued: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_

Date Returned: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_

***Cape Girardeau Fire Department  
Property/Equipment***

Items Issued	Amount
Employee I.D. Card	
City Personnel Manual	
Coat & Shirt Badges	
Collar Brass	
Turnout Coat-Primary & Secondary	
Bunker Pants-Primary & Secondary	
Bunker Boots-Primary & Secondary	
Helmet	
Gloves	
Bedding	
Fuel Card	
Name Tag	
Locker Key	

Date Issued: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_

Date Returned: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_

***Cape Girardeau Public Works  
Property/Equipment***

<b>Items Issued</b>	<b>Amount</b>
Employee I.D. Card	
City Personnel Manual	
Keys	
Reflective Vest	
Safety Belt	
Rain Suit	
Gloves	
Safety Glasses	
Name Tag	
Locker Key	

Date Issued: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_

Date Returned: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_

***Cape Girardeau Parks & Recreation  
Property/Equipment***

<b>Items Issued</b>	<b>Amount</b>
Keys	
Employee I.D.	
City Personnel Manual	
Safety Glasses	
Gloves	
Safety Vest	
Hard Hat	
Uniform Pants	
Uniform Shirts	
Back Brace	

Date Issued: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_

Date Returned: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_

# City of Cape Girardeau

## Separation Questionnaire

**Instructions:** In order to find ways to improve the quality of work life with the City of Cape Girardeau, please complete the following separation questionnaire. If there are items of discussion you do not wish to have in writing, but feel they need to be discussed, you may request an exit interview with the Human Resources Office prior to your last day of employment.

Department/Division \_\_\_\_\_ Position Held \_\_\_\_\_

1. Reason for leaving? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2. What did you like about your job? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3. What did you dislike about your job? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

4. How would you rate the following?	Excellent	Good	Fair	Poor
Cooperation within your work unit	_____	_____	_____	_____
Cooperation from other departments	_____	_____	_____	_____
Orientation to job when hired	_____	_____	_____	_____
Adequacy of training	_____	_____	_____	_____
Communication within department	_____	_____	_____	_____
Workload	_____	_____	_____	_____

5. How would you rate your salary? \_\_\_\_\_

6. How would you rate your benefits? \_\_\_\_\_

7. What did you like or dislike about the City's fringe benefits? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

8. Do you have any suggestions to improve City policies and/or procedures? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

9. How would you rate your supervisor/manager on the following points?

	Excellent	Good	Fair	Poor
Demonstrates fair and equal treatment	_____	_____	_____	_____
Provides recognition on the job	_____	_____	_____	_____
Handles complaints fairly	_____	_____	_____	_____
Follows consistent policies and practices	_____	_____	_____	_____
Informs employees on matters that directly relate to their job	_____	_____	_____	_____
Encourages feedback; welcomes suggestions	_____	_____	_____	_____
Exhibits willingness to admit & correct mistakes	_____	_____	_____	_____
Expresses instructions clearly	_____	_____	_____	_____
Competence to perform his/her job	_____	_____	_____	_____

10. How would you rate the safety of your work area? \_\_\_\_\_

11. How well did the City keep you informed of happenings, benefits, etc.? \_\_\_\_\_

12. What suggestions would you have for management to make this a better place to work? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. Would you recommend others to work here?  Yes  Yes with reservations  No

General comments or suggestions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Statement of Waiver**

I do not wish to participate in the exit interview process.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**CITY OF CAPE GIRARDEAU  
TUITION REIMBURSEMENT REQUEST FORM**

Name: \_\_\_\_\_ Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Dept/Division: \_\_\_\_\_ / \_\_\_\_\_ Position: \_\_\_\_\_

Offered By: \_\_\_\_\_ Dates: \_\_\_\_\_ to \_\_\_\_\_

Course Title: \_\_\_\_\_ Level #: \_\_\_\_\_ Tuition Cost: \_\_\_\_\_

**NOTE:** IRS regulations may require reimbursement to be reported as income. See Human Resources for current regulations.

Course will be given: Day(s) of the week \_\_\_\_\_ Time(s) \_\_\_\_\_

Required Attachments: (Note. Courses required to obtain or maintain job requirements are **not** eligible for this program. The responsible Department/Division should fund all such courses.)

1. Course Description (from the institution or other provider).
2. Copy of your current job description.
3. Attach a written statement explaining how this course relates to or will help in your current position.
4. Attach a written statement explaining what **other** benefit(s) do you envision obtaining by taking this course (interpersonal skills, seeking degree in, job advancement, etc.)?

I understand that only my actual tuition expense is eligible for reimbursement subject to the annual limits established in the personnel manual and that this approval is subject to funding availability. I understand and agree that should I leave the service of the City for any reason within twelve (12) months from the date of receipt of any tuition reimbursement, I must repay the entire amount reimbursed which will be due and payable as of my last day of employment, and authorize this amount be withheld from any amount due me in final check(s). Should these amounts be insufficient, I agree to repay any difference to the City within ninety (90) days of my last day of employment. I understand that within 30 days of receipt, I must submit a transcript or other similar verification showing my final grade is a "C" or better or a "pass" as appropriate and proof of tuition payment, to be eligible for the pre-approved tuition reimbursement. College level Courses Application deadline for approval, shall be August 15, Fall Session, December 15, Winter Session and May 15, Summer Session. Non-College level Courses Application deadline for approval, shall be a minimum of two (2) weeks prior to the start date of the Course. Late application of any course, may be tentatively approved at any time but may only be funded after the College level Summer Session deadline and then only to the amount of total funding availability.

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

Supervisor (signature)	Date
------------------------	------

Recommend  Disapprove (requires reason attached)--form must be forwarded for Director action

<u>Department or Division Director (signature)</u>	Date
----------------------------------------------------	------

Recommend  Disapprove (requires reason attached)-form must forwarded for Human Resources action

Human Resources Manager (signature)	Date	<u>Conditional Approved Amount</u>	Date	Actual Reimbursed Amount
-------------------------------------	------	------------------------------------	------	--------------------------

Approved  Tentative Approved  Disapproved----- reason for disapproval on reverse or attached

Conditional Approved Dollar Amount based on Employee Request. Actual Reimbursed Amount cost of **tuition only**. Other fees and charges will be deducted from the Conditional Approved Amount. Authorization of the Actual Reimbursement Amount shall be dependent on acceptable proof of itemized cost items associated with the course and subject to the provisions of the TUITION REIMBURSEMENT section of the Personnel Manual.



# City of Cape Girardeau

## WRITTEN REPRIMAND RECORD

---

Employee \_\_\_\_\_ Position \_\_\_\_\_  
Department \_\_\_\_\_ Division \_\_\_\_\_  
Date(s) of Offense \_\_\_\_\_ Time of Offense \_\_\_\_\_

---

### TYPE OF OFFENSE:

- |                                           |                                       |                                               |
|-------------------------------------------|---------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Substandard Work | <input type="checkbox"/> Conduct      | <input type="checkbox"/> Tardiness            |
| <input type="checkbox"/> Carelessness     | <input type="checkbox"/> Disobedience | <input type="checkbox"/> Unauthorized absence |
| <input type="checkbox"/> Other            |                                       |                                               |

### DESCRIPTION OF OFFENSE (state Group of offense, if applicable):

Has employee received previous Record of Discussion/Counseling?  Yes  No Date: \_\_\_\_\_

Has employee received previous Written Reprimand?  Yes  No Date: \_\_\_\_\_

### Recommended action to improve performance:

Counseling  Training  Safety Measures  Other:

Explain:

**Supervisor's Name (print/type):** \_\_\_\_\_ **Date:** \_\_\_\_\_

---

***EMPLOYEE'S COMMENTS***

(The absence of any statement on the part of the employee indicates his/her agreement with the report above.)

I have entered my version of the above matter. I have read this Reprimand and understand it. I know that I have a right of appeal through established grievance procedures.

---

Employee's Signature \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor's Signature \_\_\_\_\_ Date: \_\_\_\_\_

Human Resources  
Manager's Signature \_\_\_\_\_ Date: \_\_\_\_\_

---



**B. Employee Behavior – behavior is defined as the manner the employee chooses to conduct themselves compared to acceptable standards in the categories of adherence to policy and procedure, initiative, cooperation and teamwork, working hour observance, attendance, grooming and dress, attitude, and equipment care.**

---

---

---

---

**C. Discussion/Counseling - list each performance or behavioral counseling session afforded the employee during the evaluation period. Include the date and a general description of any such.**

---

---

---

---

**D. Discipline – list each performance or behavioral discipline session (written reprimand or higher) conducted with the employee during the evaluation period. Include the date and a general description of any such..**

---

---

---

---

**E. Safety Record – list each accident in which the employee was involved during the marking period and include the date, equipment and/or property damage description, injuries to employee or others and if there was a violation of any safety manual or departmental safety policy.**

---

---

---

---

**III. Supervisor’s Comments – general comments on what the supervisor thinks the employee is doing well and what areas the employee has room to improve. Mandatory for any area of outstanding or unsatisfactory performance or behavior not documented above. Improvement plan is required for any area deemed less than satisfactory (*may be developed in the goal’s section below or if by plan attached separately, check here  if separate attachment.*)**

---

---

---

---

---

---

---

---

---

---

C. Employee Behavior – behavior is defined as the manner the employee chooses to conduct themselves compared to acceptable standards in the categories of adherence to policy and procedure, initiative, cooperation and teamwork, working hour observance, attendance, grooming and dress, attitude, and equipment care.

---

---

---

---

F. Discussion/Counseling - list each performance or behavioral counseling session afforded the employee during the evaluation period. Include the date and a general description of any such.

---

---

---

---

G. Discipline – list each performance or behavioral discipline session (written reprimand or higher) conducted with the employee during the evaluation period. Include the date and a general description of any such..

---

---

---

---

H. Safety Record – list each accident in which the employee was involved during the marking period and include the date, equipment and/or property damage description, injuries to employee or others and if there was a violation of any safety manual or departmental safety policy.

---

---

---

---

III. Supervisor's Comments – general comments on what the supervisor thinks the employee is doing well and what areas the employee has room to improve. Mandatory for any area of outstanding or unsatisfactory performance or behavior not documented above. Improvement plan is required for any area deemed less than satisfactory (*may be developed in the goal's section below or if by plan attached separately, check here  if separate attachment.*)

---

---

---

---

---

---

---

---

---

---



VI. Performance Goals – Must be discussed with the employee to ensure understanding. Goals established in the employees last evaluation were  were not  accomplished at satisfactory levels within the time limit as amended with the supervisors consent.

The above listed goals, based on job responsibilities and/or behavior for the next reporting period, were discussed and were mutually understood by both employee and the supervisor.

Employee initials \_\_\_\_\_ date \_\_\_\_\_ Supervisors initials \_\_\_\_\_ date \_\_\_\_\_

**VII. Employee Certification** – my signature here indicates I have seen, read or had read to me this evaluation and have had the opportunity to discuss it with my supervisor. It does not indicate I agree with the conclusion(s) of my supervisor and I understand my right to document any disagreement concerning any part of this evaluation. My failure to document any such disagreement on my part shall indicate my concurrence with this evaluation as a fair representation of my performance and behavior during this marking period.

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

\_\_\_\_\_  
Date

Note: Employee Signature is an acknowledgement, not concurrence and it is not optional. If the employee desires some time to prepare and document his/her disagreement, they shall be provided a reasonable (1-2 working days) time to so do.

**VIII. Supervisory Certification** – our signatures and associated action indicate our belief this evaluation represents our best judgement of a fair representation of this employee’s performance and behavior during this marking period.

- A. Supervisor \_\_\_\_\_
- B. Division Head       \*\* \_\_\_\_\_
- C. Department Head       \*\* \_\_\_\_\_
- D. Human Resources Director   \*\* \_\_\_\_\_
- E. City Manager or Designee   \*\* \_\_\_\_\_

\_\_\_\_\_  
Signatures

\_\_\_\_\_  
Date

\*\* indicates optional review and signatures



# City of Cape Girardeau

## PERFORMANCE IMPROVEMENT PLAN

---

Employee	_____	Position	_____
Department	_____	Division	_____
Date Issued	_____	Date for Review	_____

---

### DESCRIPTION OF CURRENT PERFORMANCE:

Has similar performance been noted in the past:     Yes         No  
If yes, explain?

---

**RECOMMENDED ACTION TO IMPROVE PERFORMANCE:**

(List & complete below for each issue.)

**Performance Issue**

**Agreed Action**

**Completion Date**

Supervisor's Name (print/type): \_\_\_\_\_ Date: \_\_\_\_\_

---

**EMPLOYEE'S COMMENTS**

(The absence of any statement on the part of the employee indicates his/her agreement with the report above.)

---

Employees Signature \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor's Signature \_\_\_\_\_ Date: \_\_\_\_\_

---

Original: Department/Division

cc: Supervisor – To be noted on the Annual Performance Evaluation.  
HR Office Personnel File  
Employee