

1 (Published in the Topeka Metro News September 16, 2019)

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3 **ORDINANCE NO. 20206**

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5 AN ORDINANCE introduced by Councilmembers Coen, Emerson and Jensen, sitting
6 as the Policy and Finance Committee, amending, repealing and
7 reorganizing certain chapters and sections of the Topeka Municipal
8 Code in Title 2: Administration and Personnel; repealing Ordinance
9 No. 16404 that adopted a personnel code; and rescinding
10 Resolution Nos. 6448, 7758, 7985, 8235 and 8381 that amended
11 the Personnel Code.

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13 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

14 **DIVISION 1. GENERAL; OFFICIALS AND DEPARTMENTS**

15 Section 1. That original Chapter 2.10 TMC, Seal and Crest, of The Code of
16 the City of Topeka, Kansas, is hereby renumbered as Chapter 2.05.

17 Section 2. That original section 2.14.010, City Manager – Goals, objectives
18 and evaluation, of The Code of the City of Topeka, Kansas, is hereby renumbered as §
19 2.15.100.

20 Section 3. That original Chapter 2.20 TMC, City Records, of The Code of the
21 City of Topeka, Kansas, is hereby renumbered as Chapter 2.10.

22 Section 4. That original Chapter 2.30 TMC, Departments Created –
23 Established Positions, of The Code of the City of Topeka, Kansas, is hereby
24 renumbered as Chapter 2.20.

25 Section 5. That original section 2.50.010, Development Services Division, of
26 The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.20.091.

27 Section 6. That original section 2.50.020, Duties - Director, of The Code of the
28 City of Topeka, Kansas, is hereby and renumbered as § 2.20.092.

29 Section 7. That original Chapter 2.100 TMC, Civil Emergencies, of The Code

30 of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.55.

31 Section 8. That original Chapter 2.105 TMC, Community Development, of The
32 Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.25.

33 Section 9. That original Chapter 2.110 TMC, Municipal Court, of The Code of
34 the City of Topeka, Kansas, is hereby renumbered as Chapter 2.40.

35 Section 10. That original Chapter 2.115 TMC, Fire Department, of The Code of
36 the City of Topeka, Kansas, is hereby renumbered as Chapter 2.30.

37 Section 11. That original Chapter 2.120 TMC, Law Enforcement, of The Code
38 of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.35.

39 Section 12. That original Chapter 2.135 TMC, Article II, Public Contracts, §
40 2.135.110 through § 2.135.170, of The Code of the City of Topeka, Kansas, is hereby
41 renumbered as Chapter 3.30, Article VI, Public Contracts, § 3.30.440 through §
42 3.30.500.

43 Section 13. That original Chapter 2.145 TMC, Appeals and Administrative
44 Hearings Procedure, of The Code of the City of Topeka, Kansas, is hereby renumbered
45 as Chapter 2.45.

46 Section 14. That original Chapter 2.150 TMC, Domestic Partnership Registry,
47 of The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.50.

48 **DIVISION 2. EMPLOYEES**
49 **Chapter 2.105 Employment Practices: Diversity and Inclusion**
50 **Chapter 2.110 General**
51 **Chapter 2.115 Bargaining Unit Employees**
52 **Chapter 2.120 Civil Service for Police Officers and Firefighters**
53 **2.125 Benefits**
54 **2.130 Firefighters Relief Association**

55 Section 15. That section 2.25.010, Rights of employees to organize, of The
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57 Code of the City of Topeka, Kansas, is hereby renumbered as § 2.115.010.

58 Section 16. That section 2.25.020, Approval of memorandum agreements in
59 conjunction with the meet and confer process, of The Code of the City of Topeka,
60 Kansas, is hereby renumbered as § 2.115.020.

61 Section 17. That section 2.25.030, Oath, of The Code of the City of Topeka,
62 Kansas, is hereby renumbered as § 2.110.010 and amended to read as follows:

63 **Oath.**

64 (a) Required. All officers of the eCity, whether elected or appointed, ~~and~~
65 well as each person ~~to be~~ employed by the eCity, shall, before entering upon the duties
66 of ~~thei~~his/her respective offices, appointment or employment, take and subscribe an
67 oath or affirmation, as follows:

68 I do solemnly swear (or affirm, as the case may be) that I will
69 support the Constitution of the United States of America and the
70 Constitution of the State of Kansas and faithfully discharge the duties of
71 _____ (here enter name of office or employment). So help
72 me God.

73 (b) Officers. All officers required by law to take and subscribe such oath or
74 affirmation shall be provided with the necessary forms to accomplish this requirement at
75 the expense of the City and, upon taking, subscribing and/or signing any such oath or
76 affirmation, such completed original or copies of oaths shall be filed with the City Clerk.
77 Oaths or affirmations required under this ~~article~~subsection shall be administered before
78 such officers ~~and~~ in the manner prescribed by state law.

79 (c) Employees. All ~~officers and~~ employees required by law to take and
80 subscribe ~~or file any~~such oath or affirmation shall be ~~supplied~~provided with the
81 necessary forms ~~for~~to accomplish this ~~purpose~~requirement at the expense of the ~~e~~City
82 and, upon taking, ~~and~~ and/or signing any such oath or affirmation, such
83 completed original or copies of oaths shall be filed with the ~~department of human~~
84 ~~resources~~Human Resources Department. Oaths or affirmations required under this
85 subsection shall be administered before such officers in the manner prescribed by state
86 law.

87 (d) No Funds until Oath Taken. The ~~d~~Department of ~~a~~Administrative and
88 ~~f~~Financial ~~s~~Services shall not disburse any funds in payment for services to any officer
89 or employee of the ~~e~~City until the original oath or affirmation provided for in this
90 ~~article~~subsection shall have been duly subscribed and the original or a copy is filed
91 with the City Clerk or the ~~d~~Department of ~~h~~Human ~~r~~Resources.

92 Section 18. That section 2.25.040, Protective insurance required, of The Code
93 of the City of Topeka, Kansas, is hereby renumbered as § 2.110.050.

94 Section 19. That section 2.25.050, Reimbursements for conferences, seminars,
95 conventions and short courses attended by governing body members, of The Code of
96 the City of Topeka, Kansas, is hereby renumbered as § 2.15.110 and amended to read
97 as follows:

98 **Reimbursements for Official Travel and Related Expenses – conferences,**
99 **~~seminars, conventions and short courses attended by~~ Governing ~~b~~Body**
100 **mMembers.**

101 Governing ~~b~~Body members may be reimbursed for official travel and related

102 expenses in accordance with resolutions adopted by the ~~g~~Governing ~~b~~Body that contain
103 guidance related to such travel and expenses, in addition to the submittal of
104 corresponding documentation confirming all relevant expenditures.

105 ~~The reimbursement procedure shall be established by rule and regulation as~~
106 authorized by Charter Ordinance No. 94.

107 Section 20. That section 2.25.060, Approval of employment and severance
108 agreements, of The Code of the City of Topeka, Kansas, is hereby renumbered as §
109 2.110.060 and amended to read as follows:

110 **Approval of employment and severance agreements.**

111 ~~(a) Approval by the g~~Governing ~~b~~Body shall be required prior to the ~~city~~City
112 ~~m~~Manager signing any employment contract that does not follow the ~~department of~~
113 ~~h~~Human ~~r~~Resources Department's process for recruitment and selection. Such
114 contracts shall not be subject to the procurement ordinances, Chapter 3.30 TMC.

115 ~~(b) No severance or other payments beyond those authorized by state or federal~~
116 ~~law, city ordinance or contract shall be made to a current or former employee without~~
117 ~~prior authorization by the governing body.~~

118 Section 21. That The Code of the City of Topeka, Kansas, is hereby amended
119 by adding a section, to be numbered 2.110.070, which said section reads as follows:

120 **Approval of Severance Pay.**

121 (a) Prior Authorization Required. No severance or other payments beyond
122 those authorized by federal, state or local law, or contract, shall be made to a current or
123 former employee without prior authorization by the Governing Body.

124 (b) Eligibility; Permanent Reduction in Force. Severance pay set forth herein
125 is available only to employees who meet all of the following eligibility requirements:

126 (1) The employee's position has been eliminated pursuant to a
127 reduction in force;

128 (2) The employee has been employed with the City for one or more
129 continuous years of service;

130 (3) The employee has not accepted a position with the City or with
131 another governmental entity pursuant to a consolidation agreement;

132 (4) The employee has not accepted a transfer of employment to an entity
133 that is assuming operational responsibility via contract with the City; and

134 (5) The employee has executed an agreement and complete release
135 of all claims against the City.

136 (c) Payment.

137 (1) Eligible employees hired prior to January 1, 2011, shall be eligible
138 to receive severance pay according to the following schedule; provided, however,
139 that in no event shall severance pay exceed one year of salary:

<u>Length of Service</u>	<u>Separation Pay</u>
<u>Zero to Less than One Year</u>	<u>Zero</u>
<u>One Year to Less than Ten Years</u>	<u>One week's salary for each complete year of service, as of the date of separation</u>
<u>Over Ten Years</u>	<u>Two weeks' salary for each complete year of service, as of the date of separation</u>

140 (2) Eligible employees hired on January 1, 2011 and after, shall be
141 eligible to receive severance pay at the rate of one week of salary for every year

142 of service, pro-rated to the nearest month, but in no case less than four weeks
143 salary and in no case more than twenty-six (26) weeks salary.

144 (3) Severance pay shall be calculated using the employee's regular
145 base hourly wage and shall not include any premium payments.

146 (4) The City may elect to make severance payments in equal
147 increments on a pay period basis until such time as the employee receives all
148 severance pay due. In such a case, the payment will amount at least to the base
149 pay of a regular bi-weekly pay period.

150 (5) Whether employees can draw both severance pay and
151 unemployment compensation benefits will be dependent upon applicable state
152 law.

153 (6) Employees who resign, retire or are terminated for cause shall not
154 be eligible to receive severance pay.

155 Section 22. That section 2.25.070, Accounting upon separation from
156 employment, of The Code of the City of Topeka, Kansas, is hereby repealed.

157 **Accounting upon separation from employment.**

158 ~~An inventory will be conducted in accordance with policies adopted by the~~
159 ~~administration prior to separation from employment for purposes of ensuring that an~~
160 ~~employee, upon retirement, resignation or discharge from city employment, has~~
161 ~~accounted fully for all funds and city property entrusted to him or her. After providing~~
162 ~~written notice and explanation to the employee, the city may deduct from the~~
163 ~~employee's final wages such amounts permitted by the Kansas Wage Payment Act or~~
164 ~~other applicable law.~~

165 Section 23. That section 2.25.100, Personnel code – Adopted -- Amendments,
166 of The Code of the City of Topeka, Kansas, is hereby repealed.

167 **Personnel code – Adopted – Amendments.**

168 ~~(a) The city’s “Personnel Rules and Regulations,” were originally adopted and~~
169 ~~approved by Ordinance No. 16404 on December 30, 1991, as the city’s official~~
170 ~~personnel code, and took effect on January 6, 1992.~~

171 ~~(b) The city’s personnel code shall be reviewed by the city attorney and human~~
172 ~~resources director during the last quarter of the city’s fiscal year, in even-numbered~~
173 ~~years. Any revisions proposed by the city attorney and human resources director as a~~
174 ~~result of this review shall be submitted to the governing body for approval, via~~
175 ~~resolution, no later than March 31st of the next odd-numbered year.~~

176 Section 24. That section 2.25.110, Personnel code – Copies, of The Code of
177 the City of Topeka, Kansas, is hereby repealed.

178 **Personnel code – Copies.**

179 ~~The city clerk shall post publicly on the city’s website and maintain on file one~~
180 ~~copy of the city’s personnel code for purposes of making said document available to the~~
181 ~~public. The city clerk shall make copies available pursuant to the city open records~~
182 ~~policy.~~

183 Section 25. That The Code of the City of Topeka, Kansas, is hereby amended
184 by adding a section, to be numbered 2.110.020, which said section reads as follows:

185 **Residency Required.**

186 Employees, including department directors, employed after December 31, 1981,
187 by the City must be bona fide residents of Shawnee County, except at the time of

188 appointment or employment when they need not be residents of Shawnee County, but
189 shall establish residency in Shawnee County within six (6) months after completion of
190 the initial employment probation. Employees employed in a public safety position, as
191 defined by the Director of Human Resources, shall within six (6) months after
192 completion of the initial employment probation, reside within the boundaries of Shawnee
193 County at a location which is no more than thirty (30) minutes travel time from the
194 assigned reporting station or office. Said residency shall be maintained within the
195 boundaries of Shawnee County for the duration of the employee's employment. The
196 City Manager may grant one (1) extension not to exceed six (6) months for
197 establishment of residency upon the request of an individual employee for good cause
198 shown.

199 Section 26. That The Code of the City of Topeka, Kansas, is hereby amended
200 by adding a section, to be numbered 2.110.030, which said section reads as follows:

201 **Administrative Policies, Rules, Regulations and Procedures – Personnel**
202 **Manual.**

203 (a) Promulgation and Posting. The City Manager, in consultation with the
204 Director of Human Resources, shall promulgate and issue administrative policies, rules,
205 regulations and procedures related to personnel, as well as amendments to such
206 provisions, through a Personnel Manual. The City Manager, in conjunction with the
207 Director of Human Resources, shall ensure that this Personnel Manual is in effect and
208 updated on a periodic basis. The City Clerk shall post the Personnel Manual on the
209 City's website and maintain one copy of the City Personnel Manual in his/her office for

210 purposes of making said document available to the public. The City Clerk shall make
211 copies available pursuant to the City's open records policy.

212 (b) Scope. All persons employed by the City shall be subject to the provisions
213 of the Personnel Manual with the exception of elected officials and independent
214 contractors.

215 (c) Conflicts with Bargaining Unit Agreements. Any terms or conditions
216 contained in: (i) an agreement negotiated between the City and a recognized
217 bargaining unit, (ii) an applicable ordinance or resolution; or (iii) the Topeka Municipal
218 Code shall control in the event of a conflict with specific terms or conditions contained in
219 the Personnel Manual. Furthermore, no salary increases granted by the City pay plan
220 shall be or become effective for any employees covered by such an existing labor
221 agreement or for any employees subject to or involved in labor negotiations during the
222 term of such agreement or negotiations, unless specifically provided in a labor
223 agreement.

224 (d) Deviations. The City Manager and the Director of Human Resources may
225 permit deviations from the provisions contained in the Personnel Manual; provided
226 however, that any approved deviation must be in writing and executed by the City
227 Manager and the Director of Human Resources.

228 (e) Standard Operating Procedures. In addition to the provisions contained in
229 the Personnel Manual, a department director shall have the authority to issue written
230 rules and regulations concerning personnel matters in order to govern situations that
231 are unique to the particular department; provided, however, that the process for
232 amending the Personnel Manual is adhered to. For disciplinary and termination

233 purposes, a violation of departmental rules and/or regulations shall be considered the
234 same as a violation of the Personnel Manual.

235 (f) Compliance. Any person who knowingly violates or conspires to violate
236 the provisions of TMC Title 2 or the Personnel Manual may be disciplined consistent
237 with the nature and extent of the violation.

238 Section 27. That The Code of the City of Topeka, Kansas, is hereby amended
239 by adding a section, to be numbered 2.110.040, which said section reads as follows:

240 **Personnel Records.**

241 (a) Annual Accounting of Personnel. Each year, in conjunction with the
242 budget process, the Director of Administrative and Financial Services and the Director
243 of Human Resources shall ensure that the number of personnel and corresponding
244 compensation accurately reflects the information contained in the adopted budget. This
245 statement shall be in a format determined by the Director of Human Resources.

246 (b) Payroll Records. The Administrative and Financial Services Department
247 shall be required to keep adequate records of all persons employed, with a
248 corresponding pay scale, time worked and accrued leave.

249 (c) Authorized Employees. The number of employees in a department shall
250 generally be limited to the number of authorized employees within each departmental
251 budget. Variances shall be approved by the City Manager.

252 Section 28. That original Chapter 2.125 TMC, Civil Service for Police Officers
253 and Firefighters, of The Code of the City of Topeka, Kansas, is hereby renumbered as
254 Chapter 2.120.

255 Section 29. That section 2.130.010, Created, of The Code of the City of

256 Topeka, Kansas, is hereby amended to read as follows:

257 **Created~~Composition-Governance.~~**

258 (a) There is hereby ~~created~~ a firemen's~~firefighters~~ relief association
259 composed of all full-time sworn employees of the fire department.

260 (b) The firefighters relief association is governed by the Firefighters Relief Act,
261 K.S.A. 45-1701 et seq.

262 Section 30. That section 2.130.020, Composition - Officers, of The Code of the
263 City of Topeka, Kansas, is hereby repealed.

264 **~~Composition – Officers.~~**

265 (a) ~~The firemen's relief association shall be composed of all full-time paid~~
266 ~~members of the fire department.~~

267 (b) ~~The officers of the firemen's relief association shall be members and shall~~
268 ~~consist of a president, two vice-presidents, a secretary-treasurer and a board of~~
269 ~~directors. The board of directors shall be composed of the president, the two vice-~~
270 ~~presidents, the secretary-treasurer and an elected representative from each fire station.~~

271 Section 31. That section 2.130.030, Bylaws, rules and regulations, of The Code
272 of the City of Topeka, Kansas, is hereby repealed.

273 **~~Bylaws, rules and regulations.~~**

274 ~~The firemen's relief association shall adopt such bylaws, rules and regulations as~~
275 ~~it may deem advisable in carrying out and promoting the object of the association, not~~
276 ~~inconsistent with this chapter or the laws of the state.~~

277 Section 32. That section 2.130.040, City attorney to advise directors, of The
278 Code of the City of Topeka, Kansas, is hereby repealed.

279 **~~City attorney to advise directors.~~**

280 ~~It shall be the duty of the city attorney to give advice to the board of directors of~~
281 ~~the firemen's relief association in all matters pertaining to their duties and management~~
282 ~~of funds of the association whenever requested by the board of directors so to do.~~

283 Section 33. That section 2.130.050, Records, of The Code of the City of
284 Topeka, Kansas, is hereby repealed.

285 **~~Records.~~**

286 ~~The secretary-treasurer of the firemen's relief association shall keep a complete~~
287 ~~and accurate record of all transactions and meetings of the association and the board of~~
288 ~~directors, which records shall at all times be subject to inspection by the council.~~

289 Section 34. That section 2.130.060, Bond of secretary-treasurer, of The Code
290 of the City of Topeka, Kansas, is hereby repealed.

291 **~~Bond of secretary-treasurer.~~**

292 ~~The secretary-treasurer of the firemen's relief association shall immediately upon~~
293 ~~assuming the duties of such office furnish a bond with corporate surety in the amount of~~
294 ~~\$25,000. The bond shall be made payable to the firemen's relief association and shall~~
295 ~~be conditioned upon the faithful discharge and performance of the respective duties of~~
296 ~~the secretary-treasurer of the association and saving the association free from all loss~~
297 ~~caused by the neglect of duty or malfeasance in office by the secretary-treasurer, and~~
298 ~~shall contain such other conditions and provisions as may be directed by the statutes of~~
299 ~~the state and by the ordinances of the city.~~

300 Section 35. That section 2.130.070, Funds - Handling, of The Code of the City
301 of Topeka, Kansas, is hereby repealed.

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Funds – Handling.

~~The secretary-treasurer of the firemen’s relief association shall at all times be the custodian of all funds belonging to the association, and shall be liable on the official bond for the security of this fund, and shall pay out such funds only on checks issued by the association, which checks shall be issued only upon such terms as are provided in the bylaws of the association.~~

Section 36. That section 2.130.080, Funds – Limitation on use, of The Code of the City of Topeka, Kansas, is hereby repealed.

Funds – Limitation on use.

~~All moneys received by the secretary-treasurer of the firemen’s relief association shall be used entirely for the objects and purposes set forth in this chapter and as set forth in K.S.A. Chapter 40, Article 17 (K.S.A. 40-1701 et seq.) and amendments thereto, and shall be paid to and distributed by the firemen’s relief association as provided by law. The officers of the association may invest any amount not to exceed 90 percent of all such moneys in purchasing bonds of the city; provided, that if the bonds of the city are not obtainable, United States government bonds may be purchased or any municipal bonds of this state may be purchased; provided, that such relief funds are used to purchase bonds where the bonded indebtedness of the municipality does not exceed 15 percent of its total assessed valuations as shown by the last assessment preceding such investment. Such purchase must be approved by the council. It shall be the duty of the city attorney to examine all such bonds as to their validity and report thereon in writing to the council and the firemen’s relief association, and no bonds shall be purchased by the firemen’s relief association until they have been approved and~~

325 found valid by the city attorney.

326 Section 37. That section 2.130.090, Funds – Held in trust, of The Code of the
327 City of Topeka, Kansas, is hereby repealed.

328 **Funds – Held in trust.**

329 ~~All moneys collected and received by the firemen's relief association shall be~~
330 ~~held in trust and used as a fund for relief of any member of the fire department when~~
331 ~~injured or physically disabled in or by reason of the discharge of their duties as such~~
332 ~~and for the relief of or in payment of gratuities to the widow or those dependent on any~~
333 ~~member of such fire department who may be killed in the discharge of their duties as~~
334 ~~fireman or who may die from the effect of injuries so received or from disease~~
335 ~~contracted by reason of their duties as such, and for the payment of the necessary~~
336 ~~funeral expenses of any member of the fire department when killed in the discharge of~~
337 ~~their duties as fireman, or in the case of death resulting from injuries so received or~~
338 ~~diseases contracted by reason of such duties as such, or for the further purpose of~~
339 ~~paying a pension to members who are unfit for service after having served for a period~~
340 ~~of not less than 20 years in the department, such pension not to exceed in amount one-~~
341 ~~half of the monthly salary at the date of retirement; or for the purchase of insurance~~
342 ~~which would provide for any and all of the foregoing purposes for which such fund is~~
343 ~~authorized. The firemen's relief association is hereby authorized to loan part or all of~~
344 ~~such funds to the city to be used by the city in the improvement of its fire department~~
345 ~~and equipment thereof, and the city is hereby authorized to borrow such funds and~~
346 ~~issue to the secretary-treasurer of the firemen's relief association its warrant therefor~~
347 ~~bearing interest payable semiannually at a rate not to exceed six percent per annum.~~

348 Section 38. That section 2.130.100, Funeral expenses – Gratuities and
349 beneficiaries, of The Code of the City of Topeka, Kansas, is hereby repealed.

350 ~~**Funeral expenses – Gratuities and beneficiaries.**~~

351 ~~The firemen’s relief association may pay up to \$2,500 to defray the necessary~~
352 ~~funeral expenses incurred upon the death of any member when killed in the discharge~~
353 ~~of their duties as a fireman, or who die from a disease or illness contracted by reason of~~
354 ~~their duties as a fireman. The association shall pay to the widow or those dependent~~
355 ~~upon the member a gratuity in the amount of \$5,000, at the rate of \$500.00 per month~~
356 ~~for 10 months, when a member is killed in the discharge of their duties as a fireman or~~
357 ~~dies from a disease or illness contracted by reason of their duties as a fireman.~~

358 Section 39. That section 2.135.010, Affirmative action policy, of The Code of
359 the City of Topeka, Kansas, is hereby renumbered as § 2.105.010 and amended to read
360 as follows:

361 ~~**Affirmative action p**~~**Policy.**

362 (a) Policy Statement. It is the policy of the eCity to take affirmative action to
363 achieve equal treatment, diversity and inclusion ~~inwhen~~ employingment ~~for~~ individuals
364 regardless of race, religion, creed, color, sex, disability which is unrelated to the ability
365 to perform a particular job or occupation, national origin or ancestry, inand not to
366 discriminate against any individual based on his/her age, color, disability, familial status,
367 gender identity, genetic information, national origin, race, religion, sex, sexual
368 orientation, veteran status or any other factor protected by law (“Protected Class”). This
369 shall apply to all personnel actions and procedures including, but not limited to,
370 recruitment, hiring, training, transfer, promotion, compensation and other benefits.

371 (b) General Objectives.

372 (1) Intensify efforts to recruit applicants within a protected class for
373 every level of responsibility;

374 (2) Develop special training programs to qualify persons within a
375 protected class for beginning level positions and for advancement; and

376 (3) Develop procedures for monitoring the application flow, final hiring
377 and disposition of persons within a protected class.

378 (c) Administrative Responsibility. The City Manager and all Department
379 Directors shall be responsible for ensuring that the City takes affirmative action to
380 achieve equal opportunity, inclusion and diversity when employing individuals within all
381 departments in accordance with the equal employment opportunity/affirmative action
382 policy. The Human Resources Department shall be responsible for developing
383 recruitment and training programs to include employment goals for each City
384 department.

385 Section 40. That section 2.135.020, Definition, of The Code of the City of
386 Topeka, Kansas, is hereby repealed.

387 **Definition.**

388 ~~As used in this chapter, the following words and phrases shall have the following~~
389 ~~meanings:~~

390 ~~(a) The affirmative action program is a positive program designed to ensure that~~
391 ~~a good faith effort will be made to employ applicants and to treat employees equally~~
392 ~~without regard to race, religion, creed, color, sex, sexual orientation, gender identity,~~
393 ~~disability, national origin or ancestry or age which is unrelated to the ability to perform a~~

394 particular job or occupation.

395 ~~(b) "Gender identity" means the persistent sense of one's gender-related identity,~~
396 ~~appearance, behavior, and other characteristics of an individual, as perceived by the~~
397 ~~individual or another, and without regard to the individual's actual or assigned sex at~~
398 ~~birth.~~

399 ~~(c) "Sexual orientation" means perceived or actual heterosexuality,~~
400 ~~homosexuality or bisexuality.~~

401 ~~(d) A good faith effort to treat employees equally without regard to sexual~~
402 ~~orientation will include an effort to contract for health coverage for domestic partners~~
403 ~~registered on the city's domestic partner registry and any children of such registered~~
404 ~~domestic partners.~~

405 Section 41. That section 2.135.030, General objectives, of The Code of the City
406 of Topeka, Kansas, is hereby repealed.

407 **~~General objectives.~~**

408 ~~General objectives of the affirmative action program are to:~~

409 ~~(a) Intensify efforts to recruit minorities and women applicants for every level of~~
410 ~~responsibility;~~

411 ~~(b) Develop special training programs to qualify persons for beginning level~~
412 ~~positions and for advancement; and~~

413 ~~(c) Develop procedures for monitoring the application flow, final hiring and~~
414 ~~disposition of minorities and women.~~

415 Section 42. That section 2.135.040, Unlawful employment practices, of The
416 Code of the City of Topeka, Kansas, is hereby renumbered as § 2.105.020 and

417 amended to read as follows:

418 **Unlawful Employment Practices.**

419 It shall be an unlawful employment practice for an official, ~~Department~~
420 ~~head~~Director, agent or employee of the ~~City~~, ~~because of race, religion, creed, color,~~
421 ~~sex, disability, familial status, national origin or ancestry, age, sexual orientation or~~
422 ~~gender identity, which is unrelated to the ability to perform a particular task or~~
423 ~~occupation, of any person to refuse to hire or employ, or to bar or to discharge from~~
424 employment, ~~such a~~ person because he/she is a member of a protected class, or to
425 otherwise discriminate against such person in relation to his/her compensation or in the
426 terms, conditions or privileges of his/her employment; ~~or to limit, segregate, separate,~~
427 ~~classify or make any designation in regard to employees; or to follow any employment~~
428 procedure or practice which, in fact, results in discrimination, segregation or separation
429 without a valid business ~~motive~~reason.

430 Section 43. That section 2.135.050, Employment recruitment procedures, of
431 The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.105.030 and
432 amended to read as follows:

433 **Employment Recruitment Procedures.**

434 ~~(a) The personnel~~ Director of Human Resources shall devise and implement
435 written procedures for the efficient and expeditious recruitment of employees in
436 accordance with federal, state and ~~City~~ laws and guidelines regarding equal
437 employment opportunity.

438 ~~(b) The provisions of subsection (a) of this section are not mandatory for part-~~
439 ~~time, temporary or seasonal employees, as defined in the city's personnel rules.~~

440 Section 44. That section 2.135.060, Administrative responsibility, of The Code
441 of the City of Topeka, Kansas, is hereby repealed.

442 **Administrative responsibility.**

443 ~~All administrative personnel and department heads will be responsible for~~
444 ~~carrying out all aspects of the affirmative action program within their division or~~
445 ~~department. The personnel division shall be responsible for development of recruitment~~
446 ~~and training programs to include employment goals for each city department.~~

447 Section 45. That section 2.135.070, Equal opportunity officer - Designated, of
448 The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.105.050 and
449 amended to read as follows:

450 **Equal Opportunity Officer—Designated.**

451 (a) Designated Officer. ~~The personnel d~~Director of Human Resources is
452 designated as the equal opportunity officer to ~~coordinate the city's efforts in the~~
453 ~~implementation of its affirmative action program~~ ensure equal employment opportunities.

454 (b) General Duties. It shall be the duty of the equal opportunity officer to:

455 (1) Conduct periodic departmental reviews to determine compliance
456 with the City's equal employment opportunity/affirmative action policy;

457 (2) Report results obtained, problems encountered, and/or resistance
458 or failure to implement the equal employment opportunity/affirmative action policy
459 to the Governing Body, City Manager and Human Relations Commission and
460 provide recommendations to resolve any problems identified;

461 (3) Serve as a consultant to the Governing Body, City Manager and
462 Department Directors in developing recruitment programs, selection procedures,

463 training programs or other personnel functions necessary to implement the City's
464 equal employment opportunity/affirmative action policy.

465 (4) Recruit personnel in such a manner that clearly demonstrates the
466 City's interest in employing persons within a protected class; and

467 (5) Establish communication with institutions and organizations that
468 provide referral of qualified applicants within a protected class for available
469 positions.

470 Section 46. That section 2.135.080, Equal opportunity officer – Duties
471 generally, of The Code of the City of Topeka, Kansas, is hereby repealed.

472 **~~Equal opportunity officer – Duties generally.~~**

473 ~~It shall be the duty of the equal opportunity officer to:~~

474 ~~(a) Conduct periodic departmental reviews to determine compliance with the~~
475 ~~city's affirmative action program;~~

476 ~~(b) Report to the city manager, human relations commission and the city council~~
477 ~~results obtained with the affirmative action program, problems encountered, resistance~~
478 ~~or failure to implement the policy of the city, and recommend remedies; and~~

479 ~~(c) Serve as a consultant to the city manager, mayor, city council and department~~
480 ~~heads in the development of recruitment programs, selection procedures, training~~
481 ~~programs or other personnel functions necessary to implement the city's affirmative~~
482 ~~action program.~~

483 Section 47. That section 2.135.090, Equal opportunity officer – Recruitment and
484 selection, of The Code of the City of Topeka, Kansas, is hereby repealed.

485 **~~Equal opportunity officer – Recruitment and selection.~~**

486 The personnel director shall:

487 (a) ~~Recruit personnel in such a manner that clearly demonstrates the city's~~
488 ~~interest in the employment of minorities and women; and~~

489 (b) ~~Establish communication with institutions and organizations which provide~~
490 ~~referral of qualified minorities and women applicants for positions which may become~~
491 ~~available in the city.~~

492 Section 48. That section 2.135.100, Audit procedures, of The Code of the City
493 of Topeka, Kansas, is hereby renumbered as § 2.105.040 and amended to read as
494 follows:

495 **Audit procedures****Reports and records.**

496 (a) ~~The personnel d~~Director of Human Resources shall comply with required
497 equal employment opportunity/affirmative action reporting~~prepare an annual affirmative~~
498 ~~action report including all personnel within each department. This report will indicate~~
499 ~~numbers of persons employed, position of employment, race and sex.~~ Position
500 interview records and information related to new hires, transfers, promotions and
501 terminations shall be maintained by the Human Resources Department.

502 (b) ~~A position interview record shall be completed by any hiring authority~~
503 ~~interviewing applicants for positions of employment indicating race, sex, source of~~
504 ~~recruitment and, if not hired, reason for failure to employ. These records are to be~~
505 ~~maintained in the personnel division.~~

506 (c) ~~Each department shall prepare a monthly report of new employees, transfers,~~
507 ~~promotions and terminations indicating the personnel who have resigned, retired, were~~
508 ~~fired or were released by reduction of work force, noting the race, sex and position of~~

509 employment or position change. The report shall include all personnel of the city and
510 should include a statistical summary of new employees, transfers, promotions and
511 terminations by race and sex. The report shall be filed with the personnel director.

512 Section 49. That section 2.140.010, Increase in Payments under 1939
513 Retirement System, of The Code of the City of Topeka, Kansas, is hereby repealed.

514 **~~Increase in Payments under 1939 Retirement System.~~**

515 ~~(a) Whereas the City established an employees retirement system in 1939; and,~~
516 ~~whereas, the employees retirement system was subsequently abolished on April 6,~~
517 ~~1951; and, whereas, all employees who had retired prior to April 2, 1951, were and are~~
518 ~~entitled to receipt of benefits pursuant to such established employees retirement~~
519 ~~system, pursuant to now repealed K.S.A. 13-3037; and, whereas, the Governing Body~~
520 ~~is now desirous of raising payments made pursuant to the employees retirement system~~
521 ~~to those persons who are still entitled to its benefits, in order to provide equity of~~
522 ~~payment after consideration of the effect of inflation upon such payments as had~~
523 ~~previously been authorized; the council hereby establishes authorization for payment of~~
524 ~~retirement benefits for all persons previously and presently entitled to payments under~~
525 ~~the original employee retirement system.~~

526 ~~(b) All persons previously subject to the employee retirement system established~~
527 ~~in 1939, and who retired prior to April 6, 1951, and who are presently alive and receiving~~
528 ~~retirement benefits pursuant to now repealed K.S.A. 13-3037, shall be henceforth~~
529 ~~entitled to payment of \$200.00 per month.~~

530 ~~(c) All payments authorized by subsection (b) of this section shall cease upon the~~
531 ~~death of the person entitled to the payments.~~

532 (d) ~~The time and method of payment under this section shall be determined by~~
533 ~~the Administrative and Financial Service Director.~~

534 Section 50. That section 2.140.020, Benefits extended, of The Code of the City
535 of Topeka, Kansas, is hereby renumbered as § 2.125.010 and amended to read as
536 follows:

537 **Benefits extended.**

538 (a) The City hereby extends the benefits of Title II of the Federal Social
539 Security Act, in conformity with the applicable provisions of such Act, to the employees
540 of the City, ~~in accordance~~ing to ~~with~~ the provisions of K.S.A. Chapter 40, Article 23
541 (K.S.A. 40-2301 et seq.), ~~in accordance with~~ and ~~under~~ the terms of the following plan
542 of coverage of the City, for extending the benefits of Title II of the Federal Social
543 Security Act to the employees of the City.

544 (b) The City submits the following plan contained in this ~~a~~Article I to the state
545 Department of ~~Administration~~Civil Service, ~~referred to in this article as the Department~~
546 ~~of Civil Service~~, as the authorized state agency, for approval as authorized by K.S.A.
547 Chapter 40, Article 23 (K.S.A. 40-2301 et seq.).

548 Section 51. That section 2.140.030, State act incorporated, of The Code of the
549 City of Topeka, Kansas, is hereby renumbered as § 2.125.020.

550 Section 52. That section 2.140.040, Services covered, of The Code of the City
551 of Topeka, Kansas, is hereby renumbered as § 2.125.030 and amended to read as
552 follows:

553 **Services covered.**

554 The plan contained in this article includes coverage of all services performed by

555 employees of the city, except as specifically excluded by law or the plan of coverage,
556 and including elected officials of the city.

557 Section 53. That section 2.140.050, Contribution by city, of The Code of the
558 City of Topeka, Kansas, is hereby renumbered as § 2.125.040 and amended to read as
559 follows:

560 **Contribution by city.**

561 (a) The City hereby agrees to pay to the ~~Department of Civil Service~~Internal
562 Revenue Service (IRS), at such time or times and in such manner as prescribed by the
563 Internal Revenue Code~~department may by regulation prescribe~~, amounts equivalent to
564 ~~the sum of the taxes which would be imposed by Sections 1400 and 1410 of the Internal~~
565 ~~Revenue Code if the services of the employees covered by this agreement constituted~~
566 ~~employment as defined in Section 1426 of such code.~~

567 (b) ~~The City agrees to deduct~~Amounts deducted from any remuneration paid
568 to an employee subject to the provisions of this plan shall be remitted to the IRS as
569 prescribed by the Internal Revenue Code~~an amount equivalent to the sum of the taxes~~
570 ~~which would be imposed by Section 1400 of the Internal Revenue Code if the services~~
571 ~~of such employee constituted employment as defined in Section 1426 of such code.~~

572 Section 54. That section 2.140.060, Sources of city's contribution, of The Code
573 of the City of Topeka, Kansas, is hereby renumbered as § 2.125.050 and amended to
574 read as follows:

575 **Sources of city's contribution.**

576 The City will pay its contributions from the same fund that the wages from which
577 the contribution in TMC ~~2.140.050~~2.125.040(b) is made are paid or from any other

578 funds available to it for the purpose or that it will annually or when necessary levy at the
579 time of its levy for other purposes, a tax which may be in addition to all other taxes
580 authorized or limited by law, for the purpose of making its contributions under
581 ~~subsection (c) of Section 5 of the sState aAct~~ K.S.A. 40-2305(c), which tax together with
582 any other funds available to the City for such purpose shall be sufficient to enable it to
583 make its contributions; ~~provided, that in the year 1951, the City may, if current funds are~~
584 ~~not available, issue no-fund warrants for the purpose of providing funds to make such~~
585 ~~contributions for wages earned during the calendar year 1951, and provide for the~~
586 ~~redemption of such warrants as provided by K.S.A. 40-2305(e); provided further, that~~
587 ~~funds for the City's contributions will be properly and adequately budgeted for the year~~
588 ~~1952, if this plan takes effect in time for such budgeting at budgeting time in 1951, and~~
589 ~~in subsequent years, and contributions will be made in 1951 and 1952 whether such~~
590 ~~expenditures are budgeted or not, as authorized by K.S.A. 40-2305(e). The City verily~~
591 ~~believes that with the current funds that may be available and the unlimited tax levy~~
592 ~~authorized by K.S.A. 40-2305(e), there is a reasonable assurance that sources will be~~
593 ~~adequate for the purposes of K.S.A. 40-2305(c)(1) and (d).~~

594 Section 55. That section 2.140.070, Compliance with regulations, of The Code
595 of the City of Topeka, Kansas, is hereby renumbered as § 2.125.060 and amended to
596 read as follows:

597 **Compliance with regulations.**

598 The City agrees that it will comply with such rules and regulations as the
599 Department of Administration~~Civil Service~~ may prescribe to carry out the purposes of
600 Section 218 of the Social Security Act, as amended.

601 Section 56. That section 2.140.080, Modification of plan, of The Code of the
602 City of Topeka, Kansas, is hereby renumbered as § 2.125.070.

603 Section 57. That section 2.140.090, Termination by city, of The Code of the City
604 of Topeka, Kansas, is hereby repealed.

605 **~~Termination by city.~~**

606 ~~The City, upon giving at least two years' advance notice in writing to the~~
607 ~~Department of Civil Service, may terminate this plan, either in its entirety or with respect~~
608 ~~to any coverage group, effective at the end of a calendar quarter specified in the notice.~~
609 ~~The plan may be terminated in its entirety only if it has been in effect not less than five~~
610 ~~years prior to receipt of such notice. It may be terminated with respect to any coverage~~
611 ~~group only if it has been in effect with respect to such coverage group for not less than~~
612 ~~five years prior to receipt of such notice.~~

613 Section 58. That section 2.140.100, Termination by Department of Civil Service
614 for cause, of The Code of the City of Topeka, Kansas, is hereby repealed.

615 **~~Termination by Department of Civil Service for cause.~~**

616 ~~If the Department of Civil Service, after reasonable notice and opportunity for~~
617 ~~hearing to the City, finds that the City has failed or is no longer legally able to comply~~
618 ~~substantially with any provision of this plan or of Section 218 of the Social Security Act,~~
619 ~~as amended, the Department of Civil Service shall notify the City by giving notice in~~
620 ~~writing that this plan will be terminated in its entirety, or with respect to any one or more~~
621 ~~coverage groups, at such time, not later than two years from the date of such notice, as~~
622 ~~the Department of Civil Service deems appropriate, unless prior to such time it is found~~
623 ~~there no longer is any failure or that the cause of such legal inability has been removed.~~

624 Section 59. That section 2.140.110, Failure to make payments when due, of
625 The Code of the City of Topeka, Kansas, is hereby repealed.

626 ~~**Failure to make payments when due.**~~

627 ~~If the City fails to make, at the time or times due, the payments provided for
628 under this plan, there shall be added, as part of the amount due, interest at the rate of
629 six percent per annum from the date due until paid, and the Department of Civil Service
630 may deduct such amount as is delinquent, plus accrued interest, from any amounts due
631 the City from the state. Amounts so deducted shall be deemed to have been paid to the
632 City.~~

633 Section 60. That section 2.140.120, Effective date, of The Code of the City of
634 Topeka, Kansas, is hereby renumbered as § 2.125.080.

635 Section 61. That section 2.140.130, Injury on job – Workers compensation
636 interrelationship with forms of leave, of The Code of the City of Topeka, Kansas, is
637 hereby renumbered as § 2.125.100 and amended to read as follows:

638 ~~**Injury on job – Workers compensation interrelationship with forms of
639 leave**~~**Workers compensation - General.**

640 (a) Employees injured or ill from an occupational disease arising out of and in
641 the course of their employment for the eCity are eligible to receive workers
642 compensation benefits while they are temporarily totally disabled and still employed as
643 a regular employee of the eCity, in accordance with the Workers Compensation Act
644 (K.S.A. 44-501 et seq., 44-5a01 et seq.) and rules. ~~Where temporary total disability
645 results from the injury or occupational disease, no compensation (temporary total
646 benefits) shall be paid during the first week of disability unless the temporary total~~

647 ~~disability exists for three consecutive weeks, in which case compensation shall be paid~~
648 ~~for the first week of disability. Temporary total benefits shall not be charged against~~
649 ~~leave accruals.~~

650 ~~(b) Employees injured or ill as a result of an impact/contact injury arising out of~~
651 ~~and in the course of their employment, and who are eligible to receive workers~~
652 ~~compensation while they are temporarily totally disabled and still employed as a regular~~
653 ~~employee of the city, may elect to receive compensation from the city from accrued~~
654 ~~leaves in an amount representing the difference between their total base compensation~~
655 ~~including longevity from the city and the amount received from workers compensation, if~~
656 ~~the latter amount is less. Under this election, the employee's accrued sick or other leave~~
657 ~~shall be prorated (accrual shall be proportionate to the amount of leave being used)~~
658 ~~while the employee is receiving temporary total disability workers compensation~~
659 ~~benefits, provided the total amount received by the employee from the city does not~~
660 ~~exceed the amount of a normal paycheck per pay period. When the employee's accrued~~
661 ~~leaves are depleted, any additional compensation from the city shall cease.~~

662 ~~(c) Department heads may, at their discretion, establish light duty positions for~~
663 ~~permanent full-time or permanent part-time employees injured or ill from an~~
664 ~~occupational disease arising out of and in the course of city employment and who are~~
665 ~~medically recommended to perform light duty work, but unable to perform their regular~~
666 ~~work duties for a limited time. If established light duty positions are available and a~~
667 ~~position is vacant, the department head, at his sole discretion, may place the injured or~~
668 ~~ill employee in the position. The department head will notify the city risk manager~~
669 ~~whenever an employee is placed in a light duty position. The department head may~~

670 ~~remove an employee from a light duty position at any time. The department head will~~
671 ~~notify the city risk manager whenever an employee is removed from a light duty position~~
672 ~~but not returned to regular duty. An employee removed from light duty whose medical~~
673 ~~status continues to prevent him from returning to regular duty shall be eligible for~~
674 ~~workers compensation benefits in accordance with K.S.A. 44-510c.~~

675 Section 62. That section 2.140.140, Assessment against city department--Rate,
676 of The Code of the City of Topeka, Kansas, is hereby renumbered as § 3.25.060 and
677 amended to read as follows:

678 **Assessment against city department—RateSelf-Insurance Fund.**

679 (a) ~~Commencing on January 1, 1976, each city department shall each month~~
680 ~~transfer one-twelfth the amount of the city workers compensation self-insurance fund~~
681 ~~assessment for such city department for such fiscal year to the credit of the~~
682 ~~city~~Established; Rate of Assessment. A workers compensation self-insurance fund was
683 established January 1, 1976.

684 (b) The rate of the eCity workers compensation self-insurance fund
685 assessment for all eCity departments shall be set by the city ~~risk manager~~Human
686 Resources Director or his/her designee using applicable workers compensation rates
687 based upon payroll; and shall ~~further~~ be sufficient to pay any and all claims reasonably
688 expected to be brought thereunder, ~~and~~as well as all administrative costs, ~~which~~
689 ~~balance shall include an initial fund amount of \$225,000.~~

690 (b) Annual Self-Insurance Permit Required. State law requires that cities
691 wishing to self-insure for workers compensation apply for a corresponding permit. This
692 application must contain financial information sufficient to ensure there is adequate

693 reserve funding available. The City shall complete all steps necessary to obtain this
694 permit.

695 Section 63. That section 2.140.150, Claims for compensation – Service of
696 claims – Defense of fund, of The Code of the City of Topeka, Kansas, is hereby
697 renumbered as § 2.125.110 and amended to read as follows:

698 **Claims for compensation – Service; Process; Defense of claims – Defense**
699 **of fund.**

700 (a) ~~All claims under this article against any city department for claims arising~~
701 ~~on and after January 1, 1976, shall be made against the city workers compensation self-~~
702 ~~insurance fund.~~Service. Workers compensation claims shall be served upon the eCity's
703 ~~risk manager~~Human Resources Director, or his/her designee, in his/_or-her capacity as
704 administrator of the eCity workers compensation self-insurance fund in the manner
705 provided for claims against other employers under the Workers Compensation Act
706 (K.S.A. 44-501 et seq., 44-5a01 et seq.) The eCity ~~m~~Manager shall be authorized to
707 secure outside counsel to defend any claim against the eCity workers compensation
708 self-insurance fund.

709 (b) Investigation. The eCity's ~~risk manager~~Human Resources Director, or
710 his/her designee, shall investigate or cause to be investigated each claim against the
711 eCity workers compensation self-insurance fund. For the purposes of such
712 investigations, the ~~risk manager~~Human Resources Director, or his/her designee, is
713 authorized to obtain expert advice regarding the injuries, occupational diseases,
714 disabilities and damages involved in such claims.

715 (c) Claim Payments. If, based upon such investigation and any other

716 available information, the ~~e~~City's ~~risk manager~~Human Resources Director, or his/her
717 designee, finds that there is no material dispute as to any issue involved in a workers
718 compensation claim, that the claim is valid and that the claim should be settled by
719 agreement, the ~~manager~~Human Resources Director, or his/her designee, with
720 concurrence of the City Manager, may proceed to enter into such an agreement with the
721 claimant, for the ~~e~~City workers compensation self-insurance fund, for any settlement not
722 in excess of \$~~10~~35,000. For any workers compensation settlement amounts in excess
723 of \$~~10~~35,000, the ~~city risk manager~~Human Resources Director, or his/her designee,
724 shall obtain the approval of the ~~g~~Governing bBody, and any settlement made without
725 ~~g~~Governing bBody approval shall be invalid. Any such agreement may provide for lump
726 sum settlements subject to approval by the ~~city risk manager~~Human Resources
727 Director, or his/her designee, and all such workers compensation agreements shall be
728 ~~filed in the office of such director for approval~~ as provided in K.S.A. 44-527. All other
729 claims for workers compensation against such funds shall be paid in accordance with
730 the Workers Compensation Act (K.S.A. 44-501 et seq., 44-5a01 et seq.) pursuant to
731 awards or orders of the ~~workers compensation director~~Kansas Department of Labor or a
732 court.

733 (ed) Funds to be Reserved. The ~~city risk manager~~Director of Administrative and
734 Financial Services and the Director of Human Resources shall ~~encumber~~~~(reserve)~~
735 funds sufficient to meet anticipated expenses for workers compensation claims
736 ~~expected to exceed \$1,000~~ in accordance with the Workers Compensation Act (K.S.A.
737 44-501 et seq., 44-5a01 et seq.) and experience data.

738 Section 64. That section 2.140.300, Created, of The Code of the City of

739 Topeka, Kansas, is hereby renumbered as § 2.125.200 and amended to read as
740 follows:

741 **Created.**

742 ~~(a) — There is hereby created in the city treasury a separate accounting unit~~
743 ~~within the law enforcement special revenue fund to be known as the police benefit~~
744 ~~account.~~

745 ~~(b) — Any remaining balance in the police benefit fund as of January 1, 2010,~~
746 ~~shall be transferred to the law enforcement special reserve fund.~~

747 There is hereby created a separate accounting unit within the Law Enforcement
748 Special Revenue Fund to be known as the Police Benefit Account.

749 Section 65. That section 2.140.310, Fees credited to fund, of The Code of the
750 City of Topeka, Kansas, is hereby renumbered as § 2.125.210 and amended to read as
751 follows:

752 **Fees credited to fund.**

753 ~~There shall be credited to the police benefit account in the law enforcement~~
754 ~~special revenue fund, the fFees for~~related to the issuance and service of municipal court
755 ~~warrants from the municipal court, when and as such fees which shall be collected by~~
756 ~~the chief of police~~municipal court, are turned overremitted to the Administrative and
757 ~~fFinancia~~le Services dDepartment and credited to the police benefit account in the law
758 enforcement special revenue fund ~~by the chief of police.~~

759 Section 66. That section 2.140.320, Purpose, of The Code of the City of
760 Topeka, Kansas, is hereby renumbered as § 2.125.220 and amended to read as
761 follows:

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Purpose.

The police benefit account shall be held by the ~~finance~~Administrative and Financial Services department for the ~~following purposes and for none other: the of~~
~~providing relief to~~ a members of the police department who ~~may be~~has been injured
~~while on duty~~ or who ~~may~~has become ill or has otherwise incurred medical expense
while he/she is an employees of the department ~~by providing cash payments or~~
~~reimbursements of part or all of the medical expenses actually incurred by members of~~
~~the department or by providing life, health or accident insurance for such purposes.~~

Section 67. That The Code of the City of Topeka, Kansas, is hereby amended
by adding a section, to be numbered 2.125.230, which said section reads as follows:

Benefits provided.

Reimbursements cover part or all of the medical expenses actually incurred by
members of the department related to the purpose set forth in TMC 2.125.220.

Section 68. That section 2.140.330, Payment of benefits, of The Code of the
City of Topeka, Kansas, is hereby renumbered as § 2.125.240 and amended to read as
follows:

Payment of benefits.

(a) The extent and proportion to which members of the ~~p~~Police ~~d~~Deartment
shall become eligible for ~~cash payments or for reimbursement of medical expenses~~
actually incurred, and whether or not life, accident or health insurance shall be provided,
~~and to what extent, from the account,~~ shall be determined by the members of the
Topeka ~~p~~Police ~~b~~Benefit ~~f~~Fund, ~~incorporated,~~ as provided for in the bylaws of the
Topeka ~~p~~Police ~~b~~Benefit ~~f~~Fund, ~~incorporated.~~ The eligibility of a particular claimant to

785 ~~the~~receive any of the benefits provided inthrough this article shall be passed
786 upon~~decided~~ by the ~~b~~Board of ~~t~~Trustees of the Topeka ~~p~~Police ~~b~~Benefit ~~f~~Fund,
787 incorporated.

788 (b) The Director of Administrative and Financial Services ~~department, or~~
789 his/her designee, is hereby authorized to make payments from the law enforcement
790 special revenue fund only upon receipt of a signed voucher(s) ~~signed and by the~~
791 ~~individual claimant, approved~~ by majority vote of the ~~b~~Board of ~~t~~Trustees of the
792 Topeka ~~p~~Police ~~b~~Benefit ~~f~~Fund, ~~incorporated~~, and approved by Accounts Payable~~the~~
793 ~~finance and budget director or designee, but not otherwise.~~

794 Section 69. That section 2.140.340, Group health insurance plan and fund, of
795 The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.125.300 and
796 amended to read as follows:

797 **Group Health Insurance Plan and Fund.**

798 (a) The ~~e~~City hereby recognizes the employees' group health insurance plan
799 (the "plan") to provide or otherwise make available certain health care benefits for its
800 eligible employees and their respective dependent family members and the health
801 insurance fund (the "fund") to provide for the payment of such health care benefits. The
802 ~~e~~City hereby ratifies and confirms the validity of the ~~e~~City's health self-insurance plan
803 (also known as the employees' group health insurance plan) and the health insurance
804 fund in existence immediately prior to the effective date of the ordinance codified in this
805 article.

806 (b) The ~~e~~City ~~m~~Manager is hereby authorized and directed to administer the
807 plan and the fund in accordance with the terms and conditions of this ~~a~~Article ~~and~~

808 ~~applicable provisions of the personnel code approved by the city council.~~

809 Section 70. That section 2.140.350, Eligibility, of The Code of the City of
810 Topeka, Kansas, is hereby renumbered as § 2.125.310 and amended to read as
811 follows:

812 **Eligibility.**

813 Except as otherwise provided herein, all benefit-eligible employees ~~(as defined in~~
814 ~~Article I, Section 2.B of the city's personnel code)~~, elected officials and retirees of the
815 City, including those employees who retire with KPERS' disability (collectively "eligible
816 employees"), and their respective dependent family members, shall be entitled to
817 participate in the plan in accordance with the terms and conditions set forth in this
818 ~~Article and provisions of the personnel code approved by the city council.~~ No person
819 hired by the City to fill any job or position classified as seasonal or temporary shall be
820 entitled or otherwise eligible to participate in the plan regardless of the number of hours
821 any such seasonal or temporary employee is permitted or required to work during any
822 pay period or combination of pay periods.

823 Section 71. That section 2.140.360, Plan coverage, of The Code of the City of
824 Topeka, Kansas, is hereby renumbered as § 2.125.320 and amended to read as
825 follows:

826 **Plan coverage.**

827 The plan may offer and make available certain "basic health care coverage" and
828 one or more "extended health care coverage" options for medical, vision, dental,
829 prescription drug and other ~~medical expenses~~ voluntary benefits to each eligible
830 employee and his/_or-her dependent family members.

831 Section 72. That section 2.140.370, Retirees, of The Code of the City of
832 Topeka, Kansas, is hereby renumbered as § 2.125.330 and amended to read as
833 follows:

834 **Retirees.**

835 (a) Each person vested under the Kansas Public Employees Retirement
836 System, including KP&F, who is employed by the eCity and who retires or retired from
837 active employment after December 31, 1988, shall be eligible to receive health care
838 benefits coverage under the plan upon written application filed with the eDirector of
839 hHuman rResources within 30 days following retirement of the employee. _Retirees and
840 their dependent family members who have coverage under the eCity's ~~employees'~~
841 group health insurance ~~or self-insurance~~ plan immediately prior to the effective date of
842 the ordinance codified in this article shall remain covered and eligible to continue such
843 coverage under the plan without filing a written application under this section as a
844 condition of retaining or continuing such coverage.

845 (ab) Each retiree who elects to obtain or continue health care benefits coverage
846 hereunder shall be required to contribute premium payments to the plan for the basic or
847 extended coverage elected, including the administrative costs thereof, but such
848 contribution shall not exceed the percentage of the premium cost for other similarly
849 situated employees as specified by state law.

850 (bc) Eligibility for coverage under the plan may cease to be made available upon
851 (1) the retired employee reaching age 65 ~~and/or~~ becoming eligible for Medicare;
852 ~~whichever is later~~, (2) the retired employee failing to make required premium payments
853 on a timely basis, or (3) the retired employee becoming covered under a health care

854 benefits plan of another employer.

855 Section 73. That section 2.140.380, Contributions, of The Code of the City of
856 Topeka, Kansas, is hereby renumbered as § 2.125.340 and amended to read as
857 follows:

858 **Contributions.**

859 Contributions by the eCity and eligible employees, including elected officials and
860 retirees ~~under TMC 2.140.370~~, for the premium cost of health care benefits coverage
861 under the plan, including the administrative costs thereof, shall be deposited in or
862 credited to the fund as of the date each contribution is made; such contributions to the
863 fund will be made by the eCity no less frequently than on a monthly basis. Moneys may
864 be paid into or credited to the fund from any source, including transfers from the general
865 fund and/or the operating budget account of any department of the eCity, which may be
866 lawfully utilized for the provision of group health care benefits, and contributions
867 deposited in or credited to the fund shall not be transferred or otherwise utilized for any
868 other purpose. Interest earned on the investment of contributions or other money paid
869 into or credited to the fund shall be credited to the fund. However, no interest, surplus
870 and/or investment earning credited to the fund shall be utilized to finance any portion of
871 the eCity's contributions on behalf of eligible employees.

872 Section 74. That section 2.140.390, Health care advisory committee, of The
873 Code of the City of Topeka, Kansas, is hereby renumbered as § 2.125.350 and
874 amended to read as follows:

875 **Health eCare aAdvisory eCommittee.**

876 The eCity hereby establishes a health care advisory committee (the "committee")

877 to review the employees' group health insurance plan and the health insurance fund,
878 including an assessment of operational performance and cost effectiveness, the extent
879 to which the plan and the fund meet the needs of eligible employees, retirees and their
880 dependent family members and any options that may be available to preserve or
881 enhance existing levels of health care coverage while maintaining or reducing its cost to
882 the eCity, eligible employees and dependent family members.

883 (a) The committee shall be comprised of the dDirector of hHuman
884 rResources, or the ~~director's~~ designee; the dDeputy mMayor, or his/herthe deputy
885 ~~mayor's~~ designee of a current councilmember; three members appointed by the eCity
886 mManager to serve as representatives of management; one member appointed from
887 each of the eCity's recognized employee organizations to serve as representatives of
888 employee bargaining units; and one non-bargaining unit/non-supervisory employee and
889 one retiree appointed by the eCity mManager. The committee shall meet on a schedule
890 as determined by the committee but not less than quarterly and no more than once per
891 month unless a majority of the committee votes to call an additional meeting. The
892 committee shall be afforded access, upon request, to plan design options; to any and all
893 documents and information involving performance and/or administration of the plan and
894 the fund, including any contracts or agreements between the eCity and any person or
895 entity involving the operation and/or administration of the plan and/or the fund; and to
896 any statistical data (historical, actual and projected) regarding benefit claims, and
897 financial data regarding payments and administrative costs or expenses. Individually
898 identifiable medical information and any records protected from disclosure by state or
899 federal law are specifically excluded from the provisions of this subsection.

900 (b) To the fullest extent practicable, committee meetings shall be held during
901 normal business hours and each member shall be excused from the performance of
902 other duties, for a period of time not to exceed two hours per meeting, in order to attend
903 such meetings unless a longer meeting is scheduled in advance by the ~~e~~Director of
904 ~~h~~Human ~~r~~Resources.

905 (c) The ~~e~~Director of ~~h~~Human ~~r~~Resources, or ~~the director's designee,~~ shall
906 serve as the chairperson of the committee. The chairperson shall schedule and preside
907 at committee meetings and ensure that each member receives written notice of the
908 date, time and place of any committee meeting at least five calendar days prior to the
909 meeting. The committee may appoint, by majority vote of the members, a vice-
910 chairperson and a recording secretary. The vice-chairperson shall preside at any
911 meeting or part of any meeting during the chairperson's absence and the recording
912 secretary shall prepare minutes of each committee meeting. The appointments
913 referenced herein shall be made so that the ~~e~~Director of ~~h~~Human ~~r~~Resources can
914 schedule the committee's first meeting on or before April 6, 2012.

915 (d) A simple majority of the members appointed to serve on the committee
916 shall constitute a quorum authorized to conduct scheduled committee business,
917 including the approval of recommendations. Any requirement for action shall be based
918 upon a majority vote. In the event of a tie vote, the ~~e~~City ~~m~~Manager shall cast the tie-
919 breaking vote.

920 (e) Upon a majority vote of the members and whenever deemed necessary or
921 appropriate, the committee shall be authorized to approve and transmit to the ~~e~~City
922 ~~m~~Manager any recommendation or proposal for change that the committee believes will

923 materially improve the operation, performance and/or administration of the plan and/or
924 the fund on behalf of the eCity, eligible employees, retirees and dependent family
925 members. ~~However, no later than the first meeting in June of e~~Each year, the
926 committee may ~~transmits~~submit its recommendations to the eCity mManager regarding
927 ~~the scope of health care coverage, schedule of benefits and schedule of premiums and~~
928 recommendation on the RFP process for the selection of the plan administrator(s).
929 ~~Within 20 days, the city manager shall transmit any recommendations received from the~~
930 ~~health care advisory committee to the city council.~~

931 **DIVISION 3. BOARDS, COMMISSIONS, COUNCILS AND COMMITTEES**

932 Section 75. That original Chapter 2.05 TMC, Boards and Commissions, of The
933 Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.205.

934 Section 76. That original Chapter 2.13 TMC, Citizens Government Review
935 Committee, of The Code of the City of Topeka, Kansas, is hereby renumbered as
936 Chapter 2.210.

937 Section 77. That original Chapter 2.40 TMC, Board of Building and Fire
938 Appeals, of The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter
939 2.235.

940 Section 78. That original Chapter 2.45 TMC, Board of Zoning Appeals, of The
941 Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.220.

942 Section 79. That original Chapter 2.55 TMC, Human Relations Commission, of
943 The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.255.

944 Section 80. That original Chapter 2.60 TMC, Landmarks Commission, of The
945 Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.230.

946 Section 81. That original Chapter 2.65 TMC, Topeka Planning Commission, of
947 The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.225.

948 Section 82. That original Chapter 2.70 TMC, Public Building Commission, of
949 The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.215.

950 Section 83. That original Chapter 2.75 TMC, Office of the Arts, of The Code of
951 the City of Topeka, Kansas, is hereby renumbered as Chapter 2.245.

952 Section 84. That original Chapter 2.80 TMC, Americans with Disabilities Act
953 Advisory Council, of The Code of the City of Topeka, Kansas, is hereby renumbered as
954 Chapter 2.250.

955 Section 85. That original Chapter 2.95 TMC, Sustainability Advisory Board, of
956 The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.240.

957 Section 86. That original §§ 2.25.030, 2.25.040, 2.25.050, 2.25.060, 2.125.030,
958 2.125.040, 2.125.050, 2.125.060, 2.125.070, 2.125.080, 2.125.090, 2.125.100,
959 2.125.120, 2.125.140, 2.125.150, 2.125.160, 2.125.180, 2.125.190, 2.125.210,
960 2.125.220, 2.125.250, 2.125.270, 2.125.280, 2.125.290, 2.125.300, 2.125.310,
961 2.125.350, 2.125.360, 2.125.380, 2.125.390, 2.125.400, 2.125.410, 2.125.420,
962 2.130.010, 2.135.010, 2.135.040, 2.135.050, 2.135.070, 2.135.100, 2.140.020,
963 2.140.050, 2.140.060, 2.140.070, 2.140.130, 2.140.140, 2.140.150, 2.140.310,
964 2.140.320, 2.140.330, 2.140.340, 2.140.350, 2.140.360, 2.140.370, 2.140.380 and
965 2.140.390 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

966 Section 87. That the City’s “Personnel Rules and Regulations” originally
967 approved by Ordinance No. 16404 as the City’s official personnel code is hereby
968 repealed; and that Resolution Nos. 6448, 7758, 7985, 8235 and 8381 amending the

969 Personnel Code are hereby rescinded.

970 Section 88. This ordinance shall take effect and be in force from and after its
971 passage, approval and publication in the official City newspaper.

972 Section 89. This ordinance shall supersede all ordinances, resolutions or rules,
973 or portions thereof, which are in conflict with the provisions of this ordinance.

974 Section 90. Should any section, clause or phrase of this ordinance be declared
975 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
976 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

977 PASSED AND APPROVED by the Governing Body on September 10, 2019.

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CITY OF TOPEKA, KANSAS

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Michelle De La Isla, Mayor

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ATTEST:

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Brenda Younger, City Clerk