



EMPLOYEE HANDBOOK

Adopted January 15, 2007

CITY OF FREDONIA
EMPLOYEE HANDBOOK
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***WELCOME
TO THE
CITY OF FREDONIA TEAM!***

On behalf of your colleagues, welcome to your new position with the City of Fredonia. We wish you every success.

We believe each employee contributes directly and significantly to the City's growth and success. We hope you will take pride in being a member of our City team.

This Handbook describes the City's expectations of its employees and also many of your responsibilities as an employee. It also outlines programs developed by the City to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth. Please familiarize yourself with the Handbook as soon as possible.

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

The City reserves, at and within its sole discretion, the right to revise, supplement, or rescind any policies or other portions of this Handbook from time to time, as it deems appropriate.

Again, welcome to the team and good luck!

SECTION 1

EQUAL EMPLOYMENT OPPORTUNITY PRACTICES AND PROCEDURES

1.1. NATURE OF EMPLOYMENT

City employment is voluntary and considered “at will.” In other words, City employees are “employees at will,” meaning either they or the City may terminate the employment relationship at any time, with or without cause or reason, and with or without advance notice.

Nothing contained in this Handbook is intended to create, nor should it be construed or interpreted as creating, any express or implied contract, or any express or implied contractual rights, obligations, or promises of any kind, or a contract of employment or guarantee as to term of employment with or between the City and any of its employees. The provisions of this Handbook supersede all existing policies and practices and may not be changed without the express written approval of the City Commission.

No one except the City Commission has the power or authority to enter into any type of employment contract with any employee.

1.2. EQUAL EMPLOYMENT OPPORTUNITY

The City of Fredonia does not discriminate in employment opportunities or practices on the basis of race, color, religion, gender, national origin, age, veteran status, disability, or any other basis protected by law.

This policy of non-discrimination applies in all areas of employment including recruitment, hiring, training and development, promotion, transfer, termination, layoff, compensation and all other conditions and privileges of employment in accordance with applicable federal, state and local laws. However, nothing contained in this Handbook is intended to limit or expand the requirements of any applicable federal, state, or local law.

1.3. IMMIGRATION LAW COMPLIANCE

The City of Fredonia is committed to employing only United States citizens and individuals authorized to work in the United States. Accordingly, and in compliance with the federal Immigration Reform and Control Act of 1986, each new employee must, as a condition of employment, complete the Employment Eligibility Verification Form I-9 and present proper documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the City within the past three years, or if their previous I-9 is no longer retained or valid.

SECTION 2

NON-HARASSMENT POLICY

2.1. PURPOSE

The City strongly supports the rights of all its employees to work in an environment free of intimidation, insult, and harassment based upon membership in any class protected under applicable federal, state and local equal employment opportunity laws. The City will not tolerate harassment of any kind and such conduct may result in disciplinary action up to and including immediate termination.

2.2. HARASSMENT DEFINED

Harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward others because of their, or their relatives', friends' or associates', race, color, religion, gender, national origin, veteran status, age, disability or other protected characteristics, and which creates an intimidating, hostile or offensive working environment; unreasonably interferes with an individual's work performance; or otherwise adversely affects an individual's employment opportunities.

2.3. HARASSING CONDUCT PROHIBITED

Generally speaking, harassing conduct includes, but is not limited to, the following acts or conduct when those acts or conduct relate to race, color, religion, gender, sexual orientation, national origin, age, disability or other protected characteristics:

- Epithets;
- Slurs;
- Negative stereotyping;
- Threats; and,
- Written or graphic material that denigrates, or shows hostility or aversion toward, an individual or group because their race, color, religion, gender, sexual orientation, national origin, age, disability or other protected characteristics, when such material is distributed or circulated in the workplace, placed on walls, bulletin boards, or elsewhere on City premises.

2.4. GENDER HARASSMENT

Gender harassment, like all other forms of harassment, is expressly prohibited. The City defines gender harassment as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, physical or written conduct of a sexual nature.

Gender harassment also includes, but is not limited to, the following acts, whether committed by City officials, employees, or other persons on City premises but not employed by the City, including citizens and visitors:

- Unwelcome flirtations;
- Unwelcome sexual advances or propositions;
- Verbal harassment or abuse of a sexual nature;
- Subtle pressure or requests for sexual activities;
- Unnecessary and/or undesired touching of an individual;
- Graphic or vulgar commentaries about a person's physical appearance, body, or clothing;
- Sexually degrading words used to describe a person;
- Displays in the workplace or on City premises of sexually suggestive materials, including objects, pictures, cartoons, drawings or posters;
- Sexually explicit or offensive jokes, whether written or spoken;
- Sexual assault and/or battery;
- Rape;
- Sexual slurs or innuendo;
- Accusations of sexual preference;
- Suggestive or insulting sounds;
- Leering, whistling and obscene gestures;
- Demands for sexual favors, including demands accompanied by express or implied promises or threats concerning an individual's employment status;
- Conditioning any term or benefit of employment upon sexual favors; and
- Any other conduct that unreasonably interferes with an employee's performance of his or her job, that creates an intimidating, hostile or offensive working environment, or otherwise adversely affects an individual's employment opportunities.

Gender harassment occurs when the conduct described above may:

- Be construed as being a term or condition of an individual's employment. For example, when a Supervisor or other Employee threatens or insinuates, either explicitly or implicitly, that another Employee's or applicant's refusal to submit to

sexual advances or demands will adversely affect that person's employment in any way or when the Employee's or applicant's agreement to submit to sexual advances or demands will positively affect that person's employment in any way;

- Be used as a basis for making employment decisions affecting an Employee or applicant, depending upon the Employee's or applicant's submission to, or rejection of, improper conduct of a sexual nature; or
- In purpose or effect, substantially interfere with an Employee's work performance or create an intimidating, hostile or offensive working environment.

Employees are reminded to report all instances of gender harassment by non-Employees. These reports are to be made in the same way as other reports of harassment.

2.5. HARASSMENT COMPLAINT PROCEDURE

If you experience or witness any incident of harassment discrimination, you shall immediately report the incident to one of the following:

- Your immediate supervisor;
- City Administrator;
- City Mayor; *or a*
- City Commissioner.

Reports of harassment or discrimination shall never be reported to the alleged harasser. However, immediately discuss the incident with **whomever** on the list you feel most comfortable speaking. Remember, the most important aspect of the Harassment Complaint Procedure is that the incident is immediately reported, investigated and addressed.

When making a harassment or discrimination complaint, you shall provide the following information:

- your name, department and position title;
- the name of the person/persons who you believe committed the harassment;
- date(s) and approximate time(s) of the harassment;
- the specific nature of the harassment; its duration; and any employment action (for example, demotion, failure to promote, promotion, dismissal, refusal to hire, transfer, etc.) taken against you, or which benefited you, as a result of the harassment, or any other threats made against you as a part of, or as a result of, the harassment; and
- the names of any and all witnesses to the harassment.

The person receiving the complaint shall document the incident in writing.

2.6. HARASSMENT INVESTIGATIONS

In accordance with established and specific procedures, the City shall promptly and confidentially investigate all harassment complaints. When asked, employees shall fully and completely cooperate with such investigations. Failure to cooperate, or interfering with an investigation, shall subject employee(s) to immediate disciplinary action, up to and including termination.

The City does not retaliate against, and does not tolerate retaliation against, those who report harassment in good faith or those who cooperate with harassment investigations. However, if the City determines that the complaint was not made in good faith or that an employee provided false information to the investigator, said employee(s) may be subject to discipline, up to and including dismissal.

2.7. RECORDS OF HARASSMENT COMPLAINTS

All records concerning harassment complaints shall be kept confidential to the extent possible and maintained in a separate locked file. Access to these records shall be given only with the City Administrator's approval. The City Administrator shall provide his/her approval for someone to view the record of a Harassment Complaint and investigation only when required by law or when he/she deems in his/her own judgment that the disclosure of the requested record is necessary.

SECTION 3

DRUG AND ALCOHOL POLICY

3.1. DRUG AND ALCOHOL USE PROHIBITED

The City is committed to providing a work environment which is safe, healthy and productive. The use of drugs and alcohol severely reduces productivity and greatly enhances the likelihood of accidents and injuries in the workplace. Therefore, no employee may use, possess, distribute, sell or be under the influence of any illicit drug (which includes prescription drugs that are illegally obtained or misused) or alcohol while engaged in work for or on behalf of the City on the premises of the City; while engaged in City business off City premises, including travel to and from any off premise location; or while operating a vehicle or equipment owned or leased by the City.

3.2. PRESCRIPTION OR OVER-THE-COUNTER MEDICATIONS

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

3.3. OFF-DUTY USE OF ILLICIT DRUGS AND ALCOHOL

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

3.4. VOLUNTARY TREATMENT

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

3.5. DRUG TESTING OF CITY EMPLOYEES OPERATING COMMERCIAL VEHICLES

The City has adopted an additional and supplemental drug testing policy as required by the Department of Transportation and the Federal Motor Carriers Safety Administration (DOT/FMCSA). This policy applies to any City employee holding a Commercial Drivers License (CDL) and who uses that license to operate a commercial motor vehicle, as defined in that policy. The City's FMCSA/DOT policy shall be incorporated herein. Compliance with the City's FMCSA/DOT is a condition of employment. Testing of employees under the FMCSA/DOT shall be pursuant to the FMCSA/DOT policy. Any provision in the FMSCSA/DOT policy shall govern over inconsistent provisions contained in this handbook with regard to City employees holding a CDL and who uses that license to operate a commercial motor vehicle, as defined in that policy.

3.6. DRUG TESTING OF NON-CDL LICENSED EMPLOYEES

Following an accident involving a City vehicle or an accident occurring during the course of employee's employment and medical attention is required, the employee must submit to an alcohol and drug test as soon as possible following the accident.

It shall be conclusively presumed that the employee was impaired due to alcohol or drugs and in violation of this policy if it is shown at the time of the injury or accident that the employee had an alcohol concentration of .04 or more, or a GCMS confirmatory test by quantitative analysis showing a concentration at or above the levels indicated in the chart for the drugs of abuse listed in Kansas Statutes Annotated, § 44-501(d)(2). For a copy of this chart, please contact the City Administrator.

3.7. VIOLATION OF THIS POLICY

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

SECTION 4

WORKPLACE VIOLENCE AND WEAPONS

4.1. PURPOSE

Incidents of workplace violence have increased in society. The City believes all employees should be able to enjoy a workplace free from violence, harassment, and threats. It is the intent of this policy to ensure that everyone associated with the City, including employees and citizens, never feels threatened by an employee's actions or conduct. Therefore, the City has a zero tolerance for workplace violence and reports such incidents to the appropriate law enforcement authorities.

4.2. WORKPLACE VIOLENCE PROHIBITED

Workplace violence includes physical harm, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, threats of violence or talk of engaging in these listed activities. Any verbal or physical conduct of a violent nature which has the purpose or effect of creating a dangerous, unsafe, intimidating or violent working environment shall constitute workplace violence. All employees are prohibited from engaging in any of these acts, or any other act that might constitute workplace violence. Any employee who does engage in such activity is subject to immediate discharge.

4.3. WEAPONS PROHIBITED

All persons, except authorized law enforcement officers, who enter City property are prohibited from carrying any weapon as defined below, regardless of whether the person is licensed to carry the weapon or not.

This Policy applies to all non-law enforcement persons, including without limitation, any and all employees, guests of the City or employees, and vendors and contractors on City property. Employees, other than law-enforcement persons and animal control officers, are prohibited from carrying a weapon while engaged in the duties of the employee's employment, whether they are on City property or not. This Policy also prohibits weapons at any City-sponsored events such as parties or picnics. Any exceptions to this Policy shall be made at the sole discretion of the City.

A "weapon" includes any form of weapon or explosive device including, but not limited to, all guns and firearms, explosive agents, substances or other hazardous devices, stun guns, knives, brass knuckles, Ninjitsu weapons (e.g., Asian Fighting Stars and nunchucks) or other weapons as further defined under federal, state and local laws, ordinances or regulations. The foregoing list is not all-inclusive and any additional classification of an item as a prohibited weapon shall be within the authority of the City.

City property includes, without limitation, all City-owned or leased buildings/structures and surrounding areas such as sidewalks, walkways, driveways and parking lots under the City's ownership or control. This policy also applies to all City-owned or leased/rented vehicles.

At its discretion, the City reserves the right, at any time, to conduct a search for weapons.

4.4. VIOLATIONS OF POLICY

Violations of this policy may result in disciplinary action up to and including termination of employment. Any person who is not an employee and is determined to have violated this policy may be barred from the City's property. The City reserves the right to refer any violations of this policy to appropriate law enforcement agencies.

Employees who believe they are victims of workplace violence, who observe workplace violence or who observe violations of the prohibitions against weapons, shall immediately report such incidents to a supervisor or other management person. Reports involving any of these persons shall not be reported to that person; instead, make the report to one of the other persons identified.

SECTION 5

TRANSPORTATION AND SAFETY

5.1. CITY VEHICLES

The City is committed to ensuring the safety and well-being of City employees; to minimize the City's exposure to liability; to monitor the use of city-owned vehicles; and to comply with Internal Revenue Service regulations relating to City vehicle usage. Employees operating city-owned vehicles must understand and comply with all requirements and procedures mandated in this policy. Employees who do not comply with any of the provisions of this policy shall be subject to disciplinary action up to and including termination.

A. ASSIGNMENT OF CITY VEHICLES

The assignment of City vehicles to City employees shall require the approval of the employee's Department Head and City Administrator. The City reserves the right to review the continuing need for any vehicle assignment. The Department Head will ensure that vehicles purchased for employee use are the least expensive vehicles required for the work assignment.

All employees assigned a City vehicle will be required to sign a statement indicating that they have read and will comply with the rules and provisions of this policy. Employees who do not comply with any of the provisions of this policy shall be subject to disciplinary action up to and including termination.

City vehicles will be issued on a commuting or non-commuting basis. Vehicles on a non-commuting basis may be regularly assigned to a specific employee to accommodate the employee's job requirements such as regular fieldwork or on an ad hoc basis for trips to support City business activities.

All of the following criteria must be met for the assignment of City vehicles with commuting privileges in accordance with this policy: employees with responsibility for on-going and recurring responses, time critical emergency responses which requires direct transportation to the site of the emergency and specialized equipment in the city vehicle. In addition, emphasis will be placed on those jobs of a supervisory nature where such callout will not incur additional cost to the City. Employees who are assigned vehicles with commuting privileges must live within the City limits of Fredonia.

Authorized positions for commuting privileges are limited to the Police Chief and full-time City police officers.

The City Administrator may authorize from time to time additional staff commuting privileges with City vehicles depending on extended workloads where use of a personal vehicle would result in hardship on the employee or subject the employee's vehicle to possible damage outside normal driving conditions, or where emergency conditions such as storm cleanup or other such conditions exist.

B. USE OF CITY VEHICLES

Employees shall abide by the following restrictions in the operation and use of City vehicles:

- Employees shall not transport unauthorized items in City vehicles. The City shall not be liable for the loss or damage of any personal property transported in the vehicle.
- Employees shall limit vehicle use to travel to and from the residence and place of work. The vehicle should be driven over the most direct route taking into account road and traffic conditions. The vehicle should not be utilized for travel outside a direct commuting route for personal reasons.
- Employees shall not transport passengers in City vehicles who are not directly or indirectly related to City business. Passengers shall be limited to City employees and individuals who are directly associated with City work activity (committee members, consultants, contractors, etc.). Family members shall not be transported in City vehicles.
- Employees are expected to keep City vehicles clean and shall not smoke, or allow passengers to smoke in the vehicle.
- Employees are expected to operate City vehicles in a safe and reasonable manner.
- Employees shall not use cellular or mobile phones while operating a City vehicle. Police are exempt from this rule when it is necessary to be on a cellular or mobile phone to respond to an incident.
- Employees shall report any malfunction or damage to their supervisor immediately.
- Employees assigned vehicles for commuting purposes are expected to park such vehicles in safe locations.
- Employees must wear seatbelts in vehicles so equipped during operation of the vehicle.
- Employees may not operate City vehicles under the influence of alcohol, illegal drugs, or prescription drugs or medications, which may interfere with effective and safe operation.

- Employees who operate City vehicles must have a valid motor vehicle license issued by the state of their current residence and may be required to provide proof of valid motor vehicle license once every year to the City Clerk.
- Employees driving City vehicles shall obey all applicable traffic and parking regulations, ordinances, and laws.
- Employees who incur parking or other fines in City vehicles will generally be personally responsible for payment of such fines.
- Employees who are issued citations for any offense while using a City vehicle must notify their supervisor immediately when practicable, but in no case later than 24 hours. Failure to provide such notice may be grounds for disciplinary action.
- An employee who is assigned a City vehicle and who is arrested for or charged with a motor vehicle offense for which the punishment includes suspension or revocation of the motor vehicle license, whether in his or her personal vehicle or in a City vehicle, must notify his or her supervisor immediately when practicable, but in no case later than 24 hours. Conviction for such an offense may be grounds for loss of City vehicle privileges and/or further disciplinary action.
- Employees may not use a City vehicle for out of state use without advance approval of the City Administrator.

5.2. BUSINESS-RELATED TRAVEL

Performance of City business will necessitate periodic travel by City officials and employees beyond their offices or locations of normal work activities. The City shall pay for reasonable, essential travel expenses that directly and logically relate to the conduct of City business. City travelers shall exercise prudent judgment and show proper discretion for accountable and economic use of public funds. City employees intending to travel on City business should refer to the City's Travel Policy to ensure that the proper procedures for the authorization and reimbursement of business-related travel are understood and followed prior to the travel. Failure to follow these procedures and submit the appropriate reimbursement forms may result in a denial of reimbursement. Meals, mileage and other expenses incurred while traveling on City business shall be reimbursed as set forth in the City's Travel Policy.

5.3. SAFETY RULES

All employees are responsible for obeying the rules and must be well-versed in safety and emergency procedures. In addition to the safety rules provided herein, additional rules and procedures may be discussed at regularly scheduled City or employee meetings. The safety of our employees and citizens of the City lies in your ability to act correctly and responsibly. We ask that you do your part in maintaining a safe work environment.

A. EMERGENCY PROCEDURES

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

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

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

B. WORKPLACE SAFETY

Safety is everybody's business. Safety is to be given primary importance in every aspect of planning and performing the City's activities. Below are some general safety rules to assist you in making safety a regular part of your work. From time to time, the City may post notices dealing with specific issues. These notices may not be removed without authorization from the City.

- Wear appropriate safety equipment where there is a reasonable probability of injury that can be prevented by the equipment used by the employee.
- Ask for assistance when lifting heavy objects.
- Keep your work area clean. Grease, debris, ice and spills must be cleaned immediately to avoid slips and falls.
- Never attempt to operate defective or malfunctioning equipment.
- Never operate machinery or equipment until you have been adequately trained in its use.
- Never leave objects, materials or equipment in aisles, walkways, stairways or any other public or employee areas which could present a hazard.
- Ladders are to be used only with the approval of the City.
- Horseplay on City premises, including the parking lot, whether on duty or off duty, may cause accidents and will not be permitted.

- Compliance with all federal, state and local safety laws, as well as City regulations and policies, is required at all times.
- Employees must obey all posted safety rules and policies.
- Employees must be familiar with the use and location of fire extinguishers.
- Exit doors are to be unlocked at all times during business hours.
- If you are ever in doubt regarding the safe way to perform a task, do not proceed until you have consulted your supervisor. Employees will not be asked to perform any task that may be dangerous to their health, safety or security. If you feel a task may be dangerous, inform your supervisor at once.

Failure to adhere to these rules will be considered serious infractions of safety rules and will result in disciplinary action, up to and including termination.

C. REPORTING OF SAFETY INCIDENTS

All job-related accidents, injuries, damage to City property, potential safety hazards, safety suggestions and health- and safety-related issues must be reported immediately to the employee's supervisor and the City Clerk and outside emergency response agencies shall be contacted, if needed. It is the employee's responsibility to inform his or her supervisor of any work related injury immediately, but no later than ten days of the occurrence.

If medical treatment is needed, employees must:

- Obtain an Authorization for Work Comp Medical Treatment Form from supervisor. This will include information regarding the facility employee is to go to for care.
 - The Authorization Form will allow the physician to describe an employee's potential limitations when returning to work. The form must be completed before receiving treatment giving the supervisor the opportunity to have the physician complete drug and/or alcohol tests. Failing a drug test will result in disciplinary actions, up to and including termination.
- Arrive at the medical facility in a timely fashion.
 - All employees filing a claim that need medical treatment must be accompanied to the physician's office by a supervisor.
- Present the Authorization Form to the receptionist.
- Return appropriate medical treatment forms to your supervisor.
- Keep all appointments for on-going medical care and assist the City in the treatment of injury or illness.

Failure of an employee to follow this process may result in unpaid claims and/or disciplinary actions.

Employees who sustain a work related injury or illness which necessitates time off from work should refer to the City's Injury Leave Policy, Section 9.7, for information regarding returning to work and benefits.

In the event of an accident, injury or damage to property, including vehicles, involving non-employees, the incident must be immediately reported to the employee's supervisor and the City Clerk. If an injury is sustained, employees should offer assistance but allow the injured person to determine the assistance he/she requires, including emergency response agencies. Employees should never admit fault or promise any remuneration or consideration by the City. Employees should gather all of the facts, including the name, address and phone number of the injured party, as well as the nature and time of the accident. If possible, employees should gather the same information from any witnesses to the accident or injury.

The City is not responsible for any loss, theft or damage to any vehicle or its contents, whether employee, customer or guest owned.

Employees shall immediately report unsafe conditions, equipment, and employees to their immediate supervisors, Department Heads, or other City officials. Violation of this rule shall subject employees to discipline, up to and including discharge from employment.

SECTION 6

GENERAL EMPLOYMENT POLICIES

6.1. HEALTH AND WELFARE

The City is committed to promoting the health and welfare of the City's employees and citizens. In an effort to encourage and promote wellness among employees and patrons, smoking is prohibited in City buildings and in City-owned vehicles.

6.2. PERSONAL APPEARANCE

A. ATTIRE

As a representative of the City, your appearance must reflect the position and responsibilities to which you are assigned.

City employees working in manual labor positions, including those who work primarily outside, must use common sense in determining what is appropriate. While we trust your personal judgment, employees in such positions must:

- wear clothing that does not expose the employee's bare-midriff or bare-back;
- not wear shorts, short skirts, tank tops, sleeveless shirts, sweat pants or sweat suits;
- not wear any clothing with offensive or adult orientated logos, pictures, or wording; and
- not wear shoes that expose the feet, such as flip-flops or sandals.

Office personnel must appear neat, clean and professional at all times. Generally, office personnel should use good taste and common sense in determining what is appropriate. While we trust your personal judgment, office personnel should not wear any of the following attire:

- flip-flops;
- bare-midriff or bare-back attire;
- tank tops;
- T-shirts;
- shorts or excessively short skirts;
- baseball caps;
- sweat pants/suits;
- blue jeans, except on Fridays; or

- tennis shoes, except on Fridays.

B. BASIC GROOMING

All clothing should be clean and neat at all times. It is particularly important that individuals bathe daily and use deodorants or antiperspirants to prevent embarrassing body odors. Emphasis should always be on a conservative and professional appearance and dress should be in moderation.

C. HAIR

Hair should be clean, combed and neatly trimmed or arranged. Elaborate hairstyles or colors that are not considered conservative and professional as defined by management are not acceptable. Clarification of “conservative and professional” should be addressed to the City Administrator before changing hairstyles.

Male employees must keep hair neatly trimmed, above the collar line and no longer than the middle of the ear lobe. No long hairstyles are permitted. Mustaches are acceptable if trimmed and kept above the corners of the mouth. Sideburns may not be longer than the bottoms of the ear lobes and must be neatly trimmed. Sideburns, beards or goatees, if worn, must be neat and trimmed.

6.3. RESPONSIBILITY TO THE PUBLIC

As a City employee, you must strive to deliver quality, efficient and complete service to the public. Yours may be the only contact a citizen has with city government; the impression you make—good or bad—will be the one citizens remember, and citizens will assume your attitude reflects that of the City. All employees shall at all times be courteous to the public.

Requests for service are important; whether justified or not, they indicate dissatisfaction with city service, and are important to the complainant. Listen carefully to complaints and report all complaints to the appropriate Department Head. If you receive a citizen request that you must refuse, always give courteous and full explanations. Notify the citizen if the request is not within the City’s power, authority or jurisdiction.

The way complaints are handled is important—ignoring complaints may make an unfortunate situation worse. Complaints shall be handled consistently. A few simple techniques of “common sense” human relations, and “salesmanship,” will make your job more pleasant and will pay great dividends for the City—and you—in the long run.

6.4. OUTSIDE EMPLOYMENT

Outside employment constitutes a City employee holding a second job with another employer and is permitted only when considered secondary to City employment, does not interfere with the employee's performance of City duties, and presents no legal, financial or ethical conflicts of interest.

Employees shall seek approval from their Department Heads before obtaining outside employment, and shall not engage in such employment until if and when approval is received. If approval is received, the employee's outside employment shall be reviewed on an annual basis.

City employees shall not use any City property for outside employment.

SECTION 7

EMPLOYMENT STATUS AND RECORDS

This section describes specific employment matters, such as employee classifications, qualifications and job descriptions, personnel records, etc. Always direct specific questions about these matters to your supervisor.

7.1. QUALIFICATIONS

All City employees must be qualified for their jobs and able to perform, with or without reasonable accommodation, the essential functions of their positions. Essential and marginal job functions of each City position are set forth in Job Descriptions.

7.2. JOB DESCRIPTIONS

The essential and marginal functions and duties of each City position are outlined in specific Job Descriptions. These descriptions are approved by the Commission, maintained in the City Clerk's office, and are open to public or employee inspection during the City's normal business hours.

7.3. PERSONNEL RECORDS

The City shall permanently maintain personnel files for all employees. Personnel files shall include, but not necessarily be limited to, job applications, compensation records, benefit records, attendance records, evaluations, correspondence, testing and examination records, including drug and alcohol test records, training records, and any and all other records pertaining to an employee. Medical files and medical information shall be maintained separately and securely. Current employees may, upon written request and with reasonable notice, inspect their personnel files but in no event shall they be allowed to remove original files from city offices or the room in which they are permitted to inspect their files. The inspection will be done during regular workdays during reasonable hours.

Your personnel records must reflect the most current information and data. Notify the City Clerk immediately if any of the following information about you changes: address or telephone number, number of dependents, marital status, beneficiary and military status. Up-to-date information allows the City to perform valuable services for you from time to time and also helps in cases of emergency or illness. Finally, the failure to provide the most current information may affect your benefits.

Access to personnel files by former employees will be allowed at the discretion of the City.

7.4. **APPOINTED OFFICERS**

The Mayor, with the approval of the Commissioners by a majority vote of all three, shall appoint City officers of the City of Fredonia as set forth by City Ordinance and as they may deem necessary for the best interest of the City of Fredonia.

Such officers, assistants and employees shall hold office at the pleasure of the Commissioners and the Mayor, and may be removed at any time. The majority of the Commissioners may remove any appointed officers, assistants, or employees.

7.5. **DEPARTMENT EMPLOYEES**

All department employees shall be employed at the pleasure of the City and remain at-will employees. All such employees may be removed by the City Administrator and/or by the Department Head of the department, as set forth by City Ordinance.

7.6. **EMPLOYEE DESIGNATIONS**

City employees are each designated as full-time, part-time, seasonal, temporary, or volunteer. These designations are critical for compensation and benefit purposes and are defined as set forth below. In addition, employees may hold appointed or non-appointed positions. Elected officials are not employees of the City.

- A. **FULL-TIME EMPLOYEES** are those who work on a regular and continuing basis and who work at least 40 hours per seven-day work period, unless the City Commission specifies otherwise. A *seven-day work period* is that period beginning at 12:00 a.m. each Saturday and ending at 11:59 p.m. each immediately following Friday.
- B. **PART-TIME EMPLOYEES** are those who work on a regular and continuing basis and who work regularly work less than 40 hours per seven-day work period. A *seven-day work period* is that period beginning at 12:00 a.m. each Saturday and ending at 11:59 p.m. each immediately following Friday.
- C. **SEASONAL EMPLOYEES** are those who work on a regular and/or recurring basis but only during a specific “season” or portion of a year.
- D. **TEMPORARY EMPLOYEES** are those who are employed for temporary periods, so that they cannot be said to work on a regular and continuing basis.
- E. **VOLUNTEERS** are persons who perform work for the City but do not expect compensation for that work, such as reserve police officers.
- F. **EXEMPT EMPLOYEES** are those who, by virtue of the nature of their work, are exempt from overtime compensation requirements of federal and state law.

- G. NON-EXEMPT EMPLOYEES** are those who must receive overtime compensation pursuant to requirements of federal and state law.
- H. APPOINTED EMPLOYEES** are those who are appointed by the City Commission as set forth by City Ordinance. Appointment, removal and supervision of such employees shall be governed by City Ordinance.
- I. ELECTED OFFICIALS** are NOT employees employed by the City. The provisions contained in this Handbook do not apply to elected officials.

7.7. SUPERVISORS AND DEPARTMENT HEADS

Your supervisors and Department Heads are qualified persons who are interested in your city career. They will assign you to a job, supervise your work, approve it, reject it or provide constructive criticism.

7.8. PERFORMANCE EVALUATIONS

Critical to successful job performance is understanding what your strengths and weaknesses are. The City is committed to helping employees improve their performance and to identify those areas in which employees excel and those areas that may need improvement. Accordingly, supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Immediate supervisors shall annually conduct formal written performance evaluations for each of their full and part-time employees; written evaluations shall be made on forms approved by the City Commission and shall also be discussed with employees, who will be provided an opportunity to ask questions about the evaluations and to have those questions answered.

At the end of each evaluation discussion, employees shall be asked to sign their evaluation forms to acknowledge that they discussed the evaluation. An employee's signature does not represent an agreement with the evaluation.

In cases of poor performance, supervisors may evaluate employees on a more frequent basis.

Probationary employees shall receive formal written evaluations at the end of the initial probationary period.

7.9. NEPOTISM

To avoid favoritism and to minimize the appearance of favoritism based on family relationships, no persons shall be employed in any position supervised by a member of their immediate family, or in a city department whose Department head is a member of their immediate family. Additionally, no persons shall be employed in a position if a member of their immediate family is employed within their department; however, immediate family members may be employed within the same department as part-time or temporary employees for periods not to exceed six months in any twelve consecutive month period.

In the event two employees employed in the same department marry, or otherwise become members of each other's immediate family, one such employee shall be transferred to another department, if possible, without loss of pay or benefits. The establishment of such relationship shall not be the basis for discharge from employment.

For purposes of this nepotism section, "immediate family" is defined to include, and is limited to, an employee's parents, step-parents, spouse, children, siblings, grandparents, grandchildren, mothers-in-law, fathers-in-law, brothers-in-law, and sisters-in-law.

SECTION 8

COMPENSATION

This section addresses compensation issues such as work schedules, rates of pay, and overtime.

8.1. HOURS OF WORK

The normal City work period consists of a five-day, forty-hour week. The normal work day lasts eight hours, begins at 8:00 a.m. and ends at 5:00 p.m., with one uncompensated hour off for lunch, except in those departments in which Department Heads permit deviations to maintain efficient operations. Those Department Heads shall schedule work hours for their employees to most efficiently meet department needs.

Normal work periods for law enforcement officers shall consist of 171 hours in an established 28-day work period. Their work shall be pursuant to scheduled shifts.

8.2. ON-CALL OR CALL-BACK COVERAGE

Situations often occur after regular working hours that necessitate employees to be available on-call or to return to work after hours, on holidays or on weekends to immediately respond to work. In such situations, the City shall designate a call schedule and compensation for on-call personnel. Department Heads shall notify employees if they are designated on-call.

“On Call” is when an employee is required by a Department Head to be available on a stand-by basis, outside scheduled working hours, to respond immediately to a call back to work as required for reasons of operational necessity.

“On Call Period” is the time when an employee is required to carry a cell phone, pager or other immediate contact device and to remain in a state of readiness to respond immediately to a call back to work or to a work demand.

“Call Back Duty” is that time when it is necessary for the City Administrator, a Department Head or a supervisor to call an employee or a group of employees to perform functions necessary or related to the operation of the City or a department to which the employee is assigned at outside of an employee’s scheduled work hours. Employees shall receive On Call Compensation for Call Back Duty.

“On Call Compensation” shall be paid to non-exempt employees who respond to a call or a call back. Such employees shall receive no less than one (1) full hour’s pay at their regular rate regardless of whether or not the employee worked the full hour. Non-exempt employees shall otherwise be paid their regular rate for all work performed.

Employees who are designated to be On-Call or who are designated to participate in an On Call Period are required to participate in the call schedule as mandated by the Department Head. Failure to participate shall result in disciplinary action, up to and including termination.

All City employees are subject to Call Back Duty. All City employees are required to participate in Call Back Duty as a job requirement of their position unless they are unavailable or impaired.

In the event an Employee is called back to work, the employee shall notify his or her supervisor if the employee is impaired in any way that would subject the employee or others to a safety hazard or would prohibit the employee from performing the job task. Examples of such impairment include, but are not limited to: being under the influence of drugs and/or alcohol, including prescription medications that induce drowsiness or fatigue; and being under medical restrictions prohibiting the employee from performing the job task. The supervisor shall make a determination as to whether or not the employee will be relieved from responding to the call.

The City shall provide employees a mileage allowance for up to five (5) miles one-way, or a total of ten (10) miles both ways, traveled by the employee to and from the employee's home and the job site in responding to an emergency or after-hours call back from the City. Employees must submit a mileage log and a request for reimbursement to the City to receive the allowance. Employees shall be paid according to the IRS Standard Mileage Reimbursement Rate for business miles.

8.3. OVERTIME

A. OVERTIME PAY

Non-exempt employees who work in excess of 40 hours during the established seven-day work period shall receive overtime compensation at the rate of 150% of their regular hourly rate for all such hours worked in excess of 40. Overtime compensation at the 150% rate is not due simply because an employee works more than eight hours in one day; rather, it becomes due only when hours actually worked exceed 40 in the seven-day work period.

Only hours worked, are considered in determining eligibility for overtime compensation. Accordingly, hours spent sick, or other leave when no actual work is performed are not "hours actually worked" for overtime purposes.

No employees may work past their scheduled work time without a supervisor's prior approval. Employees who perform such work without approval may be subject to discipline.

B. EXEMPT EMPLOYEES

Employees classified as “exempt” pursuant to federal and state law are not eligible to receive overtime compensation.

8.4. PROMOTIONS, INCREASES, RECLASSIFICATIONS, AND DEMOTIONS

A. PROMOTIONS

Promotions of employees to a job class requiring higher compensation shall receive a compensation increase equal to at least the minimum level for their new position. However, in the event their new position requires a lower salary than they were receiving before the promotion, employees shall not receive more than a one-step compensation increase when promoted without prior City Administrator approval, or unless they were eligible for a routine increase.

B. RECLASSIFICATIONS/DEMOTIONS

The City may reduce the compensation of employees reclassified or demoted to positions requiring less pay than they were receiving before being reclassified or demoted. Such reduction may be made to any step in the lower classification; in no event shall an employee reclassified or demoted to a lower position receive higher compensation than they were receiving prior to the reclassification/demotion.

C. INCREASES IN COMPENSATION

Compensation increases are not automatically or routinely granted and are subject to City Administrator approval.

8.5. PAY DAYS/PERIODS

The 26 pay periods begin 12:00 a.m. on Saturday and end at 11:59 p.m. on the second Friday following. Employees are paid bi-weekly with paydays on Friday; if those days fall on a city-recognized holiday, employees shall be paid the preceding Thursday.

Employees shall submit their timesheets to his or her Department head by Friday of the end of the pay period. Department Heads must turn in all timesheets, including employee, supervisor and their personal timesheets with the required signatures to the City no later than the close of business on the Monday following payday.

Department Heads shall receive their employees’ paychecks and shall distribute them only to employees, or to persons to whom employees have specifically and in writing designated. The employee must sign such designations.

8.6. PAY AT TERMINATION

Employees who terminate employment shall receive their final paycheck on the first regularly scheduled payday following termination.

8.7. PAYROLL DEDUCTIONS

Various payroll deductions are made each payday from employees' paychecks to comply with federal and state laws pertaining to taxes and insurance, or as otherwise authorized by employees and in accordance with applicable law.

8.8. GIFTS AND GRATUITIES

Employees shall not take or accept anything including, but not limited to, any gratuity, loan, gift, money, goods, or services, when they know, or should know, that such things are intended, directly or indirectly, to influence them in the discharge of their duties as a City employee.

SECTION 9

ATTENDANCE AND LEAVE

The City has established certain policies concerning attendance and leaves.

9.1. REGULAR ATTENDANCE

Efficient City service requires the regular attendance of its employees. Excessive absenteeism from and/or tardiness may subject employees to disciplinary action, up to and including discharge from employment.

9.2. CITY HOLIDAYS

The City Commission annually establishes the following holidays for its work force. Unless applicable law provides otherwise, the City reserves the right to eliminate any such holiday.

- New Year's Day, January 1st
- Independence Day, July 4th
- Thanksgiving Day, Fourth Thursday in November
- "Special Day", Fourth Friday in November
- Christmas Day, December 25th
- Memorial Day
- Labor Day
- Veterans Day

Employees are entitled to two "floating holidays" per calendar year. Employees must request time off to their supervisor pursuant to the City's Vacation Leave policy. Supervisors have the discretion to approve the time off based on business needs. A large number of employees will not be allowed to use a floating holiday on the same day if it is determined by the supervisor that the time off would create a strain on manpower. Floating holidays must be used by the end of the calendar year.

The City Commission and the City Administrator reserves the right to from time to time, or as certain conditions permit or require, designate other days as "special holidays."

A. HOLIDAYS FALLING ON WEEKENDS.

Regularly scheduled holidays, which fall on a Saturday, shall be observed on the immediately preceding Friday; holidays falling on Sunday shall be observed on the immediately following Monday.

B. HOLIDAY PAY

Regular full-time and part-time employees shall be paid for City holidays falling on days they otherwise would have been scheduled to work. Such holiday pay shall be equal to compensation such employees would have earned pursuant to their schedule for that day.

Seasonal and temporary employees shall not receive holiday pay unless the City Administrator specifically authorizes such pay.

Employees eligible to receive holiday pay shall receive such pay unless they were absent without leave on the workday immediately preceding, or immediately following, the holiday.

9.3. VACATION LEAVE

Regular full-time employees shall receive 10 days of vacation leave on the first day of the month following the first completed year of continuous service.

After one year continuous service an employee shall receive vacation leave in the increments as set forth below. An employee shall receive vacation leave beginning on the first day of the month following the employee's anniversary date of employment as follows:

- 6.67 hours for each full month worked after 1 year continuous service
- 10 hours for each full month worked after 8 years continuous service
- 13.33 hours for each full month worked after 15 years continuous service
- 16.67 hours for each full month worked after 20 years continuous service
- 20 hours for each full month worked after 30 years continuous service

Accumulation amounts of vacation leave following this schedule are not cumulative.

Vacation leave may be "carried over" into the following calendar year in amounts not to exceed 110% of annual earning amounts. It is intended that vacation time be taken annually and only "carried over" in minimal amounts. In unusual cases, additional amounts may be "carried over" with the written approval of the City Administrator.

Recognized City holidays, which fall during an employee's vacation leave, shall not be charged as vacation leave.

9.4. **FAMILY AND MEDICAL LEAVE**

A. **PURPOSE**

Under certain conditions, the federal *Family and Medical Leave Act* (FMLA) entitles **eligible** City employees to time off without pay for personal and family health reasons, and for the birth or adoption of children or placement of foster children. To be eligible for FMLA leave, as explained below, the City must employ at least 50 employees within a 75-surface mile radius.

The purpose of this section is to explain to you your FMLA rights **should they exist**. As outlined below, this policy shall only apply to **eligible employees**. This handbook section is not intended to construe any rights under the FMLA to non-eligible employees. If you have any questions regarding this section or your eligibility under the FMLA, please contact your supervisor, or the City Administrator.

B. **ELIGIBLE EMPLOYEES**

City employees are eligible for FMLA leave if they (1) have been employed with the City for at least 12 months (the months need not be consecutive), (2) they worked at least 1,250 hours during the 12-month period immediately preceding the leave, and (3) the employer employs at least 50 employees within a 75-surface mile radius. (Note: Employees who are among the highest paid 10% among City employees within 75 surface miles can be denied leave and job restoration if keeping the job open for that employee would result in the City suffering substantial and grievous economic injury. The employee would be given the opportunity to return to work during leave).

C. **QUALIFYING LEAVE**

FMLA leave may be taken by eligible employees for up to 12 weeks in a rolling 12-month period. Specifically, leave may be taken:

- For the birth of a son or daughter, and to care for the newborn child;
- For placement with the employee of a son or daughter for adoption or foster care;
- To care for the employee's spouse, son, daughter, or parent with a serious health condition; or,
- Because of a serious health condition that makes the employee unable to perform the functions of the employee's job.

D. **THRESHOLD PROCEDURAL REQUIREMENTS**

Employees desiring to take FMLA leave must, when practical, submit written requests on forms approved and provided by the City. Requests should be made

no later than 30 days before the anticipated start date of leave, but exceptions can be made when practical reasons, such as emergencies and unforeseen conditions, make meeting this deadline impossible or impractical. Failure to make a timely request for FMLA leave—in other words, to put the City on notice of the need for leave—may mean that all, or part, of time off may not qualify as FMLA leave. Employees should also make an effort to schedule leaves in such a fashion that City operations are not unduly disrupted. Consult with your supervisor or Department Head in this regard. Once leave is taken, employees must regularly report to the City on a weekly basis.

E. DESIGNATION OF FMLA LEAVE AS PAID LEAVE

In certain circumstances, the employee or the City has the right under federal law to designate all, or part, of FMLA leave as paid leave. In other words, either can determine that other forms of paid leave, such as sick or vacation leaves, may be substituted for the FMLA leave. In such a case, the paid time taken will be counted against the employee's FMLA leave time *and* the employee's accrued leave time. Should the City designate all or part of FMLA leave as paid leave, it shall notify the employee of the designation within two (2) working days, or within other time limits that may be allowed under the FMLA. Not all types of paid leave may be substituted in all situations. Contact the City for further details.

F. MEDICAL CERTIFICATIONS

The City will require medical certification, by a health care provider, to support an employee's request for leave to attend to the employee's own serious health condition, or to care for a seriously ill child, spouse, or parent. Certification of an *employee's* serious health condition must include, among other things, a statement that the employee is unable to work at all or is unable to perform at least one of the essential functions of their position. *For leave to care for a seriously ill child, spouse, or parent*, the certification must include, among other things, an estimate of the amount of time the employee is needed to provide care. The City will provide employees with a certification form when certification is required.

The City may require a second medical opinion, and subsequent and periodic recertification, at its expense. If the employee's and City's opinions conflict, the City may require the binding opinion of a third health care provider, whose identity the company and employee must approve and which shall be paid for by the City.

G. INTERMITTENT OR REDUCED LEAVE

When medically necessary for an employee’s serious health condition, or the serious health condition of a spouse, child, or parent, leave may be taken intermittently, or by way of reduced work schedules. In such circumstances, the City can require the employee to temporarily transfer to an alternative position that is equivalent in pay and benefits, or a part-time schedule that better accommodates recurring absences.

Intermittent or reduced leave may be taken only with the City’s consent for the care of a newborn child, a newly adopted child, or a child recently placed for foster care. Consent is not required if an employee needs to take leave for their own serious health condition in connection with the birth of a child, or for the newborn’s own serious health condition.

H. SPOUSES’ COMBINED LEAVE

Spouses who are both employed by the City are entitled to *joint total* of 12 weeks’ leave, rather than 12 weeks apiece, for the birth of a child, or for placement for adoption or foster care of a child, or for the care of a sick parent.

I. BENEFITS DURING FMLA LEAVE

Group health insurance coverage will continue for employees on FMLA leave as if they were not on leave, and will do so on the same conditions as coverage would have been provided if the employee had been continuously working during the entire leave period. Employees who paid part of the premiums to maintain health coverage before taking leave must, to continue coverage during leave, make those payments, and the payments should be coordinated through the City. Should the employee fail to return to work, or remain at work upon return for less than 30 days, for reasons other than serious health conditions, or retirement, or for reasons beyond the employee’s control, the City may recover from the employee the costs of payments made to continue the employee’s health insurance.

Other benefits shall accrue during FMLA leave only if they would continue under other types of leave.

These provisions generally describe critical FMLA provisions, and are not intended to provide an exhaustive explanation of the Act. For further details, do not hesitate to contact the City.

J. OTHER LEAVE AVAILABILITY

The City may, at and within its sole discretion, extend other unpaid leave when an employee exhausts FMLA and all other leave. Determinations in this regard are made on a case-by-case basis.

K. RETURN TO WORK CERTIFICATIONS

Employees returning to work after FMLA leave arising from their own serious health condition shall obtain a fitness for duty certification from a health care provider. No such certification shall be obtained from employees returning from intermittent leave.

L. RETURN TO WORK

In most cases, employees taking FMLA leave are entitled to return to the position they held prior to leave or an equivalent position with equivalent benefits, pay, and other terms of employment.

9.5. SICK LEAVE

Full-time employees shall receive paid sick leave for absences due to illness, injury, accidents, or other incapacity, and shall accrue such leave at the rate of eight hours for each full calendar month worked.

A. ACCUMULATION AND USE

Eligible employees may accrue no more than 480 hours of sick leave. Employees who were employed with the City prior to January 1, 2007 and have accumulated more than 480 hours of sick leave as of December 31, 2006, will maintain the excess leave as “banked leave.” All banked leave must be used before any other accumulated sick leave. Employees who have accumulated more than 480 hours of sick leave prior to January 1, 2007 will not accrue additional sick leave until they drop below the 480 hour cap of accumulated leave. For example:

Employee A has accumulated 600 hours of sick leave as of December 31, 2006. Employee A will maintain these 600 hours of sick leave, with 120 hours treated as banked leave. Employee A will not accumulate any additional hours of sick leave until Employee A uses at least all of his/her banked sick leave. If Employee A retires in good standing, Employee A shall receive cash payment for all accrued leave, including any banked leave, at a rate not to exceed 25% of the cash value of the leave.

Employees who utilize sick leave must complete a Time Off Request Form and have it signed by their supervisor upon their return to work. This form must accompany the payroll time sheets for which employee used said leave.

B. COMPUTATION

Any absence for a fraction or part of a day which is chargeable to the employee’s sick leave shall be charged in increments of not less than one hour.

C. BUY BACK OF SICK LEAVE

Employees who accumulate at least 240 hours of sick leave are entitled to sell back any of the sick leave accumulated during that calendar year in excess of 240 hours. Any sick leave used during a calendar year will be first deducted from the leave accumulated that year, thus reducing the amount of leave eligible to be sold back to the City.

Employees must notify the City Clerk prior to the second pay period in December of their desire to sell any sick leave. Subject to qualifying sick leave, employees shall designate the amount of unused sick leave they wish to sell. Sick leave may only be sold in eight-hour increments.

In exchange for eight (8) hours of sick leave, the City will make a lump sum payment to the employee in the amount of \$50. Payment for the sick leave is subject to applicable taxes and withholdings.

D. CERTIFICATION

The City requires employees, who are absent more than two (2) consecutive days due to their own illness or health condition, due to the illness or health condition of family members, or for the birth or adoption of their children or for the placement of foster children, to submit certification from a health care provider verifying the reasons for such absence. Such certification must be received within five (5) calendar days of the absence.

Return to work certifications are also required from health care providers when employees return from absences of more than two (2) days occasioned by their own health conditions/illnesses.

E. NOTIFICATION

Sick leave shall not be approved unless employees (or their representatives) report the reasons for their absence to their supervisor before the time they were scheduled to begin work.

F. HOLIDAYS

Recognized City holidays, which fall during sick leave, shall not be charged as sick leave.

G. TERMINATION OF EMPLOYMENT

Only employees retiring in good standing shall receive cash payments for accrued but unused sick leave. Such payments shall not exceed 25% of the cash value of the leave. Employees who leave employment for reasons other than retirement shall not receive cash payouts for unused sick leave.

H. ABUSE OF SICK LEAVE

An employee who abuses sick leave shall be subject to disciplinary action, up to and including termination. Actions that may lead to determination of abuse include, but are not limited to, falsifying illness or reasons for using sick leave, unsubstantiated excessive use, or not complying with the reporting requirements.

9.6. FUNERAL LEAVE

Employees may receive up to three days paid leave in the event of an immediate family member's death. Emergency leave up to six days may be granted if such a death requires an employee to travel out of state; three such days shall be charged as paid funeral leave, and the other three to sick leave.

For funeral leave purposes, "immediate family" means an employee's spouse, children, parents, siblings, grandparents, grandchildren, and the same relatives to the employee's spouse.

9.7. INJURY LEAVE

Employees who suffer a work related injury or illness which necessitates time off from work, may be eligible for workers compensation wage benefits which begin after seven (7) calendar days. Employees will not receive workers compensation benefits for the first 7 days until an employee has been off work for 21 consecutive calendar days. Employees shall, however, be eligible for paid sick leave during the seven-day waiting period for workers' compensation benefits. The City's compensation insurance carrier pays workers' compensation benefits at the rate established by state law.

In the event an employee can return to work, the City shall return employees to work within the restrictions provided by the physician. Department Heads, managers, and/or supervisors will determine whether work is available within the restrictions provided by the physician. Assistance for this effort is available through the City's work comp carrier, KMIT, and its contracted representatives, Insurance Management Associates (IMA) and Precept CorVel.

Temporary restricted duty work reassignment may be offered, if available, outside the current department in which the employee is ordinarily employed. Pay grade for injured employees will be based upon temporary work assignments.

9.8. MATERNITY LEAVE

Employees may take four weeks of unpaid leave for the birth of their child or for pregnancy-related health matters within a twelve-month period. Such leave must be taken in a four-week period and may not be taken intermittently. Leave necessitated by childbirth that exceeds four weeks may be allowed for a reasonable period of time as approved by the City Administrator. Employees who take maternity leave may elect to take accumulated sick leave in lieu of unpaid maternity leave. Employees returning from maternity leave within a reasonable period of time shall be reinstated to their original job or to a position of like status and pay without loss of service, credits, seniority or other benefits. Accrual of benefits while on leave shall be in accordance with the City's sick leave and unpaid leave policies.

9.9. MILITARY LEAVE

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

City employees shall be granted two weeks leave per year for meeting annual military training requirements. Such employees must give the City advance notice of annual training requirements and the scheduling thereof, and shall provide the City with copies of their applicable orders. Notice enables Department Heads to make appropriate adjustments in work schedules and workloads.

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

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

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service. Employees on military leave for up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. If the period of service was more than 31 days, but less than 181 days, the employee must submit an application to the City no later than 14 days following completion of service. For service in the military for over 180 days, the employee must submit an application to the City not later than 90 days after completion of service.

9.10. CIVIL LEAVE

The City encourages its employees to fulfill their various civic obligations and provides time off in certain situations to allow them to do so.

A. JURY DUTY

State law requires permanent employees to be given time off for jury service; the City does not dock employees' pay for such service. Employees called for jury service must provide their immediate supervisors with a copy of their jury summons and shall endorse over to the City all jury fees received. Employees may, however, retain any mileage reimbursement they receive.

B. WITNESS IN JUDICIAL OR ADMINISTRATIVE PROCEEDINGS

Employees shall receive paid time off when they are summoned or subpoenaed to appear in court or in an administrative proceeding. Employees shall endorse over to the City all jury fees received but may retain any mileage reimbursement they receive.

C. VOTING

Employees shall be given necessary time off with pay for the purpose of voting. Employees shall be given two hours off with pay, unless the polls are open two hours before or after the employee's scheduled work hours. If they are open, but they are open less than two consecutive hours before or after the employee's scheduled work hours, an employee shall be entitled to paid time off only for a period of time which, when added to the time the polls are open before or after work, does not exceed two hours. The City reserves the right to specify the particular time the employee can be absent to vote, but shall not specify a time that includes a regular meal period.

9.11. TRAINING, MEETINGS, SEMINARS

The City encourages employees to obtain training and information to increase job-related knowledge, and to improve performance, job skills, and service. Accordingly, employees may receive paid leave to attend job-related meetings, seminars, conferences, and conventions when their Department Heads confirm attendance is beneficial to the employee and City and approve such attendance.

9.12. EDUCATION LEAVE

Employees who receive authorization from their Department Heads may be granted up to one year unpaid leave to further their education or seek specialized training.

9.13. UNPAID GENERAL LEAVES OF ABSENCE

Employees may, upon submitting a formal written request outlining necessity and with the approval of their Department Heads, be granted unpaid leave up to six months.

SECTION 10

CONDUCT AND DISCIPLINE

10.1. GENERAL CONSIDERATIONS AND EXAMPLES OF MISCONDUCT

As an integral member of the City team, you must at all times accept certain responsibilities, adhere to certain principles of professional and personal conduct, and exhibit a high degree of integrity. This not only involves sincere respect for the rights and feelings of others, but also demands that in both your business and personal lives you refrain from any behavior that might be harmful to you, your co-workers, and/or the City. Whether you are on duty or off, your conduct reflects on the City. You are consequently encouraged to observe the highest standard of professionalism at all times.

Unfortunately, the City may at times be required to discipline employees. It is, of course, impossible to identify all types of conduct that can subject employees to discipline; however, the following list identifies examples of such conduct. The list is not exhaustive, and does not limit in any way the City's ability to discipline employees. Employee conduct shall be judged by the City at and within its sole discretion, and employees may receive verbal warnings, written reprimands, probation, suspensions with or without pay, salary reductions, demotions or discharges from employment for the types of conduct included on the list, or any other activity, action, or omission determined by the City, at and within its sole discretion, warrants discipline. *The list provided here does not alter the fact that City employees are employees-at-will, and either the City or an employee can terminate the employment relationship at any time, with or without cause or reason, and with or without advance notice.*

Types of behavior and conduct that the City considers inappropriate include, but are not limited to, the following:

- Falsifying, fraudulently altering, or without authorization destroying employment or other City records or documents.
- Violating the City's non-discrimination and/or non-harassment policies.
- Excessive absenteeism or tardiness.
- Excessive, unnecessary or unauthorized use of City supplies, particularly for personal purposes.
- Reporting to work intoxicated or under the influence of non-prescribed drugs, and illegal manufacture, possession, use, sale, distribution or transportation of drugs.
- Bringing or using alcoholic beverages on City property, in City vehicles or while engaged in City business.
- Fighting or using obscene, abusive, or threatening language or gestures.

- Theft of, or damage to, property of co-workers, citizens, or the City.
- Unauthorized possession of weapons on duty, on City premises, in City vehicles, or while on City business.
- Disregarding safety or security regulations.
- Insubordination.
- Commission of a crime.
- Violation of any state, federal, or regulatory statute, code, or regulation.
- Violation of any provisions of this Handbook, or any other rule, regulation, policy or procedure of the City or its departments.
- On or off-duty conduct unbecoming an employee/officer of the City.
- Incompetent, inefficient, substandard, or poor job performance.
- Taking or accepting, or attempting to take or accept, for personal use, profit or gain, from any person or entity, any fee, tip, gift, reward, gratuity, or other thing in the course of work or in connection with it.
- Inducing or attempting to induce, or causing or attempting to cause, a City officer or employee to commit an unlawful or unethical act, or to act in violation of any City or departmental policy, procedure, regulation, rule or order.
- Engaging in outside business activities or part-time employment on City time, or using City property or resources for such activity.
- Engaging in fighting, throwing things, horseplay, practical jokes, or other disorderly conduct which may endanger any employee, person, or property on City premises or while on City business.
- Engaging in acts of dishonesty, deceit, fraud, theft or sabotage.
- Threatening, intimidating, assaulting, battering, abusing, or coercing, employees or others or interfering with other employees' performance.
- Involvement in other circumstances the City determines, at and within its sole discretion, warrants corrective or disciplinary action.
- Claiming leave time under false pretenses.
- Position abandonment, sleeping on the job or other theft of company time.
- Stamping another employee's time card or clocking in/out another employee.

Again, this list is intended only to be representative of the types of activities which may result in disciplinary action. It is not intended to be comprehensive and does not alter the employment-at-will relationship between the employee and the City.

10.2. TYPES OF DISCIPLINE

The City Commission authorizes the City Administrator and/or Department Supervisor to conduct the types of discipline listed below. The form of discipline is determined on a case-by-case basis and depends entirely upon the facts and circumstances of each situation. The City is not obligated to use increasing severe means of discipline with individual employees, but is free, at and within its sole discretion, to impose the discipline it deems necessary. The City Commission authorizes these types of discipline:

A. VERBAL WARNINGS

Verbal warnings are oral reprimands/warnings given to employees by Department Heads or the City Administrator. These warnings shall be documented and the documentation placed in the employee's personnel file.

B. WRITTEN REPRIMANDS

Written reprimands are written disciplinary actions given to employees by Department Heads. These warnings shall be documented and the documentation placed in the employee's personnel file.

C. PROBATION

Probation is a specific period in which an employee must meet or fulfill certain conditions/performance objectives, or improve performance or behavior. Failure to meet or fulfill the conditions/objectives/improvement criteria may result in further disciplinary action, up to and including discharge from employment.

D. SUSPENSION

Suspension is the removal from job responsibilities for a specific period. Employees are not allowed to work during suspensions; suspensions are with or without pay as determined by the City at and within its sole discretion.

E. SALARY REDUCTION

Salary reduction is a decrease in compensation for disciplinary or performance reasons.

F. DEMOTION

Demotion is the placement of employees into positions in lower pay ranges.

G. DISCHARGE

Discharge from employment is involuntary termination of the employee's employment relationship with the City; in other words, it is the decision, at and within the City's sole discretion to terminate the relationship.

SECTION 11

SEPARATIONS FROM EMPLOYMENT

This section addresses the various ways the employment relationship may end.

11.1. **JOB ABANDONMENT**

Employees who are absent without leave from work for three consecutive days shall be deemed to have abandoned their positions and shall be dropped from the City's payroll.

11.2. **RESIGNATION**

Employees who voluntarily resign in non-disciplinary contexts, and who give two-weeks notice of such resignation, have resigned in good standing and are entitled to the privileges arising from such resignations set forth in this handbook. The City may, at and within its sole discretion, waive the two-week notice.

11.3. **RETIREMENT**

Employees are deemed to have retired from City employment when they voluntarily resign and are eligible to receive retirement benefits pursuant to the Kansas Public Employees Retirement System (KPERs).

11.4. **DISCHARGE FROM EMPLOYMENT**

Discharge from employment is involuntary termination of the employee's employment relationship with the City; in other words, it is the decision, at and within the City's sole discretion to terminate the relationship. Discharges are not considered separations in "good standing."

11.5. **REINSTATEMENT**

Employees who separate from employment in good standing, and who are subsequently reemployed within 60 days of such separation, may be reinstated at a level of compensation not to exceed their pre-separation level, and shall also receive credit for all sick leave they had accrued, but not used, at the time of their separation.

11.6. **RETURN OF CITY PROPERTY**

Employees who separate employment for any reason shall immediately return all City property, including documents, uniforms, keys, records, and this handbook, to their Department Heads.

SECTION 12

POLITICAL ACTIVITY

The City recognizes and respects the rights of its employees to participate in the political process. By its very nature, however, government employment has important implications in this area and, in some circumstances, limits City employees' political activity. This section addresses those implications and limitations.

With the exception of persons duly appointed to city boards/commissions, or elected City officials, these provisions apply to all city employees, including full and part-time employees and persons serving in reserve status:

Notwithstanding any other provision of this Political Activity section, City officers or employees, and City appointees on reserve status, may become, or continue to be, members of political parties, clubs, organizations, and associations; attend political meetings; and vote in any and all elections. All such political activity by such persons shall be limited to their personal time. Such persons shall not use city equipment, supplies or resources in their political activity.

12.1. RUNNING FOR PUBLIC OFFICE

No city officer or employee, and no city appointee on reserve status (except persons duly-appointed to city boards/commissions, or elected officials) shall, without first obtaining a special unpaid leave of absence, run for any public office which is incompatible with, or conflicts with, their City position, duties, or obligations. Such persons may maintain their City positions until they file for the elective position they seek and may then commence, if they have so requested their special leave. If elected, such person's City position shall terminate; if they are not elected, they may return to their City position if it is vacant. The City is under no obligation to hold the position open.

City officers or employees, and City appointees on reserve status (except persons duly-appointed to city boards/commissions, or elected officials) shall inform the City Commission in writing of their intention to file for election to a public office which they do not believe is incompatible with, or conflicts with, their City position, duties, or obligations. The City Commission shall promptly, and in writing, deliver to the person a determination whether the position they seek is incompatible with or in conflict with, their City position, duties, or obligations. If the position is incompatible or in conflict, the person shall proceed pursuant to the immediately preceding paragraph. If the position is not incompatible or conflicting, the City may impose appropriate conditions on the person's continued association with the City during the campaign and election.

12.2. CONTRIBUTIONS

City officers or employees, and City appointees on reserve status (except persons duly-appointed to City boards/commissions, or elected officials), shall not solicit monetary contributions or donations, or make monetary contributions or donations, to any municipal political campaign or to the campaign of any candidate for municipal office.

12.3. MUNICIPAL CAMPAIGN ACTIVITY

City officers or employees, and City appointees on reserve status (except persons duly-appointed to City boards/commissions, or elected officials) shall not take any active part in a municipal political campaign. Such officers or employees also shall not act as workers at polls or distribute badges, pamphlets, dodgers or handbills of any kind favoring or opposing any candidate for election or nomination to a municipal office.

12.4. POLITICAL INFLUENCE

City employees or officers shall not use or promise to use, directly or indirectly, any official authority or influence to secure or attempt to secure an appointment, or advantage in obtaining an appointment, to a position in the City service, an increase in compensation, a promotion, or any other employment advantage, for the purpose of influencing a vote or political or official action. They also shall not, while on duty, openly campaign for any political party or candidate or use the influence of their position with the City to promote the election thereof. All such political activity by such persons shall be limited to their personal time. Such persons shall not use City equipment, supplies or resources in their political activity.

SECTION 13

TELECOMMUNICATIONS SYSTEMS

13.1. GENERAL CONSIDERATIONS

Employee use of internal and external communications systems, such as Internet, e-mail, voice mail, radios, and telephones, must be aware that their use of such systems shall be consistent with City policies concerning professional conduct, harassment, discrimination and other work conduct policies. At no time may City resources be used to view, convey or communicate obscene, threatening, harassing, or abusive pictures or messages to others, either inside or outside the City.

13.2. TELEPHONE USE

The City's telephone lines must be kept open for business use. Personal telephone use during working hours shall be kept at a minimum. Employees are prohibited from making personal long distance phone calls without permission from the City Administrator.

Employees who make telephone calls on behalf of the City or respond to telephone calls to the City shall represent the City in a calm, courteous, and helpful manner. Many contacts are made by the telephone and the manner in which these calls are handled may help ease citizen concerns.

Employees shall adhere to the following guidelines when answering or making telephone calls on behalf of the City:

- Identify the City, yourself and offer your assistance (e.g., City of Fredonia, this is John Jones, may I help you?);
- Speak in a friendly, business-like manner;
- Obtain the name of the caller;
- If information is requested, try to provide a response as quickly as possible;
- If an inquiry will take time to answer, obtain the caller's name, telephone number and call back as soon as you can obtain the information;
- Ask for permission before you place someone on hold;
- Don't try to guess at an answer. If the caller inquires about something that you do not know the answer to, refer the call to the proper party.
- To offer exceptional service, take responsibility for any call you receive and try to do what you can to help the public. Do your best to offer assistance without transferring calls several times.

13.3. WIRELESS COMMUNICATIONS

Supervisors shall be responsible for oversight of employee wireless phone usage and shall monitor and review such usage periodically to ensure that use is appropriate and that prudent fiscal management guidelines are followed. This periodic review shall include an assessment of each authorized employee's continued need to use a wireless phone for business purposes.

The City Administrator may require certain City employees to carry a cell phone for the purposes of conducting City business. Employees who are required to carry a cell phone for business purposes may request a cell phone allowance pursuant to the City's Cell Phone Usage and Reimbursement Policy. The City may, in its discretion, update, change or remove any allowance approved by the City.

13.4. ELECTRONIC MAIL & OTHER COMMUNICATIONS

Electronic mail (e-mail) is produced, transmitted, and received on the City's own communications system. Therefore, employees are prohibited from using e-mail for personal purposes, and all e-mail is considered City property. Accordingly, *there is no expectation of privacy in anything created, sent, or received on any of the City's information or communications systems.* All e-mails are considered to be City records; therefore, the City reserves the right to monitor, review, access, delete, and/or disclose all messages and documents transmitted over its e-mail systems.

Again, use of e-mail is restricted to City business. No harassing, indecent, profane, abusive, obscene, vulgar, intimidating, or otherwise offensive or inappropriate language or material may be sent on City e-mail, voice, or computer or other communications systems. Any employee who receives or encounters such material shall immediately report it to their supervisor or Department Head. Reports involving any of these persons shall not be reported to that person; instead, make the report to one of the other persons identified.

13.5. COMPUTER USE

Employees shall not consider as their own any files stored or maintained on City computers. They are City property. There is no right to privacy in such files, and they may be accessed, read, downloaded, or deleted in the City's regular course of business. Such events may include, but may not be limited to, detecting breaches of City policies, procedures, rules, regulations or any law, and accessing needed files when an employee on whose computer the file is stored or maintained is absent.

Employees shall comply with all software licenses, copyrights and laws governing intellectual property. Employees found to be in violation shall be subject to immediate discipline, up to and including immediate discharge.

Employees may not, without City permission, lock or password-protect any document or electronic transmission on the City system.

Employees shall limit personal internet or web access to a minimum. Employees having access to the internet are provided this privilege to assist them in performing their job. This is a privilege that must not be abused. Frequent internet use for personal reasons while on company time is considered theft of company time. Employees engaging in such activity shall be subject to disciplinary action, up to and including termination.

13.6. PROHIBITED USE

Employees shall comply with City policies concerning professional conduct, harassment, discrimination and other work conduct policies when viewing or sharing information on the internet or through e-mail. Employees shall not, without express written approval from a Department Head where such use is deemed necessary to complete City business, use City internet services or computers, including e-mail, for the following purposes during working or non-working hours:

- Pursuit of private commercial business activities or profit-making ventures (e.g., employees may not operate a business or pursue non-City employment activities with the use of the City's computers or Internet resources).
- Engagement in matters directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group, or activity to support political fund raising.
- Engagement in any prohibited direct or indirect lobbying.
- Use that could generate or result in an additional charge or expense to the City.
- Unauthorized creation, downloading, viewing, storage, copying, or transmission of sexually explicit or sexually oriented material. (In certain circumstances, such as during the conduct of administrative or police investigations, this activity may be authorized.)
- Participation in or encouragement of illegal activities or the intentional creation, downloading, viewing, storage, copying, or transmission of materials that are illegal or discriminatory.
- Use of City e-mail addresses in a manner that will give the false impression that an employee's otherwise personal communication is authorized by the City. An employee may not use his/her title or the name of an office when using City e-mail for personal communication, because that might imply the communication is official. If a personal e-mail or other electronic message could be misunderstood to be an official communication, a disclaimer must be used in the message (e.g., "The following message is personal and does not reflect any official position of the City of Fredonia.").

- Engagement in any activity that would bring discredit on the City or would violate any statute or regulation.

SECTION 14

HEALTH INSURANCE CONTINUATION PROVISIONS (COBRA)

If you leave City employment under certain conditions and were receiving City health insurance benefits, federal law entitles you to continuation of any health insurance benefits you may have as a result of your City employment. The Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) requires the City to allow you, for a limited time, to remain covered by any City-provided health insurance plan, at your expense. Should you leave City employment, the City will provide you with detailed information concerning your COBRA rights; of course, more detailed information is available from the City at any time upon request.

HANDBOOK RECEIPT AND ACKNOWLEDGEMENT

By signing this Handbook receipt and Acknowledgement, I certify that I have received and read it, that I understand the policies, practices, and procedures it contains, and that I am required to comply with these policies, practices, and procedures as a condition of my employment.

I understand my employment relationship with the City is strictly voluntary, that I am an employee-at-will, and that I have not been employed for any specific period of time; either I or the City can terminate the employment relationship at any time, with or without cause or reason, and with or without advance notice. Furthermore, I understand that nothing contained in this handbook is an express or implied contract of employment. I acknowledge and agree that no employee, officer or official of the City has any authority to enter into any agreement with me for employment for any specified period of time or to make any agreement with me contrary to the foregoing, and that no such agreement or agreements have been made. Since the information, practices, policies, procedures, and benefits described in this handbook are necessarily subject to change, I acknowledge that revisions to the handbook may be made by the City at any time, at and within the City's complete, sole and total discretion.

I have received the handbook and I understand that it is my responsibility to read and comply with the policies contained in it and any revisions made to it. I also understand and acknowledge that I have been given the opportunity to ask any questions that I have about the contents of this handbook and have had those questions answered.

Employee: _____

Signature: _____

Date: _____

City of Fredonia's Return to Work Policy

Workers Comp claims costs continue to rise and are a major expense to our city. There are several methods of controlling claims costs, but **one of the most effective methods is returning employees to work as soon as possible.**

The responsibility of the physician is to determine what, if any, restrictions apply to employees who are injured. **It is NOT the physician's responsibility to determine whether or not an injured employee is able to work.**

It is the policy of the City of Fredonia to aggressively return employees to work, within the restrictions provided by the physician. Department heads, managers, and/or supervisors will be responsible for finding productive work for each injured employee. Assistance for this effort is available through our work comp carrier, KMIT, and its contracted representatives, Insurance Management Associates (IMA) and Precept CorVel.

Temporary restricted duty work reassignment need not be confined to the current department in which the employee is ordinarily employed. Pay grade for injured employees will be based upon temporary work assignments.

Returning injured employees to work as soon as possible benefits both the employee and the City of Fredonia; therefore, this policy will be enforced. Any questions concerning this policy should be addressed to the City Administrator

The City of Fredonia has identified and created alternative or modified work-duty tasks, and matching a worker's impaired physical capability from an injury to these tasks can control accidents costs, improve employee morale and productivity, and enhance our "bottom line".

Max D. Payne
Max D. Payne, Mayor

Attest

April D. Engstrom
April D. Engstrom, City Clerk

City of Fredonia
Administrative Policy

SUBJECT On-Call Coverage		APPLIES TO Utilities Department	
EFFECTIVE DATE August 17, 2005	REVISED DATE January 17, 2007		
APPROVED BY City Administrator	TOTAL PAGES 2		

1.0 **Policy**

The City of Fredonia Department of Utilities recognizes that situations occur after regular working hours that necessitate call-back of departmental personnel. In order to provide call-back coverage and serve the citizens of Fredonia, the following policies are hereby implemented effective with the City Administrator's approval.

1. All Utilities Department personnel are subject to call-back to handle situations that occur outside the normal working shift.
2. A schedule will be provided by the Director of Utilities on a monthly basis, which will designate which individual is on-call for any given period (weekend and/or holiday).
3. The following represents the after hours coverage for each division:
 - a. Water: one (1) water employee (or designee) on call after hours each Friday night, weekend and each holiday;
 - b. Electric: one (1) electric employee (or designee) on call after hours each Friday night, weekend and each holiday.
4. The following represents the compensation for on-call personnel:
 - a. Two (2) hours minimum per weekend day (total four hours per weekend);
 - b. Three (3) hours per holiday;
 - c. Off one-hour early on any weekday when you will be on-call that Friday.
5. The above minimum(s) will be paid only if there are no call-outs. If an employee is called out, there is no minimum and following method of compensation applies. (See #6)
6. Each call-out will be paid one (1) hour; if the call goes past the one hour, time will be paid in (15) minute increments.

7. If a call is completed within the one-hour time period and another call is received and completed within the same one-hour period, only one hour on-call time will be paid to the employee.
8. Call-out logs will be maintained by the on-call personnel and turned in with time sheets in order to receive compensation for on-call duty.
9. Failure to reach a designated on-call employee may result in disciplinary action.
10. Trades for on-call coverage are discouraged and must be approved by the Director of Utilities prior to the trade. If approved, the scheduled on-call employee is ultimately responsible for making sure coverage is maintained and plant operator staff is notified of the trade.
11. Once the designated on-call employee is notified that their services are required, they should respond to the call within forty-five minutes of the original contact; examples of appropriate responses are: contact with the citizen involved; shut-off of water, arrival at the lift station, etc.
12. On-call employees should not engage in activities that would prevent them from making professional decisions, performing their required duties, and/or responding to a situation within the above-referenced time frame.
13. On-call employees need to remain within the boundaries of the department's paging/radio system while on-call in order to maintain contact with the plant personnel.
14. If the on-call employee is leaving the boundaries of the department's paging/radio system, a contact phone number must be given to the dispatch office (911).

**ADOPTED BY THE CITY ADMINISTRATOR OF THE CITY OF FREDONIA,
KANSAS, THIS 17th DAY OF JANUARY, 2007.**

Randall H. Partington
City Administrator

City of Fredonia
Administrative Policy

SUBJECT Cell Phones		APPLIES TO All Employees	
EFFECTIVE DATE January 17, 2007	REVISED DATE None		
APPROVED BY City Administrator		TOTAL PAGES 1	

1.0 POLICY

CELL PHONE USAGE

At the direction of the City Administrator certain City employees are required to carry a cell phone for the purpose of conducting city business. To comply with Internal Revenue Service regulations, the following rules are to be followed by all employees using a cell phone for business purposes.

1. Certain employees are required to have a cell phone available at all times because of the nature of their jobs, i.e. City Administrator, Department Heads, Police Officers, etc. These employees have the option of requesting a cell phone allowance. Some employees may be required to have a cell phone available to them for limited hours for such business purposes as call-out.

Cell Phone Allowance:

If a supervisor deems it appropriate for a subordinate to receive a cell phone allowance, the supervisor is to provide written authorization to the City Clerk, indicating the amount of the allowance and the amount. Please note that the amount must be within the limits established below, however, for the cell phone and cell phone internet connection there is an aggregate limit of \$150 per month that may vary between the two items. If a greater allowance is needed, it will need to be approved by the City Administrator. In addition, both allowances must be covered by the department's budget. Although the limits may vary, all allowances are considered taxable, without exception.

Limits:

- Monthly cell phone allowances may be between \$30 and \$75 per month
- Monthly cell phone Internet/data connection – On rare occasions, a supervisor may determine that given an employee's responsibilities, a cell phone Internet/data connection monthly allowance between \$30 and \$75 per month.
- All requests for cell phones or Internet access to be reimbursed by the City must first be approved by the City Administrator.
- Only one cell phone allowance will be available per qualified personnel.

*The Cell Phone Allowance pertains to all new plans, including the Police Department after their current contract ends.

**ADOPTED BY THE CITY ADMINISTRATOR OF THE CITY OF FREDONIA, KANSAS,
THIS 17th DAY OF JANUARY, 2007.**

Randall H. Partington
City Administrator

CITY OF FREDONIA, KANSAS

TRAVEL POLICY

PURPOSE

This policy establishes an orderly procedure for the authorization and reimbursement of business-related travel, both within and outside the City of Fredonia. The policy is applicable to all City divisions/departments.

POLICY STATEMENT

Performance of the City of Fredonia official business will necessitate periodic travel by City officials/employees beyond their offices or locations of normal work activities. The City shall pay for reasonable, essential travel expenses that directly and logically relate to the conduct of City business. City travelers shall exercise prudent judgment and show proper discretion for accountable and economic use of public funds. Expenses shall be documented as required and shall leave no reasonable question that such expenditures did, in fact relate to and were necessary for conducting City business.

DEFINITIONS

A. Authorized Travel – is herein defined as travel that is directly relevant to and necessary for successful accomplishment of legitimate City requirements (i.e., official City business).

B. Authorized Individuals – are herein defined as individuals who are either performing City business or representing the City in some fashion, but are not necessarily City employees.

C. Local Vicinity Travel – is herein defined as vicinity travel from an employee's normal daily work site (e.g., office, shop) to/from additional work site locations within the City.

D. Mileage Reimbursement Rate – is herein defined as the maximum mileage reimbursement rate permitted without tax consequence.

E. Reimbursable Expenses – is herein defines as only those expenses for which City funds will be used for reimbursement.

F. Reporting Destination – is herein defined as the location at which the employee has been directed by his/her supervisor to report for work for that particular day.

PROCEDURES

1. Approval

A. Any City employee intending to travel on City business for any period of time out of town must submit a request (in writing) to their supervisor prior to the planned departure date. Requests must be accompanied by sufficient information (e.g., copy of seminar brochure) about the proposed travel and an outline of the anticipated travel cost to allow informed decisions. The notifications must be specific regarding the reason for travel. When necessary, requests should indicate who would be responsible during the absence.

B. The supervisor then must submit the travel request to the City Administrator who is responsible for approving all out of town travel requests. A copy of the "Request for Out of Town Travel" form that must be completed for all travel is attached to this policy. The requests must be presented to the City Administrator at least 5 days before the planned travel.

2. Modes of Transportation – Employees needing to travel may use the following means of transportation:

A. Commercial Air Travel – This is the primary mode of travel to places more than 500 miles from Fredonia. For such trips, this mode will be used for cost comparisons in computing allowances for alternate transportation modes. Airfare will be actual, roundtrip coach or tourist-class accommodations. Travelers are encouraged to take advantage of fare-saver or similar reduced rates/discounts where possible and economically advantageous for the City. It is important that no flight be booked before receiving travel approval from the appropriate supervisors.

B. Car – Employees may use a City vehicle, if available, for trips requiring driving. If circumstances require the employee to use their own vehicle while traveling on approved City business, they shall receive a mileage allowance of the standard rate allowed by the Internal Revenue Service (IRS). The mileage allowance covers all transportation costs except parking fees or turnpike tolls.

C. The "Employee Mileage Log" is to be used to document the use of private vehicle for official City business and will serve as the means for reimbursement. Each City employee must maintain the log on a current basis as travel is performed. The form will accommodate multiple trips, and multiple pages may be used for frequent, local vicinity / in-City travel when no other reimbursement (e.g., meals) is necessary. However, mileage related to intra- and interstate travel where other reimbursement is requested should be separately documented and submitted with the appropriate travel reconciliation. Accumulated travel should be submitted for reimbursement periodically during the year (i.e., monthly, quarterly – normally minimum accumulations of at least 50 miles to justify the processing time and effort) and should be submitted prior to the end of December in order to record the reimbursement in the proper fiscal year.

3. Advances – The City Clerk's Department may facilitate employee travel by advancing the appropriate funds to defray meal expenses (limited to the daily per diem rate), and reasonably anticipated miscellaneous expenses. In order to utilize this method, the employee must fill out a Travel Advance and Reconciliation form. Advances will not normally be made for registrations, airline costs, or lodging, or will a single advance normally exceed \$400 per person per trip. Minimal travel costs

totaling less than \$25 per traveler will not generally be advanced. If so designated by the City Administrator, the City Clerk may approve exceptions to these limitations.

4. Meals – The following meal reimbursements will be considered by the City of Fredonia for officials that eat during city related business.

A. Cost of meals will be reimbursed at the rate of twenty-four (24) dollars per day. Meals during out of town travel, which involves less than a whole day, will be reimbursed at the rate of \$8.00 per meal. When an employee begins job-related travel before 6:30 a.m., they will be reimbursed for a breakfast, and when they return home from job-related travel after 6:30 p.m., they will be reimbursed for a dinner. Otherwise, the meals for days when travel begins or ends within these time frames are non-reimbursable. Exceptions to the per-diem allowance will be made only in unusual circumstances, and must have department head and City Administrator approval. The meal allowances will not apply where provided luncheons or banquets are involved.

B. Employees (primarily elected officials and division/department heads) who, during the normal course of performing their duties, must provide meals for representatives of other governmental agencies or other persons in order to effectively execute their City responsibilities may be authorized reimbursement for expenses associated with such meals. This expense is covered by the actual cost basis, and the following documentation is required for reimbursement.

1. A description of the business purpose of the meal(s), and an explanation of its necessity to the City;
2. A list of all persons, including other City employees, who were in attendance. Additionally, employees should be prepared to identify and justify the need for the meal in relation to their responsibilities as a City employee.

C. Meal expenses for other than authorized individuals **will not be paid** by the City. Expenses for meals not otherwise provided for in this section (e.g., City awards luncheons/dinners, or meals associated with professional service club meetings, etc.) are, however, authorized for reimbursement. **Alcoholic beverages are not reimbursable meal expenses.**

5. Lodging – The City will pay actual costs for a single room rate at a mid-priced lodging facility, or for a single room at the rate arranged by the sponsor of the function attended. If the attendee desires to have accommodations other than those reserved for the event, this information must be conveyed to City Hall. Attendees are personally responsible for costs in excess of prearranged rates. The City will not make payment for lodging expenses for anyone other than the employee.

The employee then has three different options for payment of his or her lodging expenses:

1. Utilizing a personal credit card, in which case, the receipt must be retained and delivered to the City Clerk's Department for reimbursement.
2. A "Purchase Requisition" may be used if the hotel/motel will accept a "Purchase Order" and agree to bill the City. Lodging reservations can be requested on the same requisition that is used for travel arrangements.

3. If billing is not possible and the traveler wishes to carry a City check to pay for lodging, a "Payment Voucher" may be used. The City Clerk's Department will need to confirm that the lodging facility will accept the City's check.

6. Registration Fees – Registration fees charged for conventions, seminars, meetings, etc., are reimbursable expenses when employees attend in their capacity as a City employee. A receipt or other proof of the amount, such as a copy of the conference announcement setting forth the cost, must be provided with any payment request.

7. Workday and Overtime Expenses – Employees shall be compensated for travel time pursuant to state and federal law. Generally, with the exception of training that is required by law, most employees will be paid for time spent in attendance at a conference, meeting, seminar or training if the attendance at the function is directly related to the employee's job and designed to make the job more effective. The City will pay for travel time to such function if the function keeps the employee away from home overnight. In such situations, employees will be compensated for travel time during their normal working hours. Travel that does not necessitate an overnight stay or travel that occurs outside of normal working hours is compensable only if the travel requires an employee to go from job site to job site for work purposes.

Employees shall notify and receive approval from the City Administrator prior to attendance at conferences, meetings, seminars or trainings that will last longer than 8 hours a day. Employees shall submit a record of all time spent in the course of travel and at the function.

Any questions regarding whether or not attendance or travel time is compensable should be directed to the City Administrator.

8. Non-reimbursable incidental expenses – The following specific expenses are considered personal and **non-essential** to the transaction of official City business: personal trip/flight insurance; entertainment, including alcoholic beverages and travel to places of entertainment.

9. Reimbursable Submittal – The amounts claimed, less any cash advance, must be approved by the department head and City Administrator before being submitted to City Hall for payment. Reimbursement requests should be submitted within five (5) business days of returning to work. Reimbursement of expenses for lodging, meals and transportation will not be approved if they are obviously unreasonable.

10. Exceptions – The City Administrator may except any City employee from the provisions of this policy should it be determined that such exception is warranted by extraordinary or extenuating circumstances or operating requirements not otherwise accomplished.

City of Fredonia
Administrative Policy

SUBJECT Uniforms		APPLIES TO All Employees	
EFFECTIVE DATE January 17, 2007	REVISED DATE None		
APPROVED BY City Administrator		TOTAL PAGES 2	

1.0 Policy

This policy is designed to provide the City of Fredonia employees information concerning clothing worn in the performance of job duties and responsibilities.

2.0 Definition of Uniform

Articles of clothing that clearly identify a person as an employee for the City of Fredonia.

3.0 Procedure

Uniformed Employees - The City provides uniforms to employees holding certain positions in the City. The uniforms provided are expected to be worn. Employees required to wear a uniform are expected to wear it properly and keep it well maintained. Whether you are in public works, a utility department or public safety, the uniform identifies you as a City employee. Proper care of the uniform both on and off the job site is expected.

Non-Uniformed Employees - When working, all attire is expected to be generally appropriate professional, business attire as indicated in the official Employee Handbook.

4.0 Fringe Benefit

Work clothing that is provided by the city is not taxable if the employee must wear it as a condition of employment, if it cannot be adapted to general usage as ordinary clothing and if the clothing is clearly marked. City employees may not wear their official uniform outside of work. Therefore, the cost and upkeep of work uniforms for firefighters, police officers, utility workers and public works employees will not be taxable.

Exceptions

- A. Work boots or shoes that are purchased by the City for the employees that are allowed to be taken home will need to be taxed as they could be worn outside of the job.
- B. The City encourages employees to wear City logo shirts to work, around town and when attending meetings and conference. We view it as a source of pride in the mission of our organization. Therefore, City logo shirts will be purchased for the employees to have. However, under IRS regulations, these shirts qualify as a fringe benefit and will need to be taxed.

5.0 Storage of Uniforms

Employees will leave uniforms at work. If an employee has no place to store a uniform, then the uniform must be kept in the assigned work vehicle so that it is readily available when needed.

**ADOPTED BY THE CITY ADMINISTRATOR OF THE CITY OF FREDONIA,
KANSAS, THIS 17th DAY OF JANUARY, 2007.**

Randall H. Partington
City Administrator

**CITY OF FREDONIA
FREDONIA, KANSAS**

**DRUG AND ALCOHOL TESTING POLICY
(FMCSA/DOT)**

DRUG AND ALCOHOL TESTING POLICY APPROVAL

We have reviewed and concur with the contents of the City of Fredonia drug free workplace policy. Our signatures indicate approval of the policy and its contents.

City of Fredonia Representative

Date

City of Fredonia Representative

Date

City of Fredonia Representative

Date

Policy Revision Date:
January 2002

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APPENDIX

- A. INFORMATION CONCERNING THE EFFECTS OF ALCOHOL AND CONTROLLED SUBSTANCES
- B. DER AND SERVICE AGENTS
- C. JOB CLASSIFICATION

I. GENERAL

A. Purpose

1. The Department of Transportation (DOT), Federal Motor Carriers Safety Administration (FMCSA) requires City of Fredonia to establish a drug and alcohol testing program designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles. Further, the purpose of this policy is to bring City of Fredonia into compliance with all regulations, which require affirmative actions to eliminate the impact of the use of controlled substances and misuse of alcohol in the workplace.
2. **This policy does not create any contractual rights in favor of employees to whom the Policy is applicable. Nor does this Policy in any way alter the at-will nature of employment or imply that discharge will occur only "for cause".**
3. **Those areas of the policy printed in bold and underlined text reflect City of Fredonia's independent authority to require additional provisions with regard to the drug and alcohol testing procedures.**
4. **The presence of controlled substances in the body as well as the use or possession of controlled substances and/or alcoholic beverages while on City of Fredonia property, or in any City of Fredonia vehicle, or on duty, including breaks or lunch, paid or unpaid, on any shift, is strictly prohibited.**
5. Designated Employer Representative: **(Appendix B)** contains the name, address, and telephone number of the Designated Employer Representative (DER). The DER is authorized by City of Fredonia to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer consistent with the requirements of 49 CFR, part 40.

B. Applicability

This policy applies to any employee of City of Fredonia who holds a Commercial Drivers License (CDL) and uses that license to operate a commercial motor vehicle. 49 CFR, part 382.107 defines these vehicles as a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- (1) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- (2) Has a gross vehicle weight rating of 26,001 or more pounds; or
- (3) Is designed to transport 16 or more passengers, including the driver; or
- (4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the hazardous Materials Regulations (49 CFR Part 172, Subpart F).

C. Testing Procedures

All testing conducted under this policy will follow the procedures as set forth in 49 CFR, parts 40 and 382.

D. Definitions

Words and phrases used in this policy are as defined and found in 49 CFR, parts 40.3 and 382.107.

II. PROHIBITIONS

A. Alcohol

1. No driver shall report for duty or remain on duty requiring the performance of safety sensitive functions while having an alcohol concentration of 0.02 or greater.

2. No driver shall use alcohol while performing a safety-sensitive function. This includes beverages containing alcohol or substances containing alcohol including any medication, mouthwash, food, candy, or any other substance that would cause alcohol to be present in the body.
3. No driver shall perform safety-sensitive functions within four hours after using alcohol.
4. No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until a post-accident alcohol test has been administered, whichever ever occurs first.

B. Controlled Substances

1. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance.
 - a. **ILLEGAL DRUGS:** The use of any illegal drug or any substance identified in Schedules I through V of the Controlled Substance Act is prohibited at all times unless a legal prescription has been written for the substance. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.
 - b. **LEGAL DRUGS:** The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a supervisor. In addition, the employee must obtain a written release from a licensed medical practitioner releasing the person to perform their job duties any time they obtain a performance-altering prescription.
 - c. **PRESCRIPTION DRUGS:** A legally prescribed drug means that the employee has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing safety-sensitive functions is prohibited.

C. Refusal to submit to a required alcohol or controlled substances test.

No driver shall refuse to submit to an alcohol or controlled substance test required by 49CFR, parts 40 and 382.

Behavior That Constitutes A Refusal To Test.

1. Refusing to provide specimen. This includes an insufficient volume of urine without a valid medical explanation.
2. Tampering with, adulterating, or substituting a specimen.
3. Failing to appear for testing within **fifteen (15)** minutes of being notified.
4. Leaving the scene of an accident without just cause prior to submitting to a test.
5. Leaving collection facility prior to test completion.
6. Failing to permit an observed or monitored collection when required.
7. Failing to take a second test when required.
8. Failing to undergo a medical examination when required.
9. Failing to cooperate with any part of the testing process.
10. Failing to sign Step 2 of the alcohol test form.
11. Once test is underway, failing to remain at site and provide a specimen.

For Pre-employment Tests, The Following Are NOT Refusals

1. Failure to appear for the test.
2. Failure to remain at the site prior to the commencement of the test.
3. Failure to provide a specimen before the test commences.

III. TESTS REQUIRED

A. Pre-employment testing

1. Any applicant offered a safety sensitive position or an employee transferring to a safety sensitive position must first take a pre-employment drug test. This applicant or employee must receive a verified negative test result before performing any safety sensitive function. Details of pre-employment testing and exemptions can be found in 49 CFR, part 382.301.
2. City of Fredonia must request alcohol and controlled substances information from previous employers in accordance with the requirements of 49 CFR, parts 40.25 and 382.413.
3. Applicants offered a safety sensitive position and employees transferring to a safety sensitive position must sign release of information forms allowing City of Fredonia to receive alcohol and controlled substances information from previous employers.

B. Post-accident testing

1. As soon as practicable following an accident the driver of a commercial motor vehicle, operating on a public road in commerce, must be tested for alcohol and controlled substances under certain conditions.
 - a. Alcohol testing must be conducted if a driver receives a citation for a moving violation within 8 hours of the accident.
 - b. Drug testing must be conducted if a driver receives a citation for a moving violation within 32 hours of the accident.
2. The driver who is subject to post-accident testing shall remain readily available for such testing (meaning that the employer knows where the driver is) or may be deemed by City of Fredonia to have refused to submit to testing.
3. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of the accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

The following chart defines when an accident has occurred and when testing must take place.

Type of accident involved	Citation issued to the CMV driver	Tests required
Human fatality	YES	YES
	NO	YES
Bodily injury with immediate medical treatment away from the scene.	YES	YES
	NO	NO
Disabling damage to any motor vehicle requiring tow away.	YES	YES
	NO	NO

Details of post-accident testing and exemptions can be found in 49 CFR, part 382.303.

C. Random testing

All drivers that perform safety sensitive functions are subject to random drug and alcohol testing.

1. Random testing will be unannounced and unpredictable; spread reasonably throughout the calendar year. Testing will be conducted at all times of the day when safety sensitive functions are performed.
2. Employees are required to proceed immediately to the collection site once notified of testing.
3. Drug tests will be conducted anytime a safety sensitive employee is on duty. Alcohol tests will only be conducted on an employee immediately before performing, while performing, or just after performing a safety sensitive function.

4. The list of employees selected will be retained by the DER in a secure location.

Details of the random testing process can be found in 49 CFR, part 382.305.

D. Reasonable suspicion testing

All drivers that perform safety sensitive functions are subject to reasonable suspicion alcohol and/or drug testing. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances that are consistent with the short-term effects of substance abuse or alcohol misuse. A trained supervisor must make the determination to test based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. Examples of reasonable suspicion include, but are not limited to, the following:

1. Physical signs and symptoms consistent with 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 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.

Details of the reasonable suspicion testing process can be found in 49 CFR, part 382.307.

E. Return-to-duty testing

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

F. Follow-up testing

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

IV. HANDLING OF TEST RESULTS, CONFIDENTIALITY

A. Access to records

1. Except as required by law or expressly authorized by release by an employee, City of Fredonia will not release driver information that is contained in records required to be maintained under 49 CFR, parts 40 and 382.
2. A driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests.
3. A driver's testing records will be made available to a subsequent employer upon receipt of a written request from the driver.
4. City of Fredonia may disclose information required to be maintained pertaining to a driver to the decision maker in a lawsuit, grievance, or administrative proceeding initiated by or on behalf of the individual, and arising from a positive DOT drug or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test result), (including, but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the driver).

V. CONSEQUENCES FOR DRIVERS ENGAGING IN PROHIBITED CONDUCT

A. Use of drivers who fail or refuse a drug test.

1. **General.** Compliance with this drug testing policy is a condition of employment. Refusal to take a required drug test or failure of a drug test shall result in removal from performing safety sensitive functions. **Additional disciplinary action up to and including termination may result.**

2. Prohibitions On Use. City of Fredonia will remove from performing a safety sensitive function any employee who:
 - a. Fails a drug test as verified by the Medical Review Officer (MRO), or
 - b. Refuses to take a drug test required by this policy. (See Section II.C.)
 3. Required Referrals and Evaluation. Any applicant or employee who fails or refuses a drug test will be referred to a Substance Abuse Professional (SAP) for evaluation and treatment.
 4. **An employee may be given an opportunity to retain his or her employment, provided they first do the following:**
 - a. Have been evaluated by a SAP, and
 - b. Have completed the recommended evaluation/rehabilitation program successfully, and
 - c. Receive a verified negative test result on a return-to-duty test.
- B. Retesting of Drug Positive Samples
1. General. An applicant/employee may request a retest of a positive sample, within 72 hours of notification of the positive test result from the MRO. **The request must be made in writing to the MRO.**
 2. Retest Provisions. The retest will be conducted at a different SAMHSA certified laboratory. The test will be conducted on the split sample that was provided by the applicant/employee at the same time as the original sample. **All costs for such testing are to be reimbursed to City of Fredonia by the applicant/employee unless the result of the split sample test invalidates the result of the original test.** The method of collection, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR, part 40.
 3. Detection Levels. Because some analytes deteriorate or are lost during freezing and/or storage, quantitation for a retest is not subject to a specific cutoff requirement but must provide data sufficient to confirm the presence of the drug or metabolite.
- C. Use of drivers who fail or refuse an alcohol test.
1. General. Compliance with this alcohol testing policy is a condition of employment. Refusal to take a required alcohol test or failure of an alcohol test will result in removal from performing safety sensitive functions. **Additional disciplinary action up to and including termination may result.**
 2. Refusal and Prohibited Conduct. City of Fredonia will remove from performing a safety sensitive function any employee who:
 - a. Has a confirmed alcohol test result of 0.02 or higher but less than 0.04. This driver must be removed from duty for a minimum of 24 hours. This is not a positive test requiring a SAP referral.
 - b. Fails an alcohol test with a confirmed result of 0.04 or higher, or
 - c. Refuses to take an alcohol test required by this policy. (See Section II.C.)
 3. Required Referrals and Evaluation. Any employee who fails or refuses an alcohol test will be referred to a Substance Abuse Professional (SAP) for evaluation and treatment.
 4. **An employee may be given an opportunity to retain his or her employment, provided they first do the following:**
 - a. Have been evaluated by a SAP, and
 - b. Have completed the recommended evaluation/rehabilitation program successfully, and
 - c. Receive a verified negative test result on a return-to-duty test.
- D. **All costs associated with the evaluation and rehabilitation program are the responsibility of the employee.**
- E. **Employees should consult their health insurance policy for extent of nervous, mental and substance abuse coverage.**

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

G. Additional Requirements

City of Fredonia may impose such additional disciplinary actions as they deem appropriate. This may include removal from performing covered functions, suspension (with or with out pay), and even termination.

APPENDIX A

ALCOHOL AND CONTROLLED SUBSTANCES USE SUPPLEMENT

A. Why you should get Involved:

1. Although City of Fredonia has no history of substance abuse problems, you should recognize that substance abuse, alcoholism and alcohol misuse are problems throughout America.
2. There are three good reasons why you should be concerned if any of your coworkers are using drugs or alcohol on the job.
 - a. Your health and safety may be at risk.
 - b. Substance abuse and alcohol misuse costs you money.
 - c. Substance abuse and alcohol misuse creates a negative work environment.
3. According to the National Institute on Alcohol Abuse and Alcoholism, drug and alcohol use on the job costs society an estimated \$102 billion a year. Since most of this cost is passed on to you in the form of higher health insurance rates or in consumer prices, drug and alcohol use on the job costs you and your fellow workers a significant amount of money.
4. Absenteeism among problem drinkers or alcoholics is 3.9 to 8.3 times greater than normal. If your fellow workers don't come to work, you may have to do their jobs in addition to your own.
5. Workers who use drugs and/or misuse alcohol don't function at their full potential. Not only is absenteeism a problem, when they are at work these employees may have reduced capabilities and productivity.
1. No matter what your position is in the organization, there is something you can do to ensure that drug and alcohol use on the job never becomes a problem at the company. Acceptance of any misuse puts you, this company, and the public at risk.
2. Workers who use alcohol and other drugs affect everyone. Studies show that compared to alcohol-and drug-free workers, substance abusers are far less productive, miss more workdays, are more likely to injure themselves or someone else, and file more workers compensation claims.
3. The measurable dollar costs of workplace substance abuse from absenteeism, overtime pay, tardiness, sick leave, insurance claims, and workers' compensation can be substantial. However, the hidden costs resulting from diverted supervisory and managerial time, friction among workers, damage to equipment, and damage to company's public image means that workplace substance abuse can further cut profits and competitiveness.
4. Alcohol can also destroy relationships, lead to serious problems with the law (e.g., drunk driving), and even cause harm to the people you love.
5. If taking drugs and drinking affects your work life, it could lead to job loss and all the financial problems that would follow.

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

Alcohol

1. Alcohol is a central nervous system depressant. Taken in large quantities, it causes not only the euphoria associated with being drunk, but also adversely affects your judgment, ability to think, and your motor functions. Drink enough alcohol fast enough and it can kill you.
2. Long term overuse of alcohol can cause liver damage, heart problems, sexual dysfunction, and other serious medical problems.
3. In some cases, alcohol use can lead to physical and psychological dependence on alcohol. Alcoholism is a serious chronic disease. Left untreated it will inevitably get worse.

Marijuana

1. Marijuana is a central nervous system depressant. It causes a feeling of euphoria, increased sense of well-being, lack of motivation, lowered inhibitions, talkativeness, dry mouth and throat, increased appetite, impaired coordination, concentration, and memory, increased heart rate.
2. Long term use may result in deteriorating work performance, "burn out" involving muddled thinking, acute frustration, depression, and isolation, impaired sexual development and fertility, including production of abnormal sperm and menstrual irregularities, damage to the lungs and pulmonary system, hallucinations and paranoia, increased risk to safety and health as a result of impaired judgment and motor abilities.
3. Prolonged use of marijuana often results in psychological dependence for the user. Moreover, marijuana is considered a "gateway" drug. Casual users of marijuana often become chronic users, or become abusers of "harder" drugs.

Cocaine

1. Cocaine is a central nervous system stimulant. It causes brief but intense feelings of euphoria and competence, increases pulse, blood pressure, body temperature, and respiratory rate. It dilates the pupils of the eyes, causes extreme excitability and anxiety, produces sleeplessness and chronic fatigue.
2. Long term use results in bleeding and other damage to nasal passages, paranoid psychosis, hallucinations, and other mental abnormalities. Use causes impaired driving ability, and death caused by heart or respiratory failure.
3. Cocaine users often become psychologically and physically dependent on the drug after relatively short periods of use. In many cases, crack cocaine use leads to virtual immediate addiction.

Amphetamines

1. Amphetamine is a central nervous system stimulant. It causes feelings of alertness and euphoria, increases heart rate and blood pressure. It dilates the pupils of the eyes, decreases appetite, enables the user to go without sleep for relatively long periods of time, and causes distorted thinking.
2. Use causes dizziness, headaches, blurred vision, sweating, loss of coordination, tremors, convulsions, physical collapse, anorexia and malnutrition resulting from decreased appetite. It causes sudden blood pressure increases from injections resulting in fever, stroke, or heart failure, nervousness, irritability, drastic mood swings, hallucinations, paranoia, physical collapse, and brain deterioration; overdose or continued heavy use can be fatal.

3. Amphetamines are addictive both physically and psychologically. Following the use of amphetamines, many users experience a "crash" which is often counteracted by taking more of the drug, creating an increasingly difficult pattern to break.

Opiates

1. Opiates are central nervous system depressants. The physical effects of opiates depend on the opiate used, the dose, and how the drug is taken. Effects may include: short lived state of euphoria, followed by drowsiness, slowed heart rate, breathing, and brain activity, depressed appetite, thirst, reflexes, and sexual desire, and increased tolerance for pain.
2. The most common dangers associated with opiate misuse are: AIDS, blood poisoning, and hepatitis as the result of drug injection and use of unsterilized or "shared" needles, death resulting from the injection of impure heroin, death resulting from an unexpectedly high purity of the drug, convulsions, coma, or death from overdose.
3. Opiates, particularly heroin, have an unusually high potential for abuse and addiction. Heroin addiction often leads to malnutrition, infection, and unattended injuries and diseases. Addicts tend to continue using the drug despite damaging physical and psychological consequences.

Phencyclidine (PCP)

1. PCP is a central nervous system stimulant. The physical effects of PCP include: altered states of consciousness, disorientation, confusion, and memory loss; highly unpredictable, and sometimes bizarre or even violent behavior; extreme agitation; impaired driving ability and increased tolerance to pain.
2. The most common dangers of PCP use are mental changes resembling schizophrenia, severe depression, loss of learning abilities and violent and other "intoxicated" behaviors resulting in bodily harm or death.
3. Physical dependence on PCP has been documented and may be accompanied by memory loss, violence, weight loss, and paranoia. Symptoms of withdrawal include headaches, intense cravings for the drug, increased need for sleep, and "flashbacks" for a period of years.

C. Signs and symptoms of alcohol misuse - Any one or more of the following signs may indicate a drinking problem:

- Family or social problems caused by drinking
- Job or financial difficulties related to drinking
- Loss of a consistent ability to control drinking
- "Blackouts" or the inability to remember what happened while drinking
- Distressing physical and/or psychological reactions if you try to stop drinking
- A need to drink increasing amounts of alcohol to get the desired effect
- Marked changes in behavior or personality when drinking
- Getting drunk frequently
- Injuring yourself - or someone else while intoxicated
- Breaking the law while intoxicated
- Starting the day with a drink

Signs and symptoms of substance abuse - Any one or more of the following signs may indicate an abuse problem:

- Poor physical coordination/slow reactions and slurred speech
- The odor of marijuana smoke in the area
- Hand tremors or unsteady walking

- Dilated or constricted pupils
- Disorientation/Unusual restlessness
- Combative behavior, loud arguing or fighting
- The presence of drug paraphernalia and or observing the employee ingest, inject, smoke, or inhale (snort) a prohibited substance
- Work performance problems, including a deterioration in quality and/or quantity of work
- Problems with attendance such as tardiness and increasing absenteeism
- Increased accidents and injuries
- Poor judgment and difficulty in concentration
- Personality changes, including aggressiveness, mood changes, fearful or paranoid behavior
- Negligence in personal hygiene or pale or sticky complexion
- Social withdrawal, including isolation, overreaction to criticism, and lack of eye contact
- Emotional changes such as noticeable signs of anxiety or depression, paranoia, or excessive laughing

D. Available methods of evaluating and resolving problems associated with the misuse of drugs or alcohol.

1. Outpatient programs exist in a variety of settings:
 - a. Community mental health centers
 - b. Full service agencies
 - c. Private physicians' and therapists' offices
 - d. Occupational settings
 - e. Specialized alcoholism treatment facilities
2. Inpatient services, designed for those with more serious problems, can be found in hospitals, residential care facilities, community halfway houses, and some alcoholism clinics.

E. Where to find help for you or a co-worker.

- SupportLine (Your employee assistance program (EAP) provider)
1-800-999-1196
- Al-Anon / Al-Ateen
1-800-356-9996
- Narcotics Anonymous
1-818-773-9999

**APPENDIX B
CITY OF FREDONIA**

**DRUG AND ALCOHOL TESTING PROGRAM
PERSONNEL AND SERVICES**

1. DESIGNATED EMPLOYER REPRESENTATION (DER)

Primary Contact

Richard Chesney
City Administrator
314 North 7th
Fredonia, Kansas 66736
(620) 378-2231

Secondary Contact

Doug McKenna
Chief of Police
314 North 7th
Fredonia, Kansas 66736
(620) 378-4152

2. LOCAL COLLECTION SITE

Fredonia Regional Hospital
1527 Madison
Fredonia, Kansas 66736
(620) 378-2121

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

3. MEDICAL REVIEW OFFICER (MRO)

Sanford E. Pomerantz, M. D.
534 South Kansas Ave, Suite 600
Topeka, Kansas 66603
Local (785) 232-3191
Toll Free (1-888-842-0348)

4. CERTIFIED LABORATORY

MEDTOX
402 West County Road D
St. Paul, Minnesota 55112
(651) 832-3244

**5. EMPLOYEE ASSISTANCE PROGRAM (EAP)
REFERRAL FOR SUBSTANCE ABUSE PROFESSIONAL (SAP)**

SupportLine
Local 785-234-1077
Toll Free 1-800-999-1196

CITY OF FREDONIA
314 North 7th
Fredonia, Kansas 66736

APPENDIX C

**EMPLOYEE/SUPERVISORY POSITIONS
SUBJECT TO DRUG AND ALCOHOL TESTING
(JOB CLASSIFICATIONS/TITLES)**

Employee positions requiring a Commercial Drivers License (CDL) subject to alcohol and drug testing.

- a. Truck Drivers

CITY OF FREDONIA
314 North 7th
Fredonia, Kansas 66736

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

As an employee in a safety sensitive position, I affirm that I have received, read and understand the City of Fredonia's Drug and Alcohol Testing Policy. I am aware that I may be required to undergo a drug and/or alcohol screen as outlined by City of Fredonia's policy requirements and that I will be informed prior to the drug/alcohol screen; and, that I may be referred to an education and treatment program depending on the results of the drug/alcohol screen. I agree to abide by all provisions of the anti-drug policy as a condition of my continued employment with the company. I am aware and agree that the Policy does not create any contractual rights in my favor or in any way alter the at-will nature of my employment or imply that discharge will occur only "for cause".

Employee Name (Please Print)

Employee Signature

Date

City of Fredonia Representative

Date

City of Fredonia's - Educational Assistance Policy

Education Assistance

Regular full-time employees are encouraged to take advantage of educational and vocational courses that will help improve performance in their current position and/or better prepare them for promotion with the city.

A. For the purpose of payment for attending courses there are two categories of attendance:

1. **Required** – The city directs an employee to attend a course, seminar or workshop.
2. **Voluntary** – The employee freely elects to attend a course at a vocational school or institute of higher learning.

B. Reimbursement for course attendance is as follows:

1. **Required** – 100 % of all course registration costs, books and other required material will be reimbursed.
2. **Voluntary** – 50% of tuition and books will be reimbursed with the following provisions:
 - a. When taken for credit, the employee must complete the course with a “C” grade for undergraduate courses, and a “B” grade for graduate courses. When taken as pass-fail, employees must show proof of passing the course. When taken for non-credit, employees must show proof of completion.
 - b. Single courses (not part of a degree program) must be shown to be job related.
 - c. Courses taken for a degree (major courses and general requirements) must be for a major in a field directly related to the employee’s position or his/her municipal government work.
 - d. Total reimbursement per employee will be a maximum of \$1,000 per calendar year.
 - e. Expenses related to registration fees, library fees, graduation fees, life learning experiences, calculators, etc... are not eligible for reimbursement.
 - f. Expenses that exceed the limits of this policy may not be carried forward for reimbursement at a future time.
 - g. The granting of assistance is based upon the availability of funds.

To receive any reimbursement, employees must complete a Request for Educational Assistance Application form. This application must be submitted and approved by the Department Director and the City Administrator prior to course registration.

**ADOPTED BY THE CITY ADMINISTRATOR OF THE CITY OF FREDONIA,
KANSAS, THIS 17th DAY OF APRIL, 2007.**



Randy Partington, City Administrator