

CITY OF TOPEKA



PERSONNEL MANUAL

INTRODUCTION

Employees should refer to this Personnel Manual when questions arise regarding the City's administrative policies, rules, regulations, procedures or processes related to personnel matters. Employees are encouraged to contact the Human Resources Department if clarification of any provision contained in this Personnel Manual is required.

As a City employee, it is essential that you familiarize yourself with the City's Guiding Principles and Priority Outcomes and Strategies adopted by the Governing Body. Each is set forth below for your future reference:

GUIDING PRINCIPLES

- **Equity.** Provide fair treatment, access, opportunity, and advancement for all. Understanding that not everyone starts from the same place, we must acknowledge, identify, and eliminate barriers to foster civic participation, belonging, and promote just outcomes.
- **Sustainability.** A responsible stewardship of resources to balance the needs of the present while ensuring Topeka's prosperous future.
- **Innovation.** A dedication to the art of collaborative creativity combined with critical analysis to deliver intentional positive transformations to meet the evolving needs of our community.
- **Municipal Operations.** A commitment to our citizens, partners and colleagues to be knowledgeable, fair, consistent, and responsive in every interaction to provide accessible quality service, striving for excellence in all we do.

PRIORITY OUTCOMES AND STRATEGIES

- **Housing.** Increase overall housing inventory equitably; and elevate current housing stock.
- **Community Appearance.** Improve the appearance of the Capital City of Kansas.
- **Growth.** Increase the number of people who live and work in Topeka.
- **Operations.** Focuses on the guiding principles of equity, innovation, sustainability, and municipal operations to deliver essential services to our Citizens.

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1.1 Purpose.

This Personnel Manual is intended to provide clarification of existing administrative policies, rules, regulations and programs related to personnel matters for purposes of providing appropriate guidance for their implementation and application.

1.2 Effective.

This Personnel Manual shall, from its effective date, rescind and replace all previous Policies and all previous Administrative Rules and Regulations (ARRs).

1.3 Scope.

All persons employed by the City shall be subject to the provisions of this Personnel Manual except elected officials and independent contractors.

1.4 Conflicts; Controlling Language.

Any terms or conditions contained in: (a) an agreement negotiated between the City and a recognized bargaining unit, (b) an applicable ordinance or resolution; or (c) the Topeka Municipal Code shall control in the event of a conflict with specific terms or conditions contained herein.

1.5 Amendments to Personnel Manual.

Any newly-proposed language or proposed revisions to existing language will be developed, reviewed and implemented in accordance with the following process:

- A. Suggestions for proposed new language or revisions will be presented to the Director of Human Resources for his/her consideration and review.
- B. The Director of Human Resources shall present proposed language to Department Directors for their collective review and input.
- C. The Director of Human Resources, or designee, shall conduct an open hearing(s) for the purpose of presenting the proposed new language or revisions to all affected employees for their review and input. Notice of the hearing(s) shall be communicated prior to such hearing(s). Employees may also submit written comments regarding the proposed language to the Director of Human Resources, or designee, on or before the deadline established for the submission of such comments.

- D. The proposed new language or revisions shall be submitted, reviewed and approved for legal content and form by the City Attorney, or designee, then submitted to the City Manager for his/her review and approval. Following approval, revisions shall be posted prior to implementation.
- E. The Director of Human Resources, or designee, shall notify affected employees following City Manager approval. An effective date shall be assigned and the information will be posted to the City's intranet site within a reasonable period of time (not to exceed thirty (30) days).

1.6 Departmental Work Rules and/or Operating Procedures.

In addition to the provisions set out in this Personnel Manual, a Department Director shall have the authority to issue written work rules and/or operating procedures that are not otherwise governed in this Personnel Manual or that are unique to the particular department; provided, however, that: (i) an opportunity for employee input is provided as set out in Section 1.3 above; and (ii) the work rule and/or operating procedure has been previously approved by the Director of Human Resources as being consistent with existing personnel regulations. For disciplinary and termination purposes, a violation of a departmental work rule and/or operating procedure shall be considered the same as a violation of this Personnel Manual.

Section 2

Recruitment and Selection

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2.1 Equal Opportunity.

No appointment of, or failure to appoint, an individual to any City position shall be based on such individual's age, color, disability, familial status, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, veteran status or any other factor protected by law.

2.2 Diverse and Inclusive Workforce.

The City is committed to fostering, cultivating and preserving a culture of diversity and inclusion. The City's diversity initiatives are applicable, but not limited, to its practices and policies on recruitment and selection; compensation and benefits; professional training and development; promotions; transfers; layoffs; terminations; and the ongoing development of a work environment built on the premise of equity.

2.3 Recruitment, Selection and Appointment.

A. Purpose. This Section provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. City policies related to equal opportunity employment and other applicable federal, state, and local laws shall apply.

B. Definitions.

1. *Benefit-Eligible Positions* -- A position that is included in the City's budget, requires work on a regular (continuing, year-round) basis and is approved for benefit-eligibility in accordance with a full-time or pro-rata part-time schedule of twenty (20) hours or more per week.
2. *Hiring Manager* -- The person at the workplace, generally a supervisor, who is in charge of making the final decision on who to hire.
3. *Recruitment Process* -- The process of attracting, selecting and appointing suitable candidates for jobs within the City. The Human Resources Department is responsible for carrying out recruitment; but in some cases other entities may be used, such as employment agencies or recruitment firms/consultants, to assist with the process.

4. *Selection Process* -- The process of interviewing and evaluating candidates for a specific job and selecting an individual for employment based on specified criteria.
5. *Temporary Work* -- Temporary work refers to an employment situation where the working arrangement is limited to a certain period of time based on the needs of the City. Individuals retained to do temporary work are hired through a contracting employment agency in accordance with Section C 3 below.

C. Applications; Method of Review.

1. General. Recruitment for all positions shall be coordinated through the Human Resources Department. Human Resources personnel shall provide notice of vacancies. An official application shall be submitted on-line by no later than the closing date and time specified on the employment notice.
2. Application Review. Human Resources personnel will review all applications to determine if an applicant (i) meets the minimum qualifications established in the appropriate Position Description and (ii) has complied with the filing deadline established for the Position(s) being recruited. Applications submitted by candidates who meet the minimum qualifications may be referred to the Hiring Manager for further consideration and potential interview. The Hiring Manager may elect to receive the applications of all qualified applicants or the applications of only those deemed most qualified by Human Resources personnel.
3. Temporary Employees. Temporary employees are hired through a contracting employment agency. Departments shall complete the Request for Temporary Worker(s) form, then submit the form to Human Resources for placement.

D. Skill-Based Evaluations; Physical Agility Test.

1. General. Skill-based evaluations may be administered as part of the application process as requested by the Hiring Manager. Such tests shall be practical and shall demonstrate the applicant's job-related skills, knowledge and ability to efficiently discharge the duties of the position for which the particular applicant is seeking.
2. Minimum Standard(s). In any skill-based evaluation, the minimum standard(s) shall be determined by Human Resources personnel after consulting with the Hiring Manager. All applicants for the same position shall be given equal treatment in all phases of the evaluation process.
3. Physical Agility. Applicants for positions that require physical abilities must submit to a physical agility test to determine his/her

ability to perform the essential physical job functions of the position prior to an offer of employment.

E. Interview.

1. How Conducted; Participants. Interviews shall be conducted by the Hiring Manager, or his/her designee. Use of team interviewing is strongly encouraged when deemed practical and beneficial by the Hiring Manager. Interview and selection must follow the established guidelines and procedures set by the Human Resources Department.
2. Post-Interview Review by Human Resources. Upon completion of interviews, the Hiring Manager will submit all interview forms and interview notes to Human Resources for review. Human Resources personnel will review all interview materials to ensure Human Resources guidelines and procedures have been followed.
3. Post-Interview Selection of Qualified Applicant. Following the review and approval by the Department Director and Human Resources personnel, the Hiring Manager will be authorized to make a conditional offer of employment.

F. Conditional Offer of Employment. The conditional offer of employment will be contingent upon the successful completion of:

1. Drug-Screen. Applicants are required to take a pre-employment drug test in accordance with the procedures outlined in Section 10.3 D 1 of this Personnel Manual.
2. Background Check. Background checks will be performed in accordance with the procedures outlined in Section 2.5 below.
3. Physical Functional Capacity Test. If applicable to the position, a physical functional capacity test will be administered in accordance with established guidelines and procedures.
4. Occupational Health Assessment. Health assessments by the City's occupational health providers based on criteria determined by the department and/or a regulatory entity, if applicable, will be given to applicants for entry-level police and fire positions.
5. Reference Checks. Once interviews are completed, the hiring manager may conduct reference checks of the top candidate's current and previous employers. It is important to be consistent in conducting all reference checks.

G. Final Offer of Employment.

1. Completion of pre-employment screening. The Human Resources Department will prepare the final written offer of employment and authorize the Hiring Manager to personally contact the applicant to extend a final offer of employment.

2. Compensation. The Hiring Manager has the authority to offer the applicant a salary that has been approved for said position. The Hiring Manager shall consider the candidate's experience and educational requirements when determining the salary. The employee may be eligible for a merit increase upon the successful completion of his/her probationary period and approved by the Department Director and the Director of Human Resources.

H. Special Conditions.

1. Nepotism. Individuals seeking employment with the City are prohibited from being in the direct line of supervision as their spouse or domestic partner, child or step-child, sibling or step-sibling, parent or member of their household. The City Manager may grant and/or subsequently withdraw exceptions for good cause shown.
2. Payment of Debts Owed to City. Any candidate for employment who owes City taxes and/or fees must pay all such amounts owed prior to beginning employment or present a planned repayment program for consideration by the Department Director. An exception may be granted by the City Manager for good cause shown.
3. Compliance with Child Labor Laws. Human Resources personnel may require an applicant to submit proof of age for purposes of compliance with the child labor provisions of the FLSA.
4. Public Safety Hiring Process. The hiring process for public safety positions shall be conducted in accordance with Topeka Municipal Code Chapter 2.125.
5. False Statements. If the City should discover that an applicant knowingly withheld information requested on the application that would have a bearing on the City's employment decision, or falsified information on the application, the City will consider this grounds for elimination from further consideration or, if employed for termination at any time.
6. Rehire. Former employees, where appropriate, may be considered for rehire with the approval of the Director of Human Resources and:
 - a. if separation of employment is within the immediately preceding one hundred twenty (120) days he/she shall be reinstated with the applicable service restorations, e.g. seniority status and leave accrual rates; or
 - b. if separation of employment is more than one hundred twenty (120) days ago shall be considered a new hire with applicable new seniority status and leave accruals.

2.4 Residency Requirement.

The Topeka City Council passed an ordinance that requires all City employees must be a bona fide resident of the State of Kansas within one year of the employee's date of hire. Department directors and municipal court judges must be bona fide residents of Shawnee County and the City Manager of the City of Topeka. Employees employed in critical response time positions may be required to live within a fixed maximum response time from an identified point of report.

2.5 Background Checks.

- A. Applicability. All individuals who have been offered a position with the City, individuals who have previously been employed by the City, but have not worked for the City for a period of thirty (30) days, individuals who have been selected for promotion or transfer to a position specifically to include but not limited to handling money, confidential materials, care of children, and law enforcement activities and for current employees who require access to the Law Enforcement Center and/or Municipal Court.
- B. General.
 - 1. All offers of employment are contingent upon the successful completion of a background check as may be applicable to the particular position being sought. Individuals may not commence employment until they have successfully completed a background check except under special circumstances and approved by the Director of Human Resources or his/her designee.
 - 2. Continued employment for employees in positions with access to the Law Enforcement Center or Municipal Court is contingent upon successfully completing periodic background checks in accordance with applicable regulations.
 - 3. City code violations; traffic, cigarette or tobacco infractions; misdemeanors; and felonies shall be defined by the City of Topeka Code of Ordinances, Kansas Statutes, and the United States Code, as may be applicable. An individual's criminal record will be considered in relationship to the position for which he/she is being considered.
- C. Consent.
 - 1. Individuals must complete a consent form prior to a background check being conducted. The consent form will specifically ask each individual to self-disclose if he/she has ever been convicted of a crime or has pending criminal charges.
 - 2. Individuals who decline to sign the consent form will be considered to have voluntarily removed themselves from further consideration for employment or continued employment if periodic background checks are required.

3. Individuals will submit the consent form directly to the Human Resources Department where it will be maintained in a secure confidential file.
4. The consent form will state that the position, externship, internship or volunteer assignment is offered contingent on the successful completion of a background check and may be withdrawn if the individual's criminal or other background check results are unacceptable based on the City's criteria.

D. Procedure.

1. The Director of Human Resources will be responsible for all activities involved with the background checks, including determining the scope, method and employment determinations made based upon the results of such background checks.
2. The City may contract with a private background check vendor(s) to conduct such checks.
3. Background checks shall include:
 - a. Social Security Number Trace - Authenticates applicant's information and generates a list of addresses the applicant has lived at for the last seven years;
 - b. Criminal Felony/Misdemeanor check for each county of residence in the U.S. for the previous seven (7) years;
 - c. Sex Offender Registry - sex offender search by state;
 - d. Employment verification;
 - e. Educational verifications;
 - f. Credit record checks; and
 - g. Motor vehicular records check or other employment related searches deemed appropriate for the position for which the individual is being considered.

E. Determinations Made. Any criminal charges or convictions as they relate to the acceptability of the individual for the position under consideration will be considered based on the criteria set forth below and such information shall be utilized to determine whether an individual will be disqualified from further consideration.

1. Warrants. Notwithstanding any conflicting terms, the City reserves the right to withdraw a contingent offer of employment pending disposition of an outstanding warrant.

2. Positions requiring a valid driver's license. A DUI conviction within three years of the date of contingent employment offer will result in automatic disqualification for positions that require driving as part of normal job responsibilities. An applicant's overall driving record will be considered based on the City's Vehicle Use insurability guidelines.
3. Determination of criminal charge or record. Once the criminal background check or other records check is completed, the Director of Human Resources will make a decision based on the background information obtained. If there are pending criminal charges which are determined to be substantially related to the position under consideration, the Director of Human Resources may delay the employment decision pending the receipt of sufficient information.
4. Green Factors. The Human Resources Department will review the circumstances of an offense utilizing the three GreenFactors identified in the EEOC Guidelines:
 - a. The nature and gravity of the offense or conduct;
 - b. The time that has passed since the offense or conduct and/or completion of the sentence; and
 - c. The nature of the position.

Positions that require access to the Law Enforcement Center or Municipal Court, must undergo the background check process established and meet the criteria outlined, in the Kansas Criminal Justice Information System Manual.

- F. Factors Considered. In reviewing the results of a criminal history background check on an individual applicant or employee, the City will review each individual on a case-by-case basis, conduct an individualized assessment. The following factors will be considered to determine whether there is a substantial relationship between the pending charge or conviction and the position and whether the individual should be further considered for the position and/or continued employment:

1. The Offense. The nature, severity and intentionality of the offense(s), including, but not limited to:
 - a. Statutory elements of the offense (rather than the individual's account of the facts of the offense);
 - b. Number and type of offenses (felony, misdemeanor);
 - c. Time elapsed since the last offense;

- d. Probation or parole status;
- e. Whether the circumstances arose out of an employment situation; and
- f. Whether there is a pattern of offenses.

2. The Position. The duties, responsibilities and circumstances of the position applied for, including but not limited to:

- a. The nature and scope of the position, including access to City facilities, access to cash or City or customer financial records and access to vulnerable populations, including minor children;
- b. The nature and scope of public or other interpersonal contact associated with the position;
- c. The nature and scope of the position's autonomy and discretionary authority;
- d. The amount and type of supervision received in the position, or provided to subordinate staff;
- e. The sensitive nature of the data or records maintained or to which the position has access; and
- f. The opportunity presented for the potential to commit additional offenses.

3. Determination. Using these and other appropriate factors, the Director of Human Resources will make the final determination on whether to accept or reject the individual for consideration or continued employment in a specific position on the basis of a background check. The Human Resources Department will be responsible for documenting the basis for the decision to accept or to refuse to employ or continue to employ an individual based on the background check review.

4. Secured Facilities. Positions that require access to the Law Enforcement Center or Municipal Court must meet the criteria outlined in the Kansas Criminal Justice Information System Manual.

G. Pre-Adverse Action Notification.

- 1. If a criminal charge or conviction is found, or if adverse information on a credit records report or a driving record report that precludes driver eligibility, the Director of Human Resources will send the candidate a "pre-adverse" letter via U.S. mail notifying the candidate of the information found along with a copy of the Fair Credit

Reporting Act Summary and a copy of the record produced by the contracted background check vendor or by the City.

2. The candidate or employee will be given ten (10) calendar days to refute the information and/or provide information that would demonstrate that being excluded from further consideration should not be applied due to his/her particular circumstances. Additional time extensions may be provided to the candidate at the sole discretion of Director of Human Resources.

H. Adverse Notification of Negative Results. If an individual is not selected based on the background check results, an “Adverse Action” letter will be sent notifying the individual that the offer of employment, continued employment or unpaid externship, internship or volunteer assignment has been rescinded.

I. Keeping Records.

1. Records gathered as a result of a background check will be kept by Human Resources in a separate file and will be maintained separately from an employee’s general personnel records. These records should include:
 - a. Consent Form
 - b. Information collected
 - c. Individual assessment, analysis and decision whether criminal activity (if any) was substantially related to position
 - d. Related correspondence
2. The records will be securely maintained and may be accessed only on a need-to-know basis, or as required by applicable law.

J. Temporary Service Agency Workers. All persons performing services for the City through a contracted temporary service agency will be required to successfully complete a background check based on established criteria. Temporary placement through an agency is subject to approval by the Human Resources Department.

1. The contracted temporary service agency will utilize the same criteria to perform background records checks as the City.
2. The contracted temporary service agency will provide the City with any pending criminal charges or conviction records found for a potential agency worker.
3. The Human Resources Department will determine the eligibility of the contracted temporary agency worker based on the same criteria

utilized for City employment, externship, internship and volunteer assignments.

4. The contracted temporary service agency will be required to fully comply with all federal FCRA requirements, including pre-adverse and adverse action notifications.

Section 3

Employee Conduct

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3.1 Overview.

The proper operation of any City government requires that its employees act as fiduciaries entrusted with, and responsible for, the property and resources of the community; that they make governmental decisions and policies in the proper channels of the government structure, free of coercive or other improper influence; that they use their position in the best interests of the City rather than for personal interests, whether their own interests or those of their family, friends or business associates; and that they do not, directly or indirectly, in a positive or negative sense, treat anyone preferentially, (i.e., other than in a manner generally accorded to every other City resident in the same type of circumstance).

Ethical conduct depends on a careful consideration of the action that ultimately needs to be taken – not in terms of what will be politically popular, what will most quickly and easily silence the squeaky wheel in the short term, or what is best for oneself and/or one’s friends and colleagues; but, rather, in terms of *what is in the best interests of the City as a whole over the long term*. This Section 3 establishes personnel provisions that reflect expected values and behaviors – for use by, and applicable to, all City employees. Individuals employed by the City under bargaining unit agreements must also observe the provisions of this Personnel Manual for the term of their contract or as the contract may stipulate.

3.2 Professional Integrity.

- A. Employees. For its employees, the City is committed to conducting business with integrity, professionalism, honesty, fairness and respect for others.

1. Employees are expected to abide by the law, to be honest and to not engage in actions such as theft or fraud; misappropriation of City funds or property for personal use without permission; or illegally dispose of City property.
 2. Employees are expected to perform their duties in a competent and efficient manner and to comply with lawful and reasonable directives given by supervisors.
 3. Employees are expected to refrain from engaging in abusive conduct toward their fellow employees, superiors, or members of the public and to refrain from constant and repeated negative statements and criticism.
 4. Employees are expected to comply with the policies and procedures set out in this Personnel Manual, as well as applicable provisions of the Topeka Municipal Code.
- B. Customers. For its customers, the City is committed to delivering prompt, thorough and efficient service to the best of its ability, operating as a concerned and responsible neighbor, and acting in an honorable and ethical manner. As such, employees are expected to engage with members of the public in as courteous a manner as possible, which includes listening carefully to complaints and referring them to the proper person for appropriate action.
- C. Contractors and Suppliers. For its contractors and suppliers, the City is committed to fair competition and being a responsible customer.
- D. Community. For its community, the City is committed to enhancing the overall quality of life.

This Personnel Manual shall, from its effective date, rescind and replace all previous Policies and all previous Administrative Rules and Regulations (ARRs).

3.3 Fair and Equal Treatment.

- A. Prohibited Actions with Respect to Appointment, Promotion. No employee who seeks appointment or promotion with respect to any City position shall directly or indirectly give, render or pay any money, service or other valuable thing to any person, except for licensed employment agencies, for or in connection with his/her test, appointment, proposed appointment, promotion or proposed promotion.
- B. Discrimination Prohibited. No person shall serve or be removed from, or in any way favored or discriminated against with respect to, any City position based on an individual's age, color, disability, familial status, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, veteran status or any other factor protected by law.

- C. **Preferential Treatment Prohibited.** No employee shall grant a special consideration, treatment, or advantage to any employee and/or citizen beyond that which is available to every other employee and/or citizen.
- D. **Nepotism Restrictions.**
1. No City employee, whether individually or as a member of a board or committee, may participate in any decision specifically related to appointing or hiring, or participate in influencing any decisions specifically related to the appointment or hiring of, his/her spouse or domestic partner, child or step-child, sibling or step-sibling, parent, or member of his/her household for any type of employment with the City, including by contract (unless competitively bid).
 2. No City employee may supervise, or be employed in the same section as, his/her spouse or domestic partner, child or step-child, sibling or step-sibling, parent, or member of his/her household. If an employee comes into a direct line of supervision over one of these persons, he/she will have 90-days within which to come into compliance.
- E. **Romantic Fraternization.** Romantic fraternization between a supervisor and subordinates in a direct reporting relationship is prohibited. Romantic fraternization includes, but is not limited to: dating; romantic e-mails; sharing adult subject jokes, sexually suggestive cartoons, and internet sites; and participating in a romantic/intimate relationship. A supervisor must immediately report romantic fraternization to his/her Department Director to allow for reassignment.
- F. **Bids, Negotiations and Procurements.**
1. Any City employee who is involved in proposals, bid preparations or contract negotiations, must be certain that all statements, communications and representations to prospective contractors or suppliers are accurate and truthful. Once awarded, employee assigned to administer a particular contract, must ensure compliance with applicable specifications and contract requirements.
 2. Any City employee who purchases goods or services for the City or is involved in the purchase of the same, must treat all suppliers uniformly and fairly. In deciding among competing suppliers, City employees must objectively and impartially weigh all facts and avoid even the appearance of favoritism. Any potential conflicts of interest in the purchasing of, or contracting for, any service should be disclosed to the employee's supervisor and the employee must remove himself/herself from further activity relating to the particular transaction involved. Established procedures should be followed in the purchasing of all goods or services.

3.4 Conflicts of Interest.

A. Gifts, Gratuities and Business Courtesies. No City employee may accept monies, gift, gratuity or discount that has a retail or exchange value of One Hundred Dollars (\$100.00) or more for his/her personal use, either directly or indirectly from any individual, company or representative of a company *having or seeking business relationships* with any City entity; or from any not-for-profit organization *receiving or seeking to receive funding* from any City entity. These restrictions shall not apply to the following:

1. Participation in, or attendance at, community events as a guest of the event sponsor or organizer;
2. An award publicly presented in recognition of public service;
3. Costs associated with conferences, workshops or seminars in exchange for being a guest speaker or facilitator; which may include attendance at other conference events or meals;
4. A discount for the purchase of goods or services that is offered, advertised or otherwise made available by the vendor to all City employees; or
5. A fee or gift provided to a municipal court judge or attorney for performing a wedding ceremony conducted outside of working hours.
6. A City employee may, however, accept meals, beverages, door prizes or entertainment in connection with business discussions and/or events.

It is the responsibility of each employee to ensure that his/her acceptance of such meals, refreshments or entertainment is proper and could not be viewed in any way as an effort by the offering party to receive favorable treatment.

B. Fees and Honorariums. No City employee may accept a fee or honorarium for writing an article, giving a speech or making an appearance/participating in an event in his/her official capacity. City employees may, of course, receive payment or reimbursement for necessary expenses related to his/her participation in such activity.

C. Conflict of Interest. A “conflict of interest” occurs when an employee’s personal interest interferes or appears to interfere, in any way, with the interest of the City. A conflict of interest can arise when an employee takes an action or has an interest that may make it difficult for him/her to perform his/her work objectively and effectively. Conflicts of interest may also arise when an employee, or someone with a close relationship to him/her, receives improper personal benefits as a result of the employee’s position in the City. Employees shall not place themselves in a position that may substantially conflict with their official duties or that may be a substantial

influence to act other than in the best interests of the public. By way of illustration, and not limitation, the following shall be deemed to constitute conflicts of interest:

1. Private Financial, Business Interests.

- a. No employee shall transact any business in his/her official capacity with any business entity of which he/she is an officer, agent, or member; nor shall he/she make any personal investments in any business entity that will create a substantial conflict between his/her private interest and the public interest.
- b. Employees who have a direct or indirect financial interest in any proposed legislation and who participate in discussion before, or give official opinion to, the Governing Body shall publicly disclose the nature and extent of such interest and the disclosure shall be duly noted.
- c. No employee shall invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction that creates a substantial conflict with his/her official duties.
- d. City employees may enter into contracts with the City to sell tangible goods or provide services, provided that such contract is competitively bid in accordance with Topeka Municipal Code Chapter and City of Topeka Procurement Regulations. No employee shall purchase anything from the City, other than services or commodities that the City offers generally to the public (and then only on the same terms as are offered to the public). Any violation of this section, with the knowledge, express or implied, of the person or business entity contracting with the City, shall render the contract voidable by the Governing Body. This paragraph shall not apply to the taking of property by condemnation proceedings.

2. Appearing on Behalf of, or Representing, Private Interests.

- a. No employee shall appear on behalf of private interests before any official, department, or board of the City government where such appearance will create a substantial conflict between his/her private interest and the public interest.
- b. No employee shall appear before any City department, board, council or commission, except on his/her own behalf or on behalf of the City. Any time an employee appears before the meeting of any governing body, or when he/she writes a letter to the editor or other publicly distributed writing, he/she is required to disclose before speaking or clearly on the writing whether he/she is appearing or writing in an official capacity

or as a private citizen. If the speech or writing is in response to criticism or other communication directed at or regarding his/her official role, the employee may respond only in his/her official capacity.

- c. No employee in the course of his/her official duties shall represent private interests in any action or proceeding against the interests of the City, or in any litigation to which the City is a party, unless pursuant to a subpoena.
- d. No employee in his/her official capacity may publicly endorse products or services. However, this does not prohibit an employee from answering inquiries by other governmental officials, consumer organizations, or product information services regarding products or services.

3. **Employment Matters.**

- a. No employee, during his/her tenure as a City employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when such employment or service could be reasonably expected to be in conflict with the proper discharge of his/her official duties (i.e., the employment may require disclosure or use of privileged, confidential or proprietary information gained by reason of serving as a City employee; the employment may require representation of a person or organization other than the City in connection with litigation or labor negotiations; the employer is regulated by, or subject to the authority of, that employee or the City; etc.)
- b. No employee shall solicit, negotiate for, or promise to accept employment with any person or business entity with which he/she is engaged on behalf of the City in the transaction of business or which is or may be affected by his/her official action. Nor shall any employee accept any offer from any person or business entity, whether directly or indirectly, of any gifts, whether in the form of services, loans, items, or promises, in exchange for preferential treatment.

Situations involving a conflict of interest may not always be obvious or easy to resolve. In order to avoid conflicts of interest, an employee shall refrain from participating in any activity that creates or appears to create a conflict of interest and each employee must disclose to his/her Department Director any material transaction or relationship that reasonably could be expected to give rise to a conflict of interest. The Department Director shall notify the Human Resources Department of any such disclosure. Conflicts of interest involving the Director of Human Resources shall be disclosed to the City Manager. Conflicts of interest involving the City Manager shall be disclosed to the City Attorney.

3.5 Involvement in Political Process.

Interest and participation in political elections is a valued right of American life. Although public service does not require a complete forfeiture of rights as they relate to political participation, those who choose public service with the City are placed in a somewhat different position than persons not employed by the City. The following will outline acceptable conduct of City employees with regard to the political process.

- A. Employee Seeking Office. Any employee who is seeking election to the office of Mayor, Council Member, County Commissioner, or state or federal office shall be required to request either vacation leave or a formal leave of absence from his/her position with the City for the reasonable length of time needed to campaign. If elected, the employee shall relinquish his/her position with the City within 30-days following the date on which he/she is elected. Similarly, no City employee shall continue in his/her position after being elected to any public office that would substantially interfere with the disposition of his/her particular duties.
- B. Display of Political Support. No City employee shall wear any political button, cap, hat, shirt or other passive display during work hours; or while off duty if he/she is wearing a City uniform or any badge or other insignia indicating the person is a City employee. However, an employee may wear a political button, cap, hat, shirt, or make any other passive display in support of or opposition to a political candidate or issue for any election, if not wearing a City uniform or any badge or other insignia indicating the person is a City employee. In addition, a City employee may display a bumper sticker on such employee's personal vehicle, or post a political sign on such employee's private property, in support of or in opposition to a political candidate or issue for any election. Lawful participation in political campaigns by an employee shall not result in any benefit, nor any detriment, to the person's employment.
- C. Participation in Campaigns. No City employee shall be required to participate in any election campaign, whether in support of or opposition to a political candidate or issue, although City employees may voluntarily participate in election campaigns, which may include attendance at social events, including fund raising events; provided, however, that an employee may do nothing to imply that he/she is acting with the approval or disapproval of the City. An employee must make an appropriate effort to indicate that participation in the political campaign is one in a personal capacity.
- D. Contribution of Money, Time or Other Services. No City employee shall be required to contribute money, time or other services to any election campaign or political organization. No City employee may solicit, by way of any explicit or implied threat of any kind, coercion or force, any other employee to contribute money, time or other services to any election campaign or political organization.

- E. **Subordinate Employees.** No City employee shall request a subordinate employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value. No City employee may act or decline to act in relation to appointing, hiring, promoting, discharging, disciplining, or in any manner changing the official rank, status, or compensation of, any City employee, or an applicant for a position as a City employee, on the basis of the giving, withholding, or neglecting to make any contribution of money or service or any other valuable thing for any political purpose. No employee may promise an appointment or the use of his/her influence to obtain an appointment to any position as a reward for any political activity or contribution.
- F. **Activities Prohibited While on Duty.** While on duty, or while in any City vehicle, building or other work-site, no City employee may solicit money from, or entice any person to vote for or against, any candidate for any political office or any other political purpose; seek signatures to any petition; act as a worker at the polls or distribute paraphernalia favoring or opposing a candidate for nomination or election to office; or otherwise work for or against the nomination or election of any candidate for office.
- G. **Use of City Property.** The use of any vehicles, equipment, materials, or other property of the City for purposes of promoting, or defeating, the nomination or election of any candidate for any office, or for any other political purpose, is strictly prohibited.

3.6 Solicitation/Gambling.

- A. **When Permission Required.** Other than the simple posting of a fundraising order form within a common area, no employee shall peddle, solicit or sell for charitable or other purposes while on City property during working hours without the written approval of the Department Director or City Manager.
- B. **Prohibitions.** No employee shall participate while on City-owned or leased property, or while on duty for the City, in any gambling activity as defined by State law.

3.7 Confidential Information.

- A. **Written Permission to Disclose.** No employee, former employee or contractor/consultant of the City shall disclose, distribute or use, without having first obtained prior written permission from the Department Director, any confidential information concerning the property, government or affairs of the City, for his/her own benefit or for the benefit of any other person or entity; or make such information available in a manner where it would be reasonably foreseeable that a person or entity would benefit from it. "Confidential information" means information obtained, whether formally or informally, by an employee through the

course of his/her employment or due to his/her position with the City, or as a contractor/consultant to the City, that is not available to members of the public and that the employee or contractor/consultant is not authorized to disclose except to designated individuals or bodies. "Confidential information" includes both written and non-written information.

- B. Signed Statement Required When. Employees deemed by their Department Directors to have regular access to confidential information shall be required to sign a statement or agreement related to the release of confidential information.
- C. Secure Area. Employees shall ensure that all records containing confidential information are maintained in a locked or otherwise secure area.

3.8 Use of City Position and Resources.

- A. Use of Position. No employee shall knowingly use his/her position to secure personal gain, profits, or special privileges for himself, herself or other persons; provided, however, that nothing contained in this paragraph shall prohibit a sworn law enforcement officer from providing security duties to outside organizations.
- B. Use of Resources. City resources shall be used for lawful municipal purposes. City resources include, but are not limited to, City personnel, funds, vehicles, equipment, uniforms, identification, computers, telephones, materials, supplies or other property.
- C. Credentials; Identification. Credentials and other City identification are for establishing identity or authority in connection with official duties. Such credentials and identification of an employee's official position, status or designation shall not be used by employees to exert influence to obtain either directly or indirectly, privileges, rewards or preferential treatment for themselves or others.
- D. Uniforms. City employees who wear authorized uniforms shall wear their regulation uniform only when on duty or when proceeding to and from duty. Off-duty employees shall not use the uniform, or any part thereof, for the purpose of identifying themselves as an employee of the City. Off-duty City employees may wear regulation uniforms for community service events with the express prior written approval of their Department Director.
- E. Personal; Private Use. No City employee may use or permit the use of City resources for personal or private purposes, whether for profit or convenience, but this provision shall not be construed as prohibiting:
 - 1. Any use of City resources authorized by law or City's Personnel Manual; or

2. When available to the public generally on the same terms and conditions; or
 3. The occasional and incidental use during the business day of City telephones and computers for necessary personal matters such as family care and changes in work schedule; uses that provide a minor personal convenience.
- F. Travel Costs. No City employee shall cause the City to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

3.9 Integrity of Financial Records and Public Reporting.

- A. General. Employees should promote the accurate and reliable preparation and maintenance of the City's financial and other records. Care in accurately preparing and maintaining records allows the City to fulfill its reporting obligations and to provide governmental authorities and the general public with full, fair, accurate, timely and understandable disclosure.
- B. Accounting. All City records must be true, accurate and complete, and the data must be promptly and accurately entered in accordance with the City's and other applicable accounting principles.
- C. Audits. Employees must not improperly influence, manipulate or mislead any unauthorized audit, nor interfere with any auditor engaged to perform an internal independent audit of the City's records, processes or internal controls.
- D. Financial Transactions. No employee shall engage in a financial transaction, including the giving or receiving of loans or monetary contributions, including charitable contributions, with a subordinate or person or business over which, in the employee's official duties and responsibilities, he/she exercises supervisory responsibility, unless (i) the financial transaction is in the normal course of a regular commercial business or occupation, or (ii) the financial transaction involves a charitable event or fundraising activity which is the subject of general sponsorship by a state or municipal agency through official action by a Governing Body or City Manager.
- E. Self-Assessment of Internal Controls. The City shall perform an annual Self-Assessment of their internal control system. Performing the Self-Assessment is outlined in the City's Internal Control Self-Assessment Procedure.

3.10 Multiple City Positions/One Employee.

- A. General. This Section shall apply to all individuals who hold a benefit-eligible position with the City with the underlying purpose of ensuring an appropriate level of work productivity.
- B. Procedure.
 - 1. Any benefit-eligible employee who holds a position with the City shall be prohibited from simultaneously holding any other position with the City.
 - 2. Exceptions may be approved by the City Manager, in writing, only after a review has been conducted by the Director of Human Resources, accompanied by a corresponding report.
 - 3. In the event a benefit-eligible employee is permitted by the City Manager (pursuant to subsection 2 above) to simultaneously hold an additional temporary position at an appropriate salary, such extra position shall only be performed on a sporadic or occasional basis. The hours worked in the additional temporary position will be paid in accordance with the Fair Labor Standards Act (which governs the determination of whether the hours worked in multiple positions are combined for purposes of overtime compensation).
 - 4. The decision of the City Manager shall be at his/her sole discretion and shall not be subject to the grievance process.

3.11 Secondary; Outside Employment/Volunteer Activity.

- A. Secondary; Outside Employment -- Employment of any kind engaged in by an employee for which compensation is received from a source other than the City.
- B. No interference with Primary Employment. Any benefit-eligible employee should discuss current or planned secondary employment and/or volunteer activity with his/her supervisor. Such employees may hold other employment or participate in volunteer activity as long as the conditions set forth below are met; otherwise such employment and/or volunteer activity cannot be approved.
- C. Conditions.
 - 1. Must not interfere with the employee's ability to perform properly and effectively in his/her City position (primary employment);
 - 2. Must not result in a legal, financial or ethical conflict of interest;
 - 3. Must not subject the City to public criticism or embarrassment;
 - 4. Must understand he/she acts on behalf or in service of a governmental entity in any official capacity, whether with or without compensation; and

4. Must be considered secondary to the employee's service for and with the City (his/her primary employment).

3.12 Off-Duty Conduct.

- A. Unacceptable Behavior. Employees engaging in unacceptable activity or behavior while off-duty, including the commission of a crime, may still be subject to disciplinary action if such unacceptable activity or behavior:
 1. Has an actual or reasonably foreseeable adverse effect on providing City services;
 2. Reflects adversely on the employee's ability to do his/her job; or
 3. Bears a substantial relationship to duties directly affecting rights and interests of the public.
- B. Reporting Requirement. Employees shall report any citations or arrests that occur during the employee's off-duty hours if the citation will have an impact upon the employee's ability to perform assigned duties or drive a City vehicle.
- C. Matters of Public Concern. Off-duty conduct involving the exercise of free speech in publically criticizing the employer is acceptable if the criticism regards a matter of public, rather than personal, concern. For example, complaining about a personal work schedule would not constitute a matter of public concern. However, bringing to the public's attention concerns such as a wrongdoing or violation of law by the employer would constitute a matter of public concern. Whether an employee's speech addresses a matter of public concern must be determined by the content, form and context of a given statement. Employees are protected against discharge, discrimination, or retaliation when they report, in good faith, any instances of waste or wrongdoing.

3.13 Work Attire and Personal Appearance.

- A. Overview. The City of Topeka strives to maintain a workplace environment that is well functioning and free from unnecessary distractions and annoyances. Dress and personal grooming communicates a professional image to our citizens, potential employees, and community visitors and helps to instill confidence in our ability to provide a high standard of quality services. Therefore, employees are expected to be neat and clean and to dress for work according to generally-accepted business and professional standards as dictated by their particular work assignment.

The overall goal of these provisions is to ensure maximum flexibility, maintain good morale, respect individual style, and give due consideration to sound business practice. Therefore, these guidelines are intended to serve as a tool to help you gauge what may or may not be considered

appropriate; not to address any and all situations that may occur. There may be differences in some department's dress guidelines depending on the nature of the work environment, work performed, safety considerations, level of public interaction, uniform or other circumstances as defined by the Department Director.

B. Guidelines.

1. Employees are expected to present a professional, businesslike image to clients, visitors, customers and the public. Acceptable personal appearance, similar to the proper maintenance of work areas, is an ongoing requirement of employment with the City.
2. These provisions may be reasonably interpreted and applied by each Department Director in accordance with the specific needs of his/her department. It is important, however, that Department Directors make an effort to actively encourage employees within their respective departments to adhere to these provisions in order to promote consistency and the overall morale of employees City-wide. These provisions may also be modified by a Department Director, on occasion, to meet any particular, temporary needs of the department.
3. Supervisors should communicate any department-specific workplace attire and grooming guidelines to employees during new-hire orientation and evaluation periods. Any questions regarding the department's guidelines for attire should be discussed with the supervisor.
4. Any employee who does not meet the attire and/or grooming standards set by his/her department will be subject to corrective action and may be asked to leave the premises to change clothing. A non-exempt employee will not be compensated for any work time missed due to his/her failure to comply with designated workplace attire and/or grooming standards.
5. All employees are required to maintain a clean, neat and well-groomed appearance. Regardless of an employee's duties or anticipated work assignment, he/she is expected to meet this standard at the time they report for work.

C. Prohibitions; Specific Requirements.

1. Any attire that contains language or statements that allude to violence, discrimination, hatred, sex, alcohol, tobacco or illegal substances is prohibited.
2. An employee may be required to meet special dress, grooming and hygiene standards, such as wearing uniforms or protective clothing, depending on the nature of his/her position. If uniforms and/or protective clothing is required for a particular position, it will be provided to employees by the City.

3. At the discretion of the Department Director in special circumstances, such as during unusually hot or cold weather or on special occasions, employees may be permitted to dress in a more casual fashion than is normally required. On these occasions, employees are still expected to present a neat appearance and are not permitted to wear ripped, frayed or disheveled clothing or athletic wear; nor are they permitted to wear tight, revealing or otherwise workplace-inappropriate dress.
- D. Reasonable Accommodation of Religious Beliefs. The City recognizes the importance of individually-held religious beliefs to persons within its workforce and will reasonably accommodate an employee's religious beliefs in terms of workplace attire unless the accommodation creates an undue hardship. Employees requesting a workplace attire accommodation based on religious beliefs should be referred to the Human Resource department, which shall evaluate the requests and make a determination.
- E. Business Attire and/or Casual or Dress-Down. The list set out below provides examples of generally appropriate business casual and casual, or dress-down, attire. This list is not comprehensive and may be subject to change at the discretion of the Department Director.
1. Slacks, Pants. Slacks, dressy capris and nice looking dress pants are acceptable. Office employees not performing field duties may not wear jeans or shorts, except as may be otherwise specified in Section G below. Sweatpants, exercise pants, pants with holes, short shorts, bib overalls are typically not acceptable in an office environment, nor are leggings, spandex or other form-fitting pants unless covered, at least to the mid-thigh, by a dress or appropriate-length shirt.
 2. Skirts, Dresses, and Skirted Suits. Casual dresses and skirts, and skirts that are split at or below the knee are acceptable. Dress and skirt length should be at a length at which the employee can sit comfortably in public. Mini-skirts, sun dresses and beach dresses are typically not acceptable in an office environment.
 3. Shirts, Tops, Blouses, and Jackets. Dress shirts, collared shirts, polo's, formal tops, sweaters and turtlenecks are acceptable attire for work. Office employees performing field duties should wear collared or City uniform-shirts. Tank tops, midriff tops, halter-tops, tops with plunging necklines and non-City t-shirts are typically not acceptable for employees in an office environment.
 4. Shoes and Footwear. All footwear is expected to be appropriate to the employee's position. Shoes are to be neat, clean and in good repair. This includes walking shoes, dress shoes, oxfords, loafers, boots, flats, dress heels, and open and backless shoes. Athletic shoes, tennis shoes, flip-flops and slippers are typically not acceptable for

employees in an office environment except as may be otherwise specified in Section G below.

5. Hats and Head Covering. Hats are typically not acceptable for employees in an office environment. Head covers that are required for religious purposes or cultural tradition are allowed.

F. Body Art/Piercing.

1. Visible body art or tattoos that depict illegal activities or could be perceived as offensive or hostile to a reasonable person are prohibited. Any body art or tattoos that might diminish the employee's ability to effectively perform or represent the particular position he/she holds with the City must be covered during their normal work schedule. The Department Director shall be the sole judge of what constitutes unacceptable body art or tattoos.
3. Unacceptable body piercings include, but are not limited to, nose rings or posts, tongue posts, eyebrow rings or posts, and lip rings. The Department Director shall be the sole judge of what constitutes unacceptable body piercings.

G. Exceptions.

1. To accommodate the vastly different positions and duties performed by employees, supervisors are authorized to create exceptions for anyone they supervise. With reasonable advance notice, supervisors may also create additional requirements beyond those listed. Exceptions may be made on a case-by-case basis. Exceptions will be made as appropriate for disability accommodations, or religious beliefs or practices. Employees with medical conditions requiring otherwise non-permitted clothing may be required to provide certification from the employee's health care professional. The City Manager has the final authority on all exceptions and/or decisions made.
2. Friday dress code for an office environment may include jeans and well-kept athletic shoes, but does not include shorts or sweats that are unsuitable for a professional work environment. There may be situations that require an employee to wear a more formal business attire on a Friday.
3. At the discretion of the Department Director, appropriate holiday dress may be permitted.

- H. Addressing Workplace Hygiene Issues. Employees are expected to maintain proper hygiene and shower/bathe routinely. Employees are also expected to refrain from using heavy perfume, cologne, aftershave, or other scents whose odor could be considered reasonably offensive to coworker(s).

If an employee's poor hygiene or use of too much perfume/cologne is an issue, the supervisor should discuss the problem with the employee in private and identify the type of corrections that need to be made. If the problem persists, supervisors should follow the normal corrective action process.

3.14 Workplace Bullying and Violence.

- A. General. The City of Topeka is committed to providing a safe, healthful workplace that is free from violence, threats of violence or bullying. The City does not tolerate behavior whether direct or through the use of City-facilities, property or resources, that: (1) is violent; (2) threatens violence; (3) harasses or intimidates others; (4) interferes with an individual's legal rights of movement or expression; or (5) disrupts the workplace or collegial environment, or the City's ability to provide service to the public. This applies to all work locations, including offices, work sites, vehicles and field locations. The City take reports of threatening or violent workplace incidents seriously.
- B. Definitions.
 - 1. *Bullying Behavior* -- Behavior that intimidates, humiliates and/or undermines a person or group and is repeated over time, as opposed to a one-time situation. Bullying can also encompass unfair and excessive criticism; constantly setting and then subsequently altering work assignments; setting unrealistic work targets; imposing impossible deadlines with the intent of bringing into question a person's reputation or standing within the organization.
 - 2. *Violent or Threatening Behavior* -- Behavior that can include, but is not limited to, physical acts, oral or written statements, harassing telephone calls, gestures and expressions, or behaviors such as stalking or violent horseplay.
- C. Workplace Bullying. The City of Topeka will not tolerate bullying in the workplace that a reasonable person would find hostile and offensive, whether it is group bullying, peer to peer bullying, supervisor to subordinate bullying, and/or situations when a subordinate employee subjects a supervisory-level employee to bullying. Examples of workplace bullying include, but are not necessarily limited to, the following:
 - 1. General Bullying.
 - a. Use of disrespectful and devaluing language.
 - b. Persistent or constant criticism in front of other persons (including co-workers, vendors, contractors or members of the public) for the purpose of humiliating another employee.

- c. Tampering with an employee's personal belongings or work equipment.
- d. Invasions of privacy, such as spying, stalking, rummaging through personal belongings (including unauthorized access of personal email and contents of personal cell phones).
Note: an employee has no expectation of privacy in any items of personal equipment attached to City network devices.
- e. Attempting to exploit an employee's known psychological or physical vulnerability, (which may also be a violation of the Americans with Disabilities Act).
- f. Engaging in behavior or using language that frightens, humiliates, belittles or degrades, including criticism that is delivered with yelling and screaming.

2. Bullying by Supervisor.

- a. Making up arbitrary rules that only apply to the targeted employee.
- b. Managing by threat and intimidation.
- c. Preventing access to opportunities.
- d. Giving tasks with unreasonable, impossible or constantly changing objectives and/or deadlines.
- e. Removing key areas of responsibility and/or replacing them with more trivial or unpleasant tasks for no business or performance-related reason.
- f. Denying access to necessary information, consultation, training or resources.
- g. Purposefully excluding an employee from an essential meeting.
- h. Excluding an employee from involvement in matters in which he/she would be expected to be included as part of his/her job.
- i. Withholding essential information or purposefully giving incorrect information.
- j. Constantly criticizing a subordinate employee's actions outside the scope of reasonable disciplinary efforts.

4. Bullying by Co-workers (to include supervisors). In addition to the behaviors listed above:

- a. Using confidential information to humiliate privately or publicly.
- b. Withholding information that affects an employee's performance.
- c. Intimidating an employee through inappropriate personal comments, disparaging opinions or criticism with no basis in fact.
- d. Taking credit for another employee's work.
- e. Repeatedly belittling a co-worker (whether publicly or privately).

4. Bullying by Sabotage.

- a. Falsely accusing an employee of making errors.
- b. Ensuring failure of an employee's project by not performing required tasks, such as sign-offs, taking calls, working with collaborators, etc.
- c. Undermining or deliberately impeding an employee's work.

D. Workplace Violence.

- 1. The City of Topeka will not tolerate violent or threatening behavior in the workplace by any of its employees, customers, members of the general public and/or anyone who conducts business with the City of Topeka.
- 2. The City's goal is to secure the workplace from violence and/or prohibited behavior and to reasonably protect employees and members of the public. As such, City employees and members of the public doing business with the City shall be prohibited from carrying weapons into City buildings with the exception of knives and concealed handguns as specifically allowed by state law. (Refer to Section 10.9 of this Personnel Manual, "Concealed Handguns in the Workplace.") It is outside the course and scope of employment for a City employee to possess, carry or use any weapon, including knives and concealed handguns, with the exception of certified law enforcement officers and/or licensed merchant guards.
- 3. Violations by employees may lead to disciplinary action, up to, and including, termination, arrest and prosecution. If the source of the prohibited behavior is a member of the public, the response may include removing and subsequently barring the person(s) from City-

owned or leased premises and City-sponsored functions, as well as termination of business relationships and/or taking appropriate legal action against the person(s) involved.

E. Procedure.

1. Reporting.

- a. Targets. When an employee believes that he/she is the target of behavior that may satisfy the definition of workplace bullying or workplace violence, the employee must immediately report any and all incidents to a supervisor or the Human Resources Department. Employees who believe they are the target of workplace bullying or workplace violence are not required to confront the alleged perpetrator.
- b. Witnesses. When an employee of the City witnesses, or is made aware of, behavior that may satisfy the definition of workplace bullying or workplace violence, he/she must report any and all incidents immediately to his/her Department Director, supervisor or the Human Resources Department.
- c. Supervisors. When a supervisory-level employee is notified about behavior that could potentially be categorized as workplace bullying or workplace violence, the supervisor must immediately notify his/her Department Director and the Human Resources Department.
- d. Human Resources Department. Employees always have the right to report potential bullying or violence behavior directly to the Human Resources department. For example, if the supervisory-level employee fails to take immediate appropriate corrective action, or if circumstances are such that reporting the possible workplace bullying or violent behavior to a supervisor is inappropriate, the employee shall report the bullying or violence directly to the Human Resources Department.
- e. Safety protocol. All incidents are to be reported and handled in the safest possible manner. Employees should not confront other employees or individuals who are armed. In the case of an immediate threat, an employee should call 911 and alert building security (when and where applicable). A report must immediately be made as soon as practicable to the employee's supervisor and a written report shall be completed by the employee or the employee's supervisor and forwarded to the Director of Human Resources thereafter.
- f. No retaliation. Any employee who acts in good faith by reporting real, perceived or implied threats and/or acts of

violent behavior shall not be subjected to harassment or retaliation. Harassment or retaliation resulting from a report of threat of violence or a violent act must be reported to the Director of Human Resources for investigation and decision regarding proper action.

- g. False reports. Any employee who files an intentionally false report against another individual shall be subject to discipline, up to, and including, termination.

2. Investigation.

- a. The Human Resources Department will conduct a thorough and impartial investigation of the reported workplace bullying or violent behavior.
- b. All employees of the City shall cooperate with any investigative process or resolution, whether informal or formal. Any City employee who fails to cooperate and/or attempts to undermine and/or discourage participation in an investigation will be subject to, discipline, up to and including, termination. To enable the City to achieve its investigatory goals, the Human Resources Department shall have access to all relevant and necessary information.
- c. During investigations, employees may be placed on administrative leave, and may be subject to a fit-for-duty examination prior to returning to the workplace. Employees, supervisors/managers are expected to report actual or alleged incidents of bullying or violence in the workplace to the Human Resources Department.
- d. The Human Resources Department will prepare a report of its investigative findings and make recommendations to the alleged appropriate Department Director and/or the City Manager for further action.
- e. If deemed necessary, any employees exhibiting emotional stress from his/her involvement in the incident should be referred to contact EAP.

- 3. Corrective Action. The Department Director will take appropriate disciplinary action if warranted, and refer any employee found to have violated the personnel provisions to the Human Resources Department for additional training and/or to the Employee Assistance Program (EAP) for counseling. Serious infractions will warrant disciplinary action, up to, and including, termination in accordance with the City's Personnel Manual and/or any applicable bargaining unit agreement.

- F. **Retaliation Prohibited.** Retaliation is defined as behavior that may dissuade a reasonable person from exercising his/her rights. The City prohibits retaliation against employees who report potential workplace bullying or workplace violence or who participate in the investigation of a corresponding complaint. Any employee bringing a complaint, or assisting in the investigation of such a complaint, will not be adversely affected in regard to the terms and conditions of his/her employment, nor discharged because of the complaint. Anyone who engages in retaliatory action will be subject to discipline, up to, and including, termination in accordance with the City's Personnel Manual and/or any applicable bargaining unit agreement.
- G. **Confidentiality.** To the extent feasible, information provided in the complaint and investigation process at both the informal and formal level will be treated as confidential. However, the City will disclose information if deemed reasonably necessary to investigate and take appropriate corrective action, or to defend such corrective action and/or if required by law.

3.15 Discrimination and Harassment.

- A. **Overview.** The City is committed to protecting and safeguarding the rights and opportunities of all persons who seek, obtain and hold employment without discrimination and/or harassment. Therefore, the City shall not engage in any unlawful employment practice based on age, color, disability, familial status, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, veteran status or any other factor protected by law. This applies to all employees in his/her dealings with fellow employees, as well as in his/her dealings with visitors and customers in the workplace. Employees shall participate in mandatory training every two years related to discrimination and/or harassment issues.
- B. **Definitions and Examples.**
1. *Allegation* -- An allegation is an unproven assertion or statement based on a person's perception.
 2. *Complainant* -- The person alleging that discrimination or harassment occurred. There can be more than one complainant alleging a violation.
 3. *Discrimination* -- Unlawful treatment or denial of normal privileges to individuals based on age, color, disability, familial status, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, veteran status or any other factor protected by law. Discrimination includes the failure to provide a reasonable accommodation to the known physical or mental limitations of an otherwise "qualified individual with a disability," as that term is defined under federal law, unless providing the accommodation would impose an undue hardship on the City. Any request for a

reasonable accommodation should be forwarded to the Human Resources Department.

4. *Harassment* -- A course of conduct directed at a specific person that has the purpose or effect of unreasonably interfering with that person's work performance or creating an intimidating, hostile or offensive work environment.
5. *Retaliation* -- Adverse action taken by an employer against an employee or former employee because he/she exercised his/her rights under anti-discrimination laws, spoke out against discrimination or assisted someone in exercising his/her rights; provided, however that: (i) engaging in such activity does not shield an employee from all discipline or discharge, as employers are permitted to discipline or terminate employees if motivated by non-retaliatory and non-discriminatory reasons that would otherwise result in such consequences; and (ii) behavior that is neither severe nor pervasive enough to create a retaliatory hostile work environment, (i.e., rude remarks, minor annoyances, social and other trivial slights), does not rise to the level of retaliation.
6. *Upper Level Administrative Personnel* -- All Department Directors and Division Directors under the authority of the City Manager pursuant to Charter Ordinance A2-54.
7. Representative examples of discrimination and/or harassment.
 - a. Derogatory comments about an individual's membership in a protected group, such as calling someone "an old bag" or frequently directing other age-related words at an individual.
 - b. Visual messages that are degrading to, or reflect negatively upon, a protected group, such as displaying cartoons or drawings that are degrading to religious beliefs.
 - c. Jokes that have the purpose or effect of stereotyping, demeaning or making fun of any protected group, such as jokes or remarks about a person with HIV/AIDS.
 - d. Slurs that describe a protected group, such as using derogatory words toward an individual of color.
 - e. Verbal or non-verbal innuendoes that relate to, or reflect negatively upon, any protected group, such as mimicking a disabled individual's walking or speaking ability.

- C. Sexual Harassment. Sexual harassment includes any unwelcome offensive sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
2. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting the individual.
3. Submission to, or rejection of, such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
5. Additional factors that should be considered are set forth in detail below:
 - a. Sexual harassment may involve any combination of genders, i.e. female harassing male, male harassing female, or single gender harassment (female to female or male to male).
 - b. The harasser may be someone other than the complainant's direct supervisor, e.g. the harasser may be a supervisor who is not in the complainant's chain of supervision, a fellow employee, or a customer who engages in harassing activity in the workplace.
 - c. The complainant may be someone other than the person toward whom the sexual conduct is directed, e.g. unlawful sexual conduct toward one employee may create an intimidating, hostile, or offensive working environment for another employee.
 - d. Sexual harassment may result even when the complainant has not suffered an economic loss as a result of the harasser's conduct, e.g. improper sexual advances that do not result in the denial of a promotion or the discharge of the complainant may, nonetheless, constitute sexual harassment where they interfere with the complainant's work or create an intimidating, hostile, or offensive work environment.
5. Examples of sexually harassing behavior are set forth in detail below:
 - a. Direct or implied, explicit or implicit demands for sexual favors in return for job benefits.
 - b. Unwelcome communications of a sexual nature.
 - c. Unwelcome touching or grabbing.
 - d. Unwelcome and deliberate touching, leaning over, cornering, or pinching.

- e. Unwelcome sexually suggestive looks or gestures.
- f. Unwelcome pressure for sexual favors.
- g. Unwelcome pressure, either on or off duty, for dates.
- h. Unwelcome sexual teasing, jokes, remarks, or questions.
- i. Affording preferential treatment to those who grant sexual favors.
- j. Display or transmittal of sexual or sexually suggestive language, pictures, objects, cartoons, or posters.

D. Offensive Behavior. What constitutes offensive behavior will be determined on a case-by-case basis, depending upon the facts and circumstances. For instance, a mere utterance of an ethnic or racial term or comment that leaves a particular employee feeling offended may not sufficiently affect the conditions of employment. However, when behavior becomes physically threatening or when it is severe or pervasive enough that it unreasonably interferes with an employee's work performance, a violation may be established.

E. Responsibilities.

1. City Responsibility.

- a. Establishing an environment that discourages discrimination and/or harassment.
- b. Conducting a prompt, thorough and impartial investigation of all complaints or charges of discrimination and/or harassment in the workplace, under the direction of Human Resources personnel and/or the City Attorney, which will be kept confidential to the extent possible.
- c. Taking prompt and appropriate remedial action, which may include disciplinary action up to and including termination, if it is determined that discrimination and/or harassment has occurred.
- d. Training all employees to a point where they understand and have an awareness of the principles of laws that govern such conduct.

2. Supervisor Responsibility.

- a. Acting to stop any workplace conduct that may constitute elements of discrimination and/or a harassing or hostile environment, (i.e., inappropriate touching, gestures or language, sex-related joke telling or other such inappropriate activity).

- b. Bringing conduct that they believe might constitute discrimination and/or harassment to the attention of his/her immediate supervisor and/or Department Director and to Human Resources personnel, without delay.
- c. Assisting Human Resources personnel in receiving, investigating and resolving informal complaints or reports of alleged discrimination and/or harassment.

3. Employee Responsibility.

- a. Ensuring that his/her conduct does not discriminate against and/or harass any other City employee, applicant for employment, visitor to any City workplace or other individual encountered in the workplace.
- b. Advising others when conduct has become offensive and/or harassing and asking that such conduct cease.
- c. Reporting actions believed to constitute discrimination and/or harassment in accordance with the guidelines and procedures specifically set forth in section 8 below.
- d. Cooperating in the investigation of informal or formal complaints of alleged discrimination and/or harassment by providing any information he/she possess concerning the matters being investigated.
- e. Cooperating with the City's efforts to prevent and eliminate discrimination and/or harassment and to maintain a working environment free from such unlawful practices.
- f. Contacting the Human Resources Department to the extent a reasonable accommodation for a disability is required.

F. Discrimination/Harassment by Member of the Public. An employee who believes he/she has been discriminated against and/or harassed by a member of the public while performing his/her assigned duties should report such actions in accordance with the guidelines and procedures specifically set forth in Section H below.

G. Retaliation.

- 1. No employee will be subjected to any form of retaliation or discipline for reporting what he/she reasonably believes to be a violation of anti- discrimination and/or harassment laws. This protection against retaliation shall exist even if the employee is later shown to have been mistaken about the nature of the challenged practice. Protection against retaliation shall not apply

if an employee is found to have filed a complaint that he/she knows to be untruthful, malicious or without merit.

2. No employee will be subjected to any form of retaliation or discipline for participating in any complaint process, such as filing a charge, testifying in a hearing or lawsuit, or participating in any manner in an investigation related to alleged unlawful practices. An employee will be protected from any form of retaliation or discipline regardless of the validity or reasonableness of the original allegation of discrimination and/or harassment; except he/she may be subject to disciplinary action where it is discovered that he/she personally filed a complaint that they knew was untruthful, malicious, or without merit.
3. Any employee who believes that he/she has been subjected to retaliation for engaging in protected activity, is encouraged to report the facts in accordance with the guidelines and procedures specifically set forth in Section H below.

H. Reporting.

1. An employee who believes he/she has been subjected to discrimination and/or harassment is expected to immediately report the circumstances to his/her supervisor. If his/her supervisor is the source of the alleged discrimination and/or harassment, or if the employee is uncomfortable discussing the issue with his/her supervisor, then the employee is encouraged to report the problems to the next level management or the Department Director. The employee may also report the problem directly to upper level administrative personnel, to Human Resources or, in the event of a complaint against the Director of Human Resources or City manager, to the City Attorney. Employees are free to step outside supervisory channels pursuant to this subsection without being subjected to retribution or retaliation by his/her Department Director or supervisory staff.
2. Reports of discrimination and/or harassment may be made to Human Resources personnel after normal business hours by calling (785) 633-5056.
3. Any supervisor who receives a complaint of discrimination and/or harassment shall immediately inform his/her Department Director and Human Resources personnel.

I. Investigative Process.

1. Human Resources will review the discrimination and/or harassment complaint and determine what type of review or investigation may be necessary to resolve the issues of the complaint and, if so, authorize and supervise the investigation of the complaint.

2. Human Resources will not proceed with the investigation of a complaint if the complaint contains no assertion that the alleged acts occurred based on one or more of the protected categories. However, complaints of alleged misconduct that do not allege harassment and/or discrimination may be investigated to determine whether there are any other violations of personnel provisions.
3. The complainant should be assured that the matter will be kept confidential to the extent possible, but be advised that a full investigation will include advising the alleged discriminator and/or harasser of the charges and interviewing witnesses. The alleged discriminator and/or harasser should be cautioned that the City prohibits any retaliation against the complainant, witnesses or other parties to the complaint. A verified allegation of retaliation will be treated as a violation and the City may take action against the retaliator, even if the original complaint is not determined to have merit.
4. The investigation may include witness interviews, review of documents or materials and discussions with the complainant and the alleged discriminator and/or harasser. Witnesses shall be directed to maintain confidentiality during the investigation and shall be clearly advised not to engage in retaliation against either the complainant or the alleged discriminator and/or harasser.
5. Complaints against appointed employees such as the City Manager and Department Directors, shall be made to, and investigated by, the Director of Human Resources and/or the City Attorney. Findings shall be reported to the City Manager, who shall determine the appropriate remedial action. If the complaint is against the City Manager the findings shall be reported to the Mayor and/or the Governing Body.
6. The investigator shall comply with the following procedures:
 - a. The investigation should be completed in a timely manner. If the investigation will require more than thirty (30) days to complete, Human Resources shall notify the complainant of the status of the investigation and anticipated completion date.
 - b. The investigator will prepare a written report that includes a finding related to each allegation.
 - c. When the investigation has been completed, Human Resources will determine if there is sufficient evidence to substantiate a violation or if any other misconduct has occurred, and if so, what appropriate remedial action may be necessary to resolve the complaint. Remedial action may

include, but is not limited to, coaching, training, a record of discussion, formal discipline or termination.

- d. The complainant, alleged harasser, and Department Director will be notified of the determination; however, no information will be shared with the complainant on remedial action that may or may not have been imposed.
- e. Upon finalizing the report and implementing appropriate remedial action, if warranted, the case shall be closed. The complainant shall be notified when the case has been closed; however, no information will be shared with the complainant on what appropriate remedial action was imposed, if any.

J. Sanctions.

- 1. Any employee who is found to have engaged in discrimination and/or harassment shall be subject to appropriate remedial action, which may include termination.
- 2. Any employee who is found to have retaliated against those who filed a complaint or participated in the investigation of a complaint shall be subject to appropriate remedial action, which may include termination.
- 3. Any employee who is found to have knowingly filed a complaint that is untruthful, malicious, or without merit shall be subject to appropriate remedial action, which may include termination.

3.16 Reporting; False Reports.

- A. Duty to Report; No Retaliation. No employee shall conceal from, or fail to report to, Human Resources any misconduct or the commission of a crime. Employees shall be protected against retaliation for the lawful disclosure of information that an employee believes to be reasonable evidence of a violation of the law; or an established procedure, process and/or personnel provision of the City.
- B. Willfulness; Fraud. No employee shall willfully make any false statement, representations, or in any manner commit or attempt to commit any fraud affecting the impartial execution of the personnel provisions.
- C. False Reports; Damage to Reputation. No employee shall falsely damage the reputation of a City resident, including a fellow employee. If an employee believes his/her accusation to be true, and then learns that it was false, even in part, he/she should apologize.
- D. Honesty and Integrity in Reporting. Honesty and integrity are absolutely vital to a healthy workplace and all employees are expected to adhere to these traits.

3.17 Review of Reported Violations.

A. Reporting.

1. If an employee suspects a violation of Section 3 of this Personnel Manual, or that any alleged violation of City's Personnel Manual, personnel provisions, departmental policy, procedures or guidelines has occurred, he/she shall report the suspected violation, in writing, within five working days of the incident giving rise to the suspected violation. All such reports shall be submitted to the Director of Human Resources; provided, however, that violations involving the Director of Human Resources shall be reported to the City Manager and violations involving the City Manager shall be reported to the City Attorney.
2. Employees shall cooperate in the investigation of informal or formal complaints of alleged violations by providing any information he/she possess concerning the matters being investigated.
3. No employee shall retaliate against any employee or citizen who reports a violation. No employee shall be intimidated, reprimanded, suspended, or terminated for making a good faith report.
4. Employees with questions regarding this Personnel Manual are encouraged to contact the Human Resources Department at (785) 368-3867.

B. Review. All reports will be reviewed on a confidential basis to the extent reasonably possible. A written summary concerning the alleged violation will be completed within thirty (30) calendar days and provided to the Director of Human Resources, City Manager or City Attorney as provided in Section A1 above.

C. Violations. A violation of this Code of Conduct or any City's personnel provisions, departmental policy, procedures or guidelines may result in executed contracts being deemed null and void in accordance with applicable laws, personnel provisions; and may also result in discipline, up to, and including, termination in accordance with applicable personnel provisions and/or any applicable bargaining unit agreements. No one may, directly or indirectly, induce, encourage, or aid anyone to violate any provision of this Code of Conduct. This Code of Conduct shall not be construed, however, in a manner that would prohibit a City employee from representing himself/herself, or his/her spouse or minor children, before the City or asserting a claim against the city on his/her own behalf, or on behalf of his/her spouse or minor children.

Section 4

Classification and Compensation; Time and Attendance; Fair Labor Standards Act

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4.1 Definitions.

- A. *Bargaining Unit Agreements* -- An agreement between the City and a specific bargaining unit (union) in which a classification and compensation structure is provided, as well as other terms and conditions of employment. Agreements may be for one year, or may be multi-year contracts, and are approved by the Governing Body.
- B. *Benefit-Eligible Employee* -- A person who serves in a position included in the adopted annual budget or established during a budget year that requires work on a regular (continuing, year-round) basis and is approved for benefit-eligibility in accordance with a full-time or pro-rata part-time schedule.
- C. *Classification* -- A systematic arrangement of positions, and groups of related positions, that have similar ranges of duties, levels of responsibility and nature of work performed. Two or more classifications that are similar in type of work, but differ significantly as to the levels of responsibility and difficulty, may be grouped as a classification series.
- D. *Compensatory Time* -- Time off from work, granted by the employer in lieu of overtime compensation. Compensatory time is granted at a rate of one and one-half (1½) hours of compensatory time for each hour of overtime worked. Compensatory time may be accumulated up to 240 hours. Any overtime worked beyond the 240-hour limit of compensatory time will be paid as overtime compensation.
- E. *Compressed Workweek* -- A 40 hour workweek is completed in a manner other than the standard work schedule.
- F. *Exempt Employee* -- An employee who is paid on a salary basis and works in a bona fide executive, administrative or professional capacity and is exempt from the overtime provisions of the FLSA.
- G. *Flexible Scheduling/Flex-Time* -- Flexible work schedules may be provided for non-exempt employees to accommodate work requirements and avoid

hours worked in excess of 40 hours in a work week. Supervisors may change/adjust employee work schedules to limit hours worked to no more than 40 hours in the work week. Flex-time may be approved by supervisors for purposes of allowing an employee to alter the start and end times of his/her normal work day schedule. Flex-time does not reduce the total number of hours worked in a given workweek.

- H. *Hours Worked* -- Hours worked shall be interpreted as described in Section 4.5(B).
- I. *Interactive Voice Response (IVR)* -- The IntelliTime phone system to capture hours worked and leave time. The telephone system will offer several menu options for employees. This option is available with the approval of the employee's supervisor.
- J. *Management and Executive Classification and Pay Plan* -- Provides a classification and compensation structure for a salary range model based on market comparability and employee performance for management and executive employees. The financial impact of any compensation plan shall be addressed as part of the annual budget process.
- K. *Non-Exempt Employee* -- An employee who is paid on an hourly basis for all hours worked; holding a position covered by, and subject to, the overtime requirements and regulations of the FLSA. Employees who are not exempt from the FLSA generally include those who perform duties of a clerical, technical or service nature, as defined by the FLSA.
- L. *Overtime Compensation* -- The hours worked over the authorized number of hours in a work week, and paid at the rate of one and one-half (1½) times the employee's regular rate. Only non-exempt employees are entitled to overtime compensation.
- M. *Position Description* -- A document that contains the essential functions of the position and provides the guidance needed to classify, compensate and evaluate employees.
- N. *Punch* -- The exact time an employee clocks in or out for a shift, as well as time left for any unpaid period lasting 20 minutes or more and time returned from the unpaid period. A punch may be done using an assigned employee identification badge at a G1 or G2 terminal, through IVR or through a web punch entry on a computer, in accordance with departmental guidelines.
- O. *Schedule Change* -- An employee's request to alter his/her work schedule.
- P. *Standard Work Schedule* -- A standard work schedule is considered five (5), eight (8) hour days Monday through Friday.
- Q. *Temporary Work* -- Temporary work refers to an employment situation

where the working arrangement is limited to a certain period of time based on the needs of the City. Individuals retained to do temporary work are hired through a contracting employment agency in accordance with Section 2.3 C 3 of this Personnel Manual.

- R. *Work Breaks* -- Work breaks may be scheduled on employer-paid time at the discretion of each employee's supervisor; provided, however, that the availability of work breaks: (i) shall be dependent upon the type of work performed by the particular employee; and (ii) shall be subject to the standard operating procedures and processes established by and for the particular department involved. If work breaks are scheduled, they may consist of no more than two (2) fifteen (15)-minute break periods: one during each half-day or half-shift, for each working day at least eight (8) hours. If abused, work breaks can be revoked at any time by the employee's supervisor, in his/her sole discretion, and this decision shall not be subject to the grievance process.
- S. *Workweek* -- The work week is defined as seven consecutive twenty-four (24) hour periods beginning Saturday morning at 12:00 a.m. and extending through Friday evening at 11:59 p.m.

4.2 Maintenance of Classification and Pay Plan.

The Director of Human Resources, under the authority of the City Manager, shall be responsible for establishing, administering, reviewing and revising the classification plan, unless specifically outlined in a bargaining unit agreement. No person shall serve in a position under a title not approved by the Human Resources Department. Job audits are conducted to analyze officially-assigned duties and responsibilities and, when appropriate, positions shall be reclassified. The Director of Human Resources shall consider adjustments for market comparability, the creation of new classifications and the development of processes and procedures related to salary administration and performance adjustments within any of the classification and pay plans and to ensure they are within authorized budget authority. [TMC Chapter 2.125, Article III]

4.3 Position Descriptions.

- A. Purpose. The position description is the primary document that affects how a position is classified and compensated. It serves as the foundation for setting expectations with an employee, and for performance evaluation and management. It is also important in determining the professional development needs of the employee.
- B. Position Review. A periodic review of position descriptions should be conducted in order to evaluate the need and purpose of the position and the tasks necessary to accomplish position duties and responsibilities. A position description should include a list of essential functions (duties and responsibilities). The position review ensures that the work to be performed in a position is accurately described.

- C. Contents. A position description shall contain the following: (i) position title; (ii) position number; (iii) essential functions of the job (or job duties); (iv) position qualifications; and (v) salary range or wage rate (as applicable). Additional information may include: (i) the department and (if applicable) division; (ii) who the position reports to; (iii) the position's FLSA Status; (iv) whether the position is full time or part-time; and (v) the date.
- D. Responsibility.
 - 1. Supervisor. Supervisors are responsible for ensuring position descriptions are an accurate reflection of the position duties and responsibilities. Position descriptions are a tool for supervisors to use to ensure employees are accountable for fulfilling position duties and responsibilities.
 - 2. Human Resources. Human Resources shall be responsible for ensuring that position descriptions are reviewed periodically, updated as necessary and subsequently assigned to the appropriate pay range or grade.

4.4 Compensation.

The City's compensation plans shall consist of salary scales for employees in the Executive and Management pay plans and employees covered by a bargaining unit agreement. The base salary or base pay is the bi-weekly or hourly rate of compensation established for the position held by the employee, excluding any additional, authorized compensation such as overtime, allowances, reimbursements, approved additional pay distributions or benefits.

4.5 Time and Attendance.

- A. Overview. These provisions establish uniform practices and procedures for capturing hours worked and leave time in an accurate and efficient manner through an electronic time and attendance system while ensuring compliance with the federal Fair Labor Standards Act (FLSA), all applicable state and local laws, as well as applicable bargaining unit agreements. Employees are responsible for adhering to all applicable provisions of this Personnel Manual and department/division procedures related to the accurate recording and reporting of all hours worked, non-paid meal periods and leave for each work shift.
- B. Hours Worked.
 - 1. The following time spent by employees will be counted as hours worked for purposes of determining overtime:
 - a. Work breaks of fifteen (15) minutes or less; and
 - b. Meal periods where the employee is not completely relieved of all work duties.

2. Travel is considered compensable work time when it cuts across the employee's regular work day hours.
 - a. Time spent traveling out of town with a return the same day is considered hours worked for the driver and all passengers.
 - b. Time spent traveling out of town with an overnight stay is considered hours worked for the driver only. *Example:* Employee drives to the airport to attend a seminar with two co-worker passengers. If the trip is made before or after normal work hours, only the driver receives compensation because only the driver is working. If the trip is made during normal work hours, all three employees receive compensation because travel during normal work time is compensable.
 - c. The time is not only hours worked on regular work days during normal working hours but also during corresponding hours on non-work days. If travel occurs during normal work hours on non-work days (i.e. Saturday or Sunday for an employee who works Monday through Friday) the time is compensable.
 - d. Leisure time spent for the employee's own purpose or enjoyment is not compensable.
 - e. If the time zone changes during the travel day, "actual" hours should be used to calculate compensable time on travel days.
3. Training workshops or conferences are considered hours worked if any of the following circumstances apply:
 - a. Attendance is not voluntary;
 - b. Attendance is during normal working hours; or
 - c. Topic is related to the employee's position.

C. Non-Exempt Employees.

1. It is the responsibility of each non-exempt employee to accurately record all hours worked, non-paid meal periods, overtime worked, and/or leave time utilized. This includes accurately recording through the designated time capture device the beginning of the work shift, meal periods, and the end of the work shift.
2. If an employee fails to record time during a work shift he/she must immediately notify his/her supervisor so that the time can be recorded.

3. All overtime and applicable leave must be recorded in quarter hour (.25) increments in accordance with applicable department/division procedures and/or applicable bargaining unit agreements.
4. An employee who does not adhere to work schedules without advanced authorization will be subject to progressive discipline, including possible termination, pursuant to this Personnel Manual and/or applicable bargaining unit agreement.
5. An employee shall record their time based on their work schedule. At no time does the rounding of the time entry system allow employees a grace period for being considered on-time for their work schedule.
6. Employees are prohibited from recording time for another employee, or having another employee record time on his/her behalf, into the time capture device.
7. By approving the electronic time record, the employee is attesting to the best of his/her knowledge that the information contained in the time record is a complete and accurate reflection of hours worked and leave time used. Any omissions, inaccuracies, falsifications, or misrepresentations of hours worked and/or leave time will be cause for discipline, including possible termination, pursuant to this Personnel Manual and/or applicable bargaining unit agreements.

D. Exempt Employees.

1. Exempt employees are paid on a salary basis for the performance of assigned position duties and responsibilities. There is an expectation that exempt employees work at least an average of forty (40) hours per work week for a predetermined amount of compensation.
2. Unless required for grant compliance or project costing purposes, exempt employees will only submit leave requests as needed and timecards at the end of each pay period.
3. All leave time must be recorded as time used in half or full day increments in accordance with this Personnel Manual and applicable department/division procedures.
4. By approving the electronic time record, the employee is attesting to the best of his/her knowledge that the information contained in the time record is complete and accurate. Any omissions, inaccuracies, falsifications, or misrepresentations of hours worked and/or leave time will be subject to progressive discipline, including possible termination, pursuant to this Personnel Manual.

E. Schedule Change.

1. Use

- a. A schedule change may be authorized for a benefit-eligible employee that works twenty (20) hours or more per week.
- b. A schedule change does not change the number of hours for which an employee is typically required to work within a pay period and does not automatically require the payment of overtime. Any overtime worked must continue to comply with the parameters set forth in Section 4.6, Fair Labor Standards Act, of the Personnel Manual. Contact Human Resources personnel for questions regarding an employee's work schedule.
- c. The supervisor and Department Director shall establish reasonable daily starting and ending times to meet the needs of their particular department.
- d. The schedule change shall not interfere with services to the public; meet the needs of the department; shall be advantages to both the City and employees; and, as much as possible, shall compliment other departments.
- e. If an employee's job duties are not compatible with a schedule change, the employee's supervisor or Department Director may decline the request.
- f. Stipulations pertaining to specific types of flexible work arrangements are found in Section 6.16, Exempt Employee Leave Accrual, of the Personnel Manual.
- g. Authorization for a schedule change may be rescinded at any time by the Department Director.
- h. All existing personnel provisions shall continue to apply. If any conflict or problem results from the schedule change, the existing personnel provisions shall prevail.
- i. Employees who are working in accordance with a schedule change are expected to meet the same performance standards and supervisors are required to apply the performance measurements/criteria.
- j. Employees whose performance is considered to be less than "Meets Expectations" or who are on a Performance Improvement Plan or are not eligible for a schedule change.

2. Compressed Workweek.
An employee may be permitted to work a compressed work schedule that allows him/her to work 40 hours in a manner other than the standard work schedule. An example of a compressed workweek may be:
 - a. Four Ten Hour Days: Four (4), 10-hour work days with fixed hours each work day (An example: 7:00 a.m. – 6:00 p.m. with a 1-hour lunch break); or
 - b. Four Nine Hour Days and One Four Hour Day: Four (4), 9-hour work days and one (1), 4-hour day with fixed hours each work day (An example: Monday-Thursday 7:00 a.m. – 5:00 p.m. with a 1-hour lunch break and Friday 7:00 a.m. – 11:00 a.m. with no lunch break.
3. Scheduled Day Off.
 - a. A normal work day, Monday, Tuesday, Wednesday, Thursday or Friday, must be used as the “off” day when establishing the employee’s schedule. The supervisor is responsible for setting work schedules in a way that ensures each employee is scheduled for the correct number of hours during each particular workweek.
 - b. Unless otherwise approved, non-exempt employees shall take the same day off every week to ensure that they do not work more than 40 hours in a workweek. Exempt employees can use a preset schedule or establish a schedule based upon department workloads.
 - c. Subject to prior approval, the scheduled off day during a work week may be changed on a temporary or permanent basis.
4. Procedure.
 - a. Each request for a schedule change shall be approved by the employee’s supervisor and the Department Director.
 - b. Approval of a schedule change will be based on several factors, including staffing needs, adherence to the provisions of the Fair Labor Standards Act and accessibility to managers, customers and co-workers. Reasonable effort will be made to accommodate an employee’s request in situations where individual preferences do not interfere with the ability to accomplish the underlying goals and objectives of the organization. Seniority, job performance and/or other work-related factors may be considered when making individual determinations.

- c. Should a conflict arise between two or more employees concerning a schedule change, the employee's supervisor, Department Director and/or the Director of Human Resources shall have the authority to resolve the matter.

5. Vacation and Sick Leave.

There is no change in how paid time off is earned, paid or used. An employee may use accrued leave away from the work place in accordance with Section 6, Absences and Leave, of the Personnel Manual. Sick or vacation leave usage must match the employee's schedule. For example, if the employee is scheduled to work 9-hours and is ill and cannot report to work, he/she will submit a leave request for 9 hours of sick leave.

F. Supervisor Approval.

1. Supervisors are responsible for reviewing and approving time records submitted by subordinate employees within the time and attendance system. By approving employee time records, the supervisor is attesting to the best of his/her knowledge that the information contained in the time record is complete and accurate.
2. Supervisors may designate an alternate supervisor to authorize subordinate employee time records in his/her absence. The alternate designee may not be an administrative support employee.
3. Supervisors may make corrections to time records only with the acknowledgement of the employee. All corrections must be supported by an explanation of the adjustment in the comments section and the employee must be notified in writing.
4. Supervisor approval is the final authorization of time record submission prior to payment to employees.
5. Supervisors who demonstrate a failure to appropriately monitor or who have established a practice of authorizing omissions, inaccuracies, falsifications or misrepresentations of hours worked and/or leave time will be subject to additional training and/or discipline, including possible termination, pursuant to this Personnel Manual and/or applicable bargaining unit agreements.

G. Corrective Action: Time Missed Punch; Modified/Adjusted Time Punches.

1. Time Missed Punches in a Calendar Year.

- a. First Month: Employees who miss five or more valid time punches in one month will be required to attend mandatory IntelliTime training. The employee's supervisor and division/Department Director will be notified of the missed punches.

- b. **Second Month:** Employees who miss five or more valid time punches for a second month will be required to attend mandatory IntelliTime training, along with his/her supervisor. The employee's division/Department Director will be notified of the missed punches.
 - c. **Third Month:** Employees who miss five or more valid time punches for a third month will be subject to progressive discipline, including possible termination, pursuant to this Personnel Manual and/or applicable bargaining unit agreement. The employee's Department Director and the city manager will be notified.
2. **Modified/Adjusted Time Punches.** Human Resources will review modified or adjusted time reports to determine if further action is necessary. If further action is necessary, it may include additional training, specific consultation on personnel provisions or progressive discipline in accordance with this Personnel Manual and/or applicable bargaining unit agreement.

4.6 Fair Labor Standards Act (Overtime/Comp Time).

- A. **General.** The City of Topeka will comply with the requirements of the Federal Fair Labor Standards Act (FLSA) in determining employee overtime compensation and use of compensatory time in lieu of wages. Compensatory time in lieu of overtime compensation may be approved only after a non-exempt (hourly) employee has worked 40 hours in a work week or in accordance with approved FLSA exemptions. FLSA exempt (salaried) employees are not eligible to earn compensatory time. Compensatory time cannot be used in the same pay period as the time is earned.
- B. **Eligibility.** All benefit-eligible, non-exempt employees.
- C. **General Guidelines.**
 - 1. Eligibility for overtime is established when a non-exempt employee works in excess of forty (40) paid hours in a work week.
 - 2. Overtime and compensatory time is governed by state and federal laws, as well as applicable bargaining unit agreements.
 - 3. All overtime must be approved in advance by the employee's supervisor.
 - 4. Compensatory time cannot be used in the same pay period as the time was earned.
 - 5. Under no circumstances may an employee use accruals in order to extend his/her employment. The last physical day worked will be considered the employee's last day of employment unless he/she is

on a preapproved leave of absence, such as FMLA or City Non-FMLA Leave of Absence.

D. Procedure.

1. Non-exempt employees are to be compensated for overtime worked at a rate of one and one half (1½) for all hours worked over forty (40) in one work week.
2. For employees hired after December 14, 2012, all accrued, unused compensatory time will be paid out on the final pay period of each year.
3. When an employee transitions from an FLSA non-exempt status to an exempt status, all accrued, unused compensatory time will be paid out at the employee's non-exempt regular rate of pay.
4. When an FLSA non-exempt employee transfers to a different department, division, or payroll accounting unit, all accrued, unused compensatory time may be paid out at the employee's regular rate of pay prior to the transfer. The decision as to whether accrued, unused compensatory time will be transferred or paid out shall be at the discretion of the Department Director of the department into which the employee is transferring.
5. When an FLSA non-exempt employee leaves employment, all accrued, unused compensatory time will be paid out at the employee's last regular rate of pay.
6. Employees may request to use accumulated compensatory time in the same manner as requests for other types of leave are submitted.
7. For employees transitioning from a bargaining unit position into a non-bargaining unit position, all accrued, unused compensatory time will be paid out at the time of his/her promotion at his/her last regular rate of pay.
8. All overtime requests must be approved by the employee's supervisor prior to it being worked. For overtime of an emergency nature, verbal approval of such overtime from the employee's supervisor will be considered sufficient documentation.
9. If overtime compensation is requested in the form of compensatory time, then the following provisions shall be adhered to:
 - a. Each employee will be limited to a maximum of 240 hours of accrued compensatory time, which can be carried over from year-to-year, unless otherwise outlined in the applicable bargaining unit agreement.

- b. For employees hired after December 14, 2012, all accrued, unused compensatory time will be paid out as part of the annual year-end payroll processing.
- c. Any overtime hours worked above the maximum number of hours of compensation time shall be paid as overtime.
- d. Accumulated compensatory time may be used at the employee's request, with approval from the employee's supervisor who will take the operational needs of the department or division into consideration.

4.7 Remote Work.

OVERVIEW. The City is committed to a healthy work/life balance by offering flexible work schedule options. Remote Work arrangements provide increased flexibility for employees to carry out work responsibilities while ensuring the City's commitment to effectively provide valuable and necessary services for our community. The City may allow eligible employees who meet the criteria listed herein to work remotely in a regular basis either as a fully remote employee or as part of a hybrid work arrangement where an employee splits the workweek between remote and in-person work. The procedures in this personnel provision do not apply to occasional work from home arrangements, such as instances of inclement weather or necessitated by a pandemic, natural disaster, or other business necessity.

DEFINITION. Remote work is defined as an alternative work arrangement between the City and an employee wherein the employee is allowed to work in location other than a City facility, such as from home or another off-site location. Remote work may be on a regular and recurring basis or on a temporary basis.

PROVISION.

- A. When remote work does not interfere with the business operations of the City, the City may approve an employee's request of remote work for one or more days a week regularly. This work arrangement may be reevaluated, modified, suspended, or terminated for any reason at any time, and the decision is not subject to grievance or appeal. Remote work cannot interfere with the business operation of the City, employees will be expected to attend on-site meetings, training, or other work-related events in-person, as needed, on remote working days.
- B. Employees desiring a remote work arrangement must not be on performance probation and shall not have any current written-level or above disciplinary actions. Characteristics of successful remote workers include satisfactory performance, recognition as a self-starter, substantial on-the-job experience, demonstrated ability to work independently, and good communication and organizational skills; holds a position that is

suitable for remote work as determined by the department director and has a remote work location that is suitable and secure.

- C. Job responsibilities and expectations are the same as if the employee is operating onsite. An employee is expected to accomplish the work that ordinarily would be accomplished on-site at the remote work site. Specific goals and plans of accomplishment, which can be monitored on a regular basis, must be agreed upon by the employee and supervisor. Remote work may not be suitable for all positions within the City, due to the nature of the work to be done.
- D. Remote Work schedules may be arranged on a flexible basis whereby an employee may work partially remote and partially on-site. The employee's remote work agreement shall specify the number of work hours, start and stop times, and location where the work will be performed (on-site or remote.) Requests for time off need to follow the established procedures in accordance with the personnel provisions or applicable bargaining unit provisions. The employee needs to request and receive approval prior to working any overtime. Non-exempt employees must accurately record all hours worked using the City's time and attendance system (IntelliTime) just as if they are performing work at a City facility.
- E. Time spent commuting to the office for work purposes will be considered a part of the employee's normal commute and not work time. Mileage for normal commuting travel is not eligible for reimbursement. If an employee working remotely is required to attend meetings or to train away from their on-site or remote work location, reasonable attempts shall be made to leave from the on-site work location and utilize fleet vehicles.
- F. Employees permitted to work remotely must continue to abide by the City's Personnel Provisions and applicable bargaining unit agreement provisions, including but not limited to Personnel Provisions Sections 3. Employee Conduct specifically, 3.15 Discrimination and Harassment; 11. Information, Technology and Media; 10. Health, Safety and Welfare, IT Resources and Communications Systems, Workplace Health, Safety, and all other policies.
 - 1. Other remote working rules include:
 - i Employees are prohibited from engaging in, performing unauthorized work during their remote working hours, including soliciting or performing work other than for the City.
 - ii Employees are responsible for making arrangements for childcare or other dependent care during the employee's work hours.

2. Failure to follow the City's policies and remote work rules may result in discipline and termination of the remote work arrangement or even termination of employment.
- G. Employees recovering from an injury or illness must be cleared by their healthcare provider and Human Resources before being authorized to perform work duties remotely.
- H. This Remote Work Provision does not apply to requests for reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or applicable state or local law. Employees requesting to work remotely as a reasonable accommodation for a disability should contact Human Resources regarding the process for a formal accommodation request.

EQUIPMENT AND TECHNOLOGY SUPPORT.

- A. The employee is responsible for the security of the system and the security of access to the City's resources. Reasonable steps must be taken to ensure that City property is used in compliance with City policies and procedures. This includes complying with all software licensing agreements. The security and confidentiality of data and records must also be maintained. Sensitive data shall not be placed on a personal computer or device but instead should be accessed via secure remote access technology.
- B. City-owned workstations are subject to scheduled system updates. When working remotely, the employee will ensure the workstation is connected to the City network, so updates occur in a timely manner.
- C. IT will generally not provide on-site support of City owned equipment at the employee's remote work site. If an equipment failure occurs, it is the responsibility of the employee to return the equipment for service as soon as possible.
- D. The employee is responsible for providing a high-speed internet connection, utility, and additional related expenses at their own cost. The employee and supervisor are responsible for determining an appropriate method to be accessible to receive and address work calls coming into work/desk phones in a timely manner.
- E. Employees shall immediately report any damages, lost or stolen City equipment to their supervisor.

PROCESS.

- A. To request a remote working arrangement, the employee needs to submit the Remote Work Agreement to their supervisor for consideration.

- B. The supervisor is encouraged to meet with the employee to discuss and determine the appropriateness of the employee's request per the remote work provision and, if applicable, the acceptable terms for the employee to work from a remote work site.
- C. As needed, the Remote Work Agreement may be updated to reflect the agreed-upon arrangement.
- D. When the request to work remotely is denied, the supervisor and the employee should discuss reasons for the decision, and, when possible, discuss action to be taken to allow the employee to work remotely. Remote work may not be suitable for all positions within the City due to the nature of the work to be done.
- E. The Human Resources Department is responsible for maintaining approved Remote Work Agreements in the employee's personnel file.
- F. Initially remote work assignment will be approved for a sixty-day (60) trial period. At the conclusion of the trial period, the remote working assignment will be reviewed by the Department Director and may be withdrawn or approved for a longer period of time. Remote Work Agreements will be reviewed at least every six months (6) or more frequently as determined by the department director and as part of the Performance Evaluation Process. The City may withdraw permission to work remotely at any time, including after the trial period ends.

MISCELLANEOUS.

- A. All applicable laws, contracts, rules and regulations, policies, and procedures are in effect just as if the employee is in the workplace.
- B. The employment terms set out in this personnel provision work in conjunction with, and do not replace, amend, or supplement any terms or conditions of employment stated in any bargaining unit agreement that a union has with the City. Employees should consult the terms of their bargaining unit agreement. Wherever employment terms in this Provision differ from the terms expressed in the applicable bargaining unit agreement with the City, employees should refer to the specific terms of the bargaining unit agreement, which will control.
- C. In the event of a job-related injury, you should report the incident to your supervisor as soon as possible, following the procedures outlined in the City's Personnel Manual Section 10.7 Workers' Compensation. Worker's Compensation does not apply to injuries to any third parties or members of the employee's family on the employee's premises.

- D. Employees approved to work remotely will have any worksite equipment provided by the city designated in the remote work agreement. Worksite items, such as small office supplies of pens, paper, and sticky-notes, may be reasonably provided by the Department for use at the employee's remote worksite. When remote work is terminated, all City equipment must be returned to the Department.

Section 5

Benefits

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5.1 Relocation Expenses.

- A. Overview. To employ residents of the City of Topeka, Kansas for positions within its authority, it may be necessary to recruit employees from outside of Shawnee County. It is further recognized that any recruited individual employed shall be required to meet the residency requirement to reside within the boundaries of Shawnee County, Kansas. All relocation expense reimbursement requires the prior approval of the City Manager.
- B. Eligibility. Specific positions may be designated as being eligible for relocation reimbursement based on the criteria below:
1. The decision concerning whether to pay relocation expenses should be made prior to the oral interview phase or as soon as it becomes clear that it may be necessary to defray relocation expenses in order to attract clearly exceptional candidate(s). Hiring managers should contact Human Resources immediately.
 2. A decision will be made as to whether the City can assist with relocation expenses based on an evaluation of how critical the need is for the service that particular job class provides, and the availability of funding.
 3. All relocation expenses must be estimated by the prospective employee, who is encouraged to keep expenses to a minimum and submit two written estimates.
 4. The City Manager shall approve any relocation reimbursement costs prior to hiring manager's offer of any reimbursement.
 5. The final offer letter to the prospective employee shall outline the amount of the approved reimbursement amount for relocation expenses.
 6. If the employee resigns his/her employment or is terminated for cause, including for poor performance within six-months of date of hire, the employee will be required to reimburse the City for relocation expenses paid for by the City.

C. Reimbursable expenses.

1. Relocation expenses will be reimbursed to the employee within the first two-weeks of the employee's start date.
2. Reimbursement for relocation will be limited to expenses incurred by the new employee and immediate family members, as defined in Section 4.1 above, who currently live with the employee in Shawnee County, Kansas.
3. Household moving expenses including the packing, unpacking, shipment, insuring and moving of such goods. Does not include the shipping of cars, boats, campers, livestock, or similar items requiring special handling.
4. The department extending the offer is responsible for all costs associated with the relocation.

5.2 Employee Health Care Benefits.

A. Summary. The City of Topeka provides comprehensive healthcare benefits which includes medical, prescription drug, dental, flexible spending, employee assistance, and a host of voluntary benefits collectively referred to as the City of Topeka Health and Welfare Plan. While the City strives to provide healthcare benefits that meet the needs of all eligible participants, the City reserves the right to change or modify healthcare benefits included in the City's Health and Welfare Plan. The Director of Human Resources shall develop and administer health and life insurance programs that have been approved by the City Manager.

B. Eligibility.

1. Active benefit-eligible employees who are regularly scheduled to work twenty (20) hours or more per week.
2. Retired employees who have not yet reached the month in which they attain the age of sixty-five (65) and who are not Medicare eligible.
3. Elected officials.
4. Spouses or domestic partners, and eligible dependents under the age of twenty-six (26).
 - a. Employee must provide verification documentation for a spouse or domestic partner. A domestic relations affidavit is available for an employee and domestic partner to complete.
 - b. Employee must provide verification documentation for eligible dependents. Eligible dependents include natural born children, step-children, adopted children, foster children or

children under legal guardianship. In addition, dependents incapable of self-care due to mental or physical incapacity that existed prior to age twenty-six (26) may be covered regardless of age.

C. Premium Equivalent.

1. The City's Health and Welfare Plan is a self-funded benefits program. Anticipated annual claims and administration expenses are compiled in determining premium equivalents that are comprised of employer and employee contributions.
 - a. The City has a Cost-Share Agreement with the recognized employee unions which details the percentage of the premium equivalent which will be paid by the employer and the employee on an annual basis.
 - b. The total premium equivalent is the percentage the employer will contribute and the percentage the employees will contribute annually and communicated prior to the open enrollment period for the upcoming plan year.
2. Employer and employee contributions for the cost of healthcare benefits shall be transferred to the City's health fund. Moneys in the health fund may only be utilized for expenses related to the provision of group healthcare benefits and may not be transferred or otherwise utilized for any other purpose.
3. Employee contributions for benefit premiums shall be deducted on a semi-monthly basis from the employees' pay.
4. Active benefit-eligible employees shall be required to continue to pay the employee contribution for healthcare benefits when pay is insufficient to cover his/her contribution during any pay period.
5. Failure to make payment may result in the cancellation of healthcare benefits.

D. Healthcare Advisory Committee.

1. The Healthcare Advisory Committee is established through the City of Topeka Municipal Code.
2. The Healthcare Advisory Committee is composed of the Director of Human Resources, the Deputy Mayor, three members appointed by the City Manager to serve as management representation, one non-union employee representatives, one member from each bargaining union and one retiree.
3. The purpose of the Healthcare Advisory Committee is to review and assess the healthcare benefits and the health insurance fund,

including operational performance and cost effectiveness, to the extent that the benefits meet the needs of eligible employees, retirees, and their dependent family members. The Healthcare Advisory Committee by majority vote may submit recommendations to the City Manager that the committee believes will improve the operation, performance or administration of the plan and/or recommendations to preserve or enhance existing benefits while maintaining or reducing cost of the plan.

E. Enrollment in Healthcare Benefits.

1. Newly hired benefit-eligible employees may enroll in healthcare benefits that will become effective the first of the month following his/her first day of employment.
2. Eligible retirees may elect retiree healthcare benefits upon retirement. Retiree health benefits will commence the first of the month following retirement from active employment.
3. Eligible employees and retirees will have an annual opportunity during the designated open enrollment period to waive, change or elect healthcare benefits.
 - a. Eligible employees and retirees are responsible for completing the required enrollment procedures.
 - b. Eligible employees and retirees may make changes to healthcare benefits elections during a plan year when a qualifying event occurs as defined by the Internal Revenue Service regulations.
 - c. Retirees, however, may not return to the retiree plan once they have elected to drop his/her benefits.

F. Continuation of Coverage.

1. Any benefit-eligible employees or elected official who is on an authorized leave of absence may continue his/her healthcare benefits; provided, however, that he/she shall be required to pay both the employee and the employer contributions when his/her pay is insufficient to cover his/her contributions; provided, further, that an employee who is on FMLA leave shall be required to pay only the employee contribution.
2. Eligible employees and dependents who are enrolled in healthcare benefits can continue benefits temporarily under the Consolidated Omnibus Budget Reconciliation Act (COBRA) when they would otherwise lose group health coverage.
3. Eligibility for retiree healthcare benefits will cease at the end of the month: (i) if the individual elects to end such coverage; (ii) prior to

the month in which the retiree reaches age sixty-five (65); or (iii) prior to the month in which the retiree becomes Medicare eligible.

5.3 Retirement Systems.

- A. Federal Social Security System. All employees, except sworn police and fire personnel, shall participate in the federal Social Security system and the City will make mandatory deductions from employee compensation in compliance with the Social Security regulations.
- B. Kansas Public Employees Retirement System. The City participates in the Kansas Public Employees Retirement System (KPERS). There are two separate retirement systems included under the KPERS: KPERS for benefit-eligible positions; and the Kansas Police and Firefighter's Retirement System (KP&F) for sworn police and fire positions.
 - 1. KPERS. Benefit-eligible positions are covered by the KPERS retirement system. Benefits include retirement, disability and death benefits, as defined by KPERS.
 - a. Tiers. The KPERS is comprised of three tiers:
 - i. *KPERS 1:* employees hired before July 1, 2009;
 - ii. *KPERS 2:* employees hired July 1, 2009 through December 31, 2014; and
 - iii. *KPERS 3:* employees hired after December 31, 2014.
 - b. Mandatory Participation. Participation in the KPERS is mandatory and Six Percent (6%) of the employee's salary is automatically deducted on a pretax basis from each paycheck.
 - c. Vesting. Employees become vested after five years of covered service.
 - d. Eligibility for Retirement.
 - i. *KPERS 1:* eligible for retirement when the employee's age and covered years of service total eighty-five (85) points; at age sixty-two (62) with ten (10) years of covered service; or at age sixty-five (65) with one year of covered service.
 - ii. *KPERS 2 and KPERS 3:* eligible for retirement at age sixty (60) with thirty (30) years of covered service; or at age sixty-five (65) with five years of covered service.
 - iii. All tiers provide eligibility for early retirement upon reaching age fifty-five (55) with ten years of covered service, with a reduction in benefits.

- e. Guaranteed Monthly Benefit. Upon attaining eligibility, the KPERS retirement benefit provides a guaranteed monthly benefit for the remainder of the employee's life. Employees may choose from different payment options, including an option to provide a monthly amount for a named survivor upon the retiree's death or an up-front lump sum at retirement.
- 2. KP&F. Employees holding sworn police or fire positions are covered by the KP&F retirement system. Benefits include retirement, disability and death benefits.
 - a. Mandatory Participation. Participation in KP&F is mandatory and 7.15% of the employee's salary is automatically deducted on a pretax basis from each paycheck.
 - b. Vesting. Employees become vested after fifteen (15) years of covered service.
 - c. Eligibility for Retirement.
 - i. Employees in KP&F become eligible for retirement at age fifty (50) with twenty-five (25) years of covered service; at age fifty-five (55) with twenty (20) years of covered service; or at age sixty (60) with fifteen (15) years of covered service.
 - ii. Employees become eligible for early retirement upon reaching age fifty (50) with twenty (20) years of covered service with a reduction in benefits.
 - d. Guaranteed Monthly Benefit. Upon attaining eligibility, the KP&F retirement benefit provides a guaranteed monthly benefit for the remainder of the employee's life and employees may choose from different payment options, including an option to leave a monthly amount for someone after death or an up-front lump sum at retirement.
- C. Voluntary Deferred Compensation. The City offers the KPERS 457 deferred compensation plan as a voluntary retirement savings plan for employees. The KPERS 457 plan offers employees two options for saving, the pre-tax 457 and a 457-Roth. The Roth option allows employees to make after-tax contributions. Employees may select a flat dollar amount or a percentage of salary to be contributed through payroll deductions.

5.4 Uniforms; Work Clothing.

- A. Generally. Each employee shall comply with the specific rules and regulations of his/her department regarding uniforms and work clothing.

Employees required to wear a uniform must wear it appropriately, and in its entirety, and maintain it in a clean, well-kept condition. Appropriate discipline may be imposed for failure to do so.

- B. **Prohibitions.** Employees who are provided with distinctive clothing and/or uniforms may not wear such clothing as casual wear or outside normal work hours (except for police officers if authorized to wear a City uniform for extra-duty work).
- C. **Taxability.** IRS Taxable Fringe Benefit Guidelines shall apply to uniforms and work clothing. IRS rulings state that city-provided uniforms or clothing are excludable from the wages of an employee only if they are:
 - 1. Specifically required as a condition of employment; **AND**
 - 2. Distinctive clothing that is not worn or adaptable to general usage as ordinary clothing.

For example: Shoes (except for required safety-toed shoes or boots), belts and jeans, slacks and shorts without City logos generally are considered regular clothing and not a distinctive uniform item. As such, payments made by the City to purchase these items will be included as income to the employee for tax purposes. Similarly, various types of shirts (even with a logo) that are not required to be worn as part of a daily uniform will be taxable items. However, shirts, sweatshirts, jackets or other clothing items that are required to be worn and are uniform in appearance, with an affixed City or department logo, are considered to be distinctive clothing and payments made by the City to purchase these items will not be taxable.

- D. **Uniform Log (form).** Each department will be required to complete and maintain a form (similar to that set out below), as a record of each uniform item distributed.

Date Issued	Item	Cost	Employee Name And Initialed	Supervisor Name And Initialed	Date Returned	Employee Name/Initials	Supervisor Name/Initial	Purchased with Grant Funds YES/NO

- E. **Theft of Uniform.** If a uniform item is stolen, the employee shall submit a signed statement to his/her supervisor describing the circumstances indicating evidence of a theft.
- F. **Return of Uniform.** The employee shall return all uniforms when uniforms are updated or replaced; or upon termination of his/her employment. Failure to return all uniform items will result in the cost of any unreturned

items being deducted from the employee's last paycheck; provided the deduction does not reduce wages below the minimum wage.

5.5 Employee Parking.

- A. Overview. These provisions address parking for all employees, including permanent, temporary and contract employees, as well as interns and volunteers, who operate and/or park a City or personal vehicle in City parking facilities or on City parking lots. Unless otherwise specified, any motorized vehicle operated in the downtown area shall be subject to all regulations governing parking in the downtown Central Business District of Topeka. Parking hang tags issued provide for parking at no cost for City employees and officials who work at or visit specified City buildings, or who conduct business in personal vehicles in the Central Business District.
- B. Proper Display. Any employee and/or official who has been issued a hang tag must ensure that it is appropriately displayed from his/her vehicle's rearview mirror. The hang tag number or legend must face towards the front of the vehicle and not be obstructed by other items so that it is visible to Parking Control Officers.
- C. Parking in Central Business District. Any employee and/or official who parks in the Central Business District without an appropriately displayed orange, dark green, gray, red or yellow hang tag must observe all applicable parking regulations.
- D. Replacement. Any employee and/or official who loses his/her hang tag, or whose hang tag is stolen must obtain a replacement from the Parking Division by completing the required application.
- E. Separation from Service or Employment. If a governing body member is no longer serving, or if an employee separates from employment, the hang tag assigned to the particular governing body member, or employee, must be promptly returned to the Parking Division. It is the responsibility of the City Manager and/or the appropriate Department Director to ensure this occurs.
- F. Temporary Use Authorized in Certain Situations. Any employee who has been authorized to receive a dark green or white hang tag for use in one of the reserved parking spaces located on the West or East sides of City Hall may grant temporary permission to another City Hall employee to park in the corresponding reserved space during a temporary absence from work.
- G. Permanent Reassignment or Transfer Prohibited. Hangs tags cannot be permanently reassigned or transferred to any other City employee or official without that employee or official having complied with the specific authorization process for obtaining a hang tag.
- H. Use by Non-City Personnel Prohibited. Hang tags cannot be used by non-City personnel unless specifically authorized by the Parking Division

Manager through issuance of a yellow hang tag. No employee or official authorized to receive a hang tag may grant permission to non-City personnel to use his/her hang tag.

- I. Maintenance Contact. Any employee and/or official whose vehicle is locked in the Park-N-Shop Garage may call 785-217-5284 to reach a member of the maintenance staff who will assist with retrieving the vehicle.
- J. Loss of Privileges. Any employee and/or official who abuses parking privileges may lose his/her hang tag.
- K. Parking Regulations. Employees are required to abide by any regulation assigned to a specific parking facility or lot, including, but not limited to, hours of operation, traffic control signage, or restrictions. All parts of the vehicle must be parked inside the designated parking space; generally indicated by two white lines. Motorcycles must be parked in regular vehicle parking spaces or in designated motorcycle parking areas. Employees who ride a bicycle to work are encouraged to adequately secure their bicycle to one of the racks located near City office buildings.
- L. Liability. The City is not liable for any damage or theft caused to any motor vehicle, including its contents, while said vehicle is parked in a City parking garage or parking lot. The City is not responsible for lost, stolen or damaged bicycles while on City property.
- M. Obtaining a Parking Hang Tag.
 - 1. The Parking Division of the Public Works Department is responsible for reviewing applications submitted for hang tags and has the final authority concerning parking issues, including the issuance of hang tags, unless otherwise specifically provided.

The Parking Division is located in the Cyrus K. Holliday building and is open between the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday.
 - 3. Hang tags are parking permits issued by the Parking Division to allow private vehicles to be parked in a reserved, metered or non-metered space without paying and/or complying with applicable posted time limits. The following are hang tag assignments for specific locations and/or positions:
 - a. *Orange: Governing Body*

Orange hang tags are issued to each member of the Governing Body who completes the required application prior to the beginning of his/her term of office. Vehicles displaying orange hang tags are exempt from restrictions applicable to metered and non-metered spaces, as well as overtime regulations.

b. *Dark Green: City Hall West Side Reserved – Department and Division Directors/Managers*

The Parking Division Manager has the authority to issue dark green hang tags if an employee holding a qualifying position completes the required application, which shall be finalized upon the Department Director and/or City Manager's approval. Dark green hang tags are issued to Department Directors, and Division Directors/Managers who work at City Hall (215 SE 7th Street). Vehicles displaying the dark green hang tags are exempt from parking meters and overtime violations within the Central Business District; provided, however, that City business is being conducted. This hang tag is valid for parking in reserved spaces on the West side of City Hall, parallel to Quincy.

c. *White: City Hall East Side Reserved – Other Authorized Personnel*

The Parking Division Manager has the authority to issue white hang tags if a qualifying employee completes the required application, which shall be finalized upon the Department Director's approval. White hang tags are issued to employees who work at City Hall (215 SE 7th Street), but are not otherwise position-eligible to receive a dark green hang tag. This hang tag is valid for parking in reserved spaces on the East side of City Hall, parallel to Monroe.

d. *Purple: City Hall – Employees Who Work in the Field or Routinely Visit City Hall*

The Parking Division Manager has the authority to issue purple hang tags if a qualifying employee completes the required application, which shall be finalized upon the Department Director's approval. Purple hang tags are issued to employees who have not been assigned a City vehicle, but are required to perform field work or visit City Hall on a routine basis for meetings or other temporary work-related purposes using their personal vehicle. This hang tag is valid for parking in any of the **non-metered** spaces located along the East side of City Hall, parallel to Monroe – for not more than three hours per day. If there is a need to park in excess of three hours, the employee should use the Monroe lot or the Park-N-Shop Garage. Employees are prohibited from moving their personal vehicle to avoid the three hour restriction and may be subject to disciplinary action if observed engaging in this type of action.

e. *Gray: Department and Division Directors – Offices Outside City Hall*

The Parking Division Manager has the authority to issue gray hang tags if an employee holding a qualifying position

completes the required application, which shall be finalized upon the Department Director and/or City Manager's approval. Gray hang tags are issued to each Department and Division Director who does not have an office located at City Hall. Vehicles displaying the gray hang tags are exempt from parking meters and overtime violations within the Central Business District; provided, however, that City business is being conducted. This hang tag is valid for parking in any metered or non-metered spaces located along the East side, or in front of, City Hall.

- f. *Blue: Monroe Lot – City Hall/Municipal Court Employees*
The Parking Division Manager has the authority to issue blue hang tags if a qualifying employee completes the required application, which shall be finalized upon the Department Director's approval. Blue hang tags are issued to employees who work at City Hall and Municipal Court. This hang tag is valid for parking in the Monroe Lot, located in the 700 block of Monroe, East of City Hall.

- g. *Light Blue: Monroe Lot–Topeka Performing Arts Center Employees*
The Parking Division Manager has the authority to issue light blue hang tags if a qualifying employee completes the required application, which shall be finalized upon the TPAC Executive Director's signature and subsequent approval by the Public Works Director. Light blue hang tags are issued to employees of the Topeka Performing Arts Center (TPAC). This hang tag is valid for parking in the Monroe Lot, located in the 700 block of Monroe, East of City Hall. TPAC employees are restricted from using the light blue hang tag in any other areas of the City.

- h. *Green: Cyrus K. Holliday Building*
Green hang tags are issued to employees who work at the Cyrus K. Holliday Building (620 SE Madison). This hang tag is valid for parking in the Holliday Lot, located in the 700 block of Jefferson, South east of the Holliday building. Vehicles displaying green hang tags who visit City Hall on a routine basis for meetings or other temporary work-related purposes are authorized to park in any of the **non-metered** spaces on the East side of City Hall, parallel to Monroe, for not more than three hours per day. If there is a need to park in excess of three hours, the employee should use the Monroe lot or Park-N-Shop Garage. Employees are prohibited from moving their personal vehicle to avoid the three hour restriction and may be subject to disciplinary action if observed engaging in this type of action.

- i. *Red: Law Enforcement Center*
Red hang tags are issued to employees who work at the Law Enforcement Center (320 S. Kansas Avenue). Vehicles displaying red hang tags are exempt from parking meters and overtime violations within the Central Business District. Police administrative staff employees are responsible for issuing and subsequently monitoring all LEC (red) hang tags to ensure compliance with this and other City policies.
- j. *Yellow: Temporary*
The Parking Division Manager has the authority to issue temporary yellow hang tags that can be used to park within the Central Business District by completing the required application. Yellow hang tags will be issued: (i) on an occasional basis for the purpose of special events, civic activities and tourism and giving outside contractors, vendors, or others performing work on behalf of the City special parking considerations for a limited period of time (not to exceed three months). The Parking Division Manager shall provide written notification to the Director of Public Works when a yellow hang tag is issued for this purpose. If the hang tag has not been returned prior to the expiration noted in the application, the Parking Division Manager shall either retrieve the hang tag or evaluate if an extension of time is warranted under the particular set of circumstances involved; and (ii) for the purpose of accommodating the short-term parking needs of specific departmental visitors and/or guests. Department Directors may request a series of yellow hang tags in order to provide such parking and are responsible for the appropriate use and distribution of such hang tags.

N. Specific Parking Information.

- 1. City Hall Non-Metered Parking Spaces. Non-metered parking spaces along the East side of City Hall were installed and are intended for:
 - a. employees who work out in the field, but have not been assigned a City vehicle as well as officials and employees who frequently visit City Hall for meetings and other City-related business (orange, purple, gray, and green hang tags);
 - b. employees operating marked City vehicles who have a need to report to City Hall for City-related business; and
 - c. individuals who qualify for temporary status (yellow hang tags). These non-metered parking spaces are posted and designated for a three hour time limit per day. If an official, employee or temporary permit holder has a need to be in City Hall longer than three hours, he/she/they need to park in the

Monroe Lot or in the Park-N-Shop Garage. The non-metered spaces are not intended for long-term parking. Employees are prohibited from moving their personal vehicle to avoid the three hour restriction and may be subject to disciplinary action if observed engaging in this type of action.

2. Parking Lot between City Hall and Courthouse. Employees are asked to refrain from parking in the spaces located between City Hall and the Shawnee County Courthouse. These spaces should be reserved for customers. If the appropriate hang tag is not displayed on the vehicle, it will be ticketed for any applicable parking violations.
3. Law Enforcement Center (LEC). Visitors at the LEC (320 S. Kansas Avenue) shall park in the designated visitor parking spaces outside the main entrance to the LEC, or in one of the metered spaces located along 4th Street.
4. Cyrus K. Holliday (Holliday) Building
 - a. Visitors at the Holliday Building (620 SE Madison) may park on the first level parking area adjacent to the South side of the building, or in one of the metered spaces located between 600 and 700 Madison Street. Employees are not visitors and, as such, are prohibited from parking in the spaces located on the first level, which are reserved for customers.
 - b. Field crew members who are driving City vehicles and require daytime access to the Holliday Building may park in one of the on-street parking spaces located on the East side of the building. These parking spaces are posted and designated for a two hour time limit per day.
 - c. Select City vehicles and staff members, including disabled employees with a corresponding placard, will be provided parking access to the garage (lower level). These employees will be issued a garage access card. Requests for a garage access card must be submitted to the Parking Division Manager with the Department Director's approval.
5. 700 Monroe Lot and Park-N-Shop Garage.
 - a. The Monroe Lot, located East of City Hall, on the East side of Monroe, offers free unlimited parking for any employee operating his/her personal vehicle with the appropriate displayed hang tag, as well as employees operating a marked City-issued vehicle.
 - b. The Park-N-Shop Garage, located Northwest of City Hall, on the West side of Quincy, offers free unlimited parking for any employee operating his/her personal vehicle. An employee

can apply for and obtain a garage access card from the Parking Division.

6. Marked Vehicles. Marked vehicles are exempt from parking meters and overtime violations in the Central Business District. Marked vehicles include:
 - a. City-issued vehicles displaying the City's logo, including public safety vehicles.
 - b. Media vehicles with displayed decals or similar identification.
 - c. Vendor vehicles with displayed decals or similar identification when such vendors are performing on-site work at City Hall or Municipal Court with a short-term duration. Vendors working on-site for more than 2-3 days should apply for a yellow hang tag.

5.6 Infant-At-Work Program.

- A. Purpose. To allow an employee to bring his/her infant to work up to the age of six months; or less if the infant's activity level is likely to cause a distraction in the workplace, as set out in this Section.
- B. Eligibility. Any benefit-eligible employees who meets the definition of "Parent" may request to participate in the City's Infant-at-Work Program; provided, however, that final approval related to participation in the Program shall rest with: (i) the supervisor, (ii) the Department Director; and (iii) the Director of Human Resources.
- C. Definitions.
 1. *Alternate Care Provider* -- An employee who has voluntarily agreed to care for an Infant in the event a Parent is unavailable due to attendance at a meeting, participation in a telephone conference call or a similar work responsibility.
 2. *Infant* -- The child of a Parent up to the age of six months; or less if the Infant's activity level is likely to cause a distraction in the workplace. This Program anticipates a single infant; although multiple births will be evaluated on a case-by-case basis.
 3. *Parent* -- A new mother, a new father or a new legal guardian. For purposes of this Program, "Parent" shall refer to the mother, father or legal guardian of a child whether custody of the child is by birth, adoption or guardianship. Grandparents, brothers/sisters, aunts/uncles and other family members may not participate in this Program unless they qualify as a "Parent."

D. Guidelines.

1. General. City employees are expected to conduct their work in a professional, responsible and efficient manner. Participation in this Program must not create distractions in the workplace that may interfere with or prevent the employee from accomplishing the duties and responsibilities required of his/her position. Therefore, each Parent must carefully consider the duties and responsibilities associated with his/her particular position in determining whether he/she should pursue, or continue, participation in this Program.
2. Workstation. Each Parent shall make his/her workstation suitable for the Infant. The Infant shall be located at the Parent's workstation during the workday. Each Parent will provide the necessary furniture, equipment and supplies (diapers, blanket, formula, etc.) to accommodate the Infant's needs.
3. Designated Sitting Room. In the event an Infant becomes fussy, the Parent shall take the Infant to the designated sitting room in his/her building until the infant calms down and becomes quiet. The Parent shall contact the Human Resources Department for information related to the location of the designated sitting room prior to the Infant's arrival at the work place. The Parent's office space shall not be the designated sitting room in order to ensure that City offices remain open and accessible to customers and staff.
4. Fussy Behavior. If an Infant who has been taken to the designated sitting room cannot be calmed within thirty (30) minutes of being taken to the sitting room, the Parent must remove the Infant from the City premises for the remainder of that day.
5. Illness. If an Infant is sick prior to the start of the work day, he/she shall not be brought to work. If an Infant becomes sick during the work day, the Infant must be removed from the City premises for the remainder of the day. The "Guidelines for Exclusion of Children who are Ill" may be obtained from the Human Resources Department.
6. Removal from City Premises. In the event an Infant exhibits fussy behavior or becomes sick, as set out in subsections 4 and 5 above, the Parent must remove the Infant from the City premises and will use appropriate leave for any resulting absences from work.
7. Nursing. The Human Resources Department shall identify a designated nursing room within each City building/facility. Nursing mothers shall contact the Human Resources Department for information related to the location of the designated nursing room prior to the Infant's arrival at the work place. Nursing mothers will not feed their Infants in view of the public or their co-workers.

8. Other Employees (Non-Alternate Care Providers). Parents may not ask employees who are not workplace Alternate Care Providers to care for their infant at any time.
9. Individual Care Plan.
 - a. Each participating Parent must complete and sign an Individual Care Plan for the Infant, on a form that may be obtained through the Human Resources Department. Each participating Parent must submit the Individual Care Plan to his/her supervisor and Department Director for review and approval (via signature). The Individual Care Plan shall include:
 - i. date the Infant will begin and end the Program;
 - ii. days and times the Infant will be present in the workplace;
 - iii. names and schedules of the Parent's Alternate Care Providers;
 - iv. contact information in case of an emergency;
 - v. Program agreement; and
 - vi consent and waiver.
 - b. After the Individual Care Plan has been reviewed and approved by the Parent's supervisor and Department Director, the plan shall be submitted to the Director of Human Resources for final approval.
 - c. No modifications to the Individual Care Plan shall be allowed unless such modifications have first been reviewed and approved by the Parent's supervisor and Department Director. A copy of the modified Plan shall be submitted to the Human Resources Department.
10. Alternate Care Provider.
 - a. The Parent shall designate two Alternate Care Providers in the workplace. These Alternate Care Providers must be employees who voluntarily agree to care for the Infant in the event the Parent is unavailable due to attendance at a meeting, participation in a telephone conference call or a similar work responsibility. One of the Alternate Care Providers should be located outside the immediate work unit to ensure appropriate coverage and care for the Infant.

- b. The Alternate Care Provider may not simultaneously participate as a Parent who is bringing his/her Infant to work; or as an Alternate Care Provider for another Parent.
- c. Each work place Alternate Care Provider must acknowledge that he/she has agreed to serve in that role by signing a Workplace Alternative Care Provider Agreement, which may be obtained through the Human Resources Department.
- d. If a Parent is unable to care for the Infant due to attendance at a meeting, participation in a telephone conference call or a similar work responsibility, the Parent will notify an alternative care provider and temporarily place the Infant in the provider's care.
- e. If the Parent is anticipated to be unavailable for a period exceeding 1.5 hours within a 4-hour period, the Parent shall make arrangements for the Infant's care outside the workplace/City premises. The Parent must be responsible for his/her schedule – an Alternate Care Provider in the workplace shall not be required to care for an Infant for a period exceeding 1.5 hours within a 4-hour period. There may be times when meetings take longer than expected, or when meetings are scheduled at the last minute. However, if a Parent consistently experiences scheduling issues, he/she may become deemed ineligible to participate further in the Program.

11. Complaint Procedures.

- a. Any complaints regarding workplace distractions or productivity concerns regarding a Program participant shall be made in writing or sent via e-mail, identifying the Parent involved as well as the person(s) making the complaint. Complaints shall be submitted to the Director of Human Resources who will investigate the underlying facts and circumstances.
- b. Upon completion of the investigation, the Director of Human Resources shall make a formal written recommendation to the City Manager. The recommendation options include:
 - i. Termination of the Parent's eligibility to participate in the Program, thus requiring the Parent to remove the Infant from the workplace/City premises;
 - ii. Modification of the Parent's Individual Care Plan in a manner that will resolve the complaint; or
 - iii. A finding that there is no basis for the complaint.

- c. The Parent shall have no right to request further review, or to appeal the final action taken by the City Manager.

12. Termination of Program or Parent Eligibility.

- a. The City reserves the right to terminate the Program, in whole or in part, at any time.
- b. The City reserves the right to terminate a Parent's eligibility to participate in the Program at any time, with or without cause. A Parent's eligibility will be terminated when:
 - i. the Infant becomes six months old; or less if the Infant's activity level is likely to cause a distraction in the workplace;
 - ii. the Parent is no longer employed with the City; and/or
 - iii. a final action has been taken pursuant to the Complaint Procedures set forth above that results in termination of the Parent's eligibility to participate in the Program.
- c. If a Parent's eligibility is terminated, the Director of Human Resources shall notify him/her, in writing, after which the Parent shall remove the Infant from the workplace/City premises within the period of time established by the Director; but in no event more than two weeks of receiving such notice.
- d. Neither termination of the Program, in whole or in part, or termination of a Parent's eligibility to participate in the Program shall be subject to the grievance procedure.

5.7 Employee Volunteerism

The City encourages employees to become involved in their communities, lending their voluntary support to programs that positively impact the quality of life within our community.

A. Policy.

- 1. The City recognizes that volunteer programs provide a number of benefits to both volunteers and the community. The City encourages employees to interact with citizens directly as often as possible. Working directly with citizens and organizations allows employees to interact with and appreciate the community they serve on a more personal level, which results in a higher quality of service. The needs of the community can be better seen, evaluated, and served by employees after direct contact through volunteer programs.

2. At the same time, the City recognizes that participating in these opportunities will also support and encourage higher levels of employee retention, collaboration, engagement, and overall performance as well as personal and professional growth.

B. Conditions for Employee Participation.

1. All benefit-eligible employees who have completed his/her initial employment probationary period.
2. Employee whose performance is considered to be less than 'Meets Expectations' may not be eligible to participate.
3. Employee who has active written disciplinary actions or above, including a Performance Improvement Plan, or have had any action for a period of not less than six (6) months prior to their participation may not be eligible to participate.
4. Employee understands that volunteer program participation is voluntary; he/she will not be working within the scope of his/her employment with the City; and he/she must sign a release/waiver form before participating in any volunteer programs.

C. Volunteer Time.

1. Employees may take up to 24-hours of paid time off each calendar year to participate in volunteer programs, not to exceed more than 4-hours in any one calendar month.
2. Volunteer time must be requested in advance and when possible, should be regular and on a set schedule to help with the coordination of other work-related responsibilities.
3. Volunteer hours are not considered time worked for the purposes of calculating overtime. All volunteer hours are paid at the employees' regular rate of pay. Participating in a volunteer program does not affect the accrual of vacation or sick time or other forms of paid time.
4. Time under this personnel provision may not be used concurrently or immediately next to any other leave benefits or use of accruals while on unpaid leave.
5. An employee may not volunteer time if the volunteer work exceeds his/her current physical/medical restrictions or if on a transitional assignment (light duty).
6. Volunteer time should not conflict with the peak work schedule and other work-related responsibilities, create need for overtime or cause conflicts with other employees' schedules.

7. There are no guarantees made about the availability of the time off requested by each employee.

D. General Process for Employee Participation.

1. An employee wishing to participate in a volunteer program must complete a Volunteerism Request Form and Release and Waiver Form, submit it to his/her supervisor at least two (2) weeks before the activity is to take place and obtain Department Director approval. Supervisors may waive the two (2) week requirement. Pre-approval of certain organizations and/or activities can expedite this process.
2. Upon approval, all required forms shall be submitted to the Human Resources Department for the employee's personnel file.
3. The employee's supervisor should consult with Human Resources personnel on any questions or concerns before approving or denying a request. Approval is at the discretion of the employee's immediate supervisor and Department Director.
4. Employee must obtain approval to participate in any volunteer program from his/her supervisor and Department Director.

E. Conditions for City Department Participation. City departments may utilize volunteers, as long as the following conditions are met:

1. The volunteer program benefits the community and/or the services are typically supplemented by volunteers.
2. The employee does not already work in the department for which the volunteer services are offered.
3. The employee does not work in a job with duties similar to the duties of the volunteer opportunity when volunteering at a City department.

F. Use of City and Personal Equipment and Resources.

1. Participation in a volunteer program and the use of volunteer time is restricted to an employee's scheduled work time. Employees cannot utilize volunteer time outside of their normal work schedule.
2. City employees may utilize their own personal tools, equipment or supplies during volunteer activities at their own risk. The City will not be responsible for lost, stolen, or damaged personal items. Under no circumstances will City tools, equipment or supplies be utilized for any volunteer activities with outside organizations that the City as a whole is not participating.

G. Additional Information.

1. The City reserves the right to modify, amend, suspend or discontinue this personnel provision at any time without prior notice. The City also reserves the right to revoke participation approval if it is felt that an employee, organization or qualifying City department is misusing the volunteer program and/or time. Appropriate volunteer participation may include, but are not limited to:
 - a. Participating in a Habitat for Humanity build
 - b. Volunteering at a food bank
 - c. Big Brother / Big Sister
 - d. Volunteering at a local school
 - e. Serving on a non-profit board
 - f. Meals on Wheels
 - g. United Way
 - h. Rescue Mission
2. Any volunteerism programs cannot be used as a means to discriminate in accordance with the City's personnel provisions.

H. Violations. Any violation of this personnel provision is subject to progressive disciplinary action, including, but not limited to, suspension of volunteer participation. Intentional violations will result in termination of any future volunteer opportunities.

5.8 Multilingual Provision

To effectively meet the needs of the community, the City of Topeka will, upon prior and reasonable certification as approved by the City Manager, pay qualified employees for multilingual skills.

General eligibility requirements:

- All permanent positions are eligible for multilingual pay.
- Must be proficient in English.
- Must pass a language proficiency test in conversation and/or writing.

The fee for an initial multilingual skills evaluation will be paid by the City. Fees for any subsequent multilingual skills evaluations are to be paid by the employee, unless the subsequent evaluation is requested by the employee's department head or at least three (3) years have passed since the initial evaluation date. The multilingual skills evaluation measures proficiency in the following categories: oral, listening comprehension, vocabulary, reading, and writing. Employees who no longer meet the certification criteria will be removed from eligibility as a certified multilingual employee.

Multilingual pay for employees removed from eligibility to act as certified multilingual employees will cease when eligibility ends.

Multilingual pay will be awarded based on one consideration; the city will consider the evaluation ranking for the employee's proficiency in the language that has been evaluated. Multilingual skills pay will be awarded based on the following scale:

EVALUATION RANKING	Stipend amount per pay period and per year
NOVICE	(\$38.46 PP) \$1,000
INTERMEDIATE	(\$57.69 PP) \$1,500
ADVANCED	(\$76.92 PP) \$2,000
EDUCATED PROFESSIONAL	(\$96.15 PP) \$2,500)

Generally, the Employer will call upon multilingual employees for translating or interpreting services within their department; however, the Employer may call upon multilingual employees to provide service as a translator and or interpreters in the event such services are needed even if the employee is not from the department or work unit needing assistance. Any time spent providing translation and or interpreter services shall be considered time worked. Management may select employees to serve as certified multilingual employees and shall determine the specific language that is needed and the number of certified employees for each language based on department operational needs.

The multilingual skills pay is a pay in addition to the base pay. It is paid as a separate stipend pay on the paycheck. Multilingual skills pay may cause an employee to earn a base rate above the respective grade maximum.

Employees who take the initial multilingual skills evaluation will receive the multilingual pay effective the beginning of the next pay period following passage of the multilingual skills evaluation.

Section 6

Absences and Leave

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6.1 Definitions.

- A. *Benefit-Eligible Employee* -- A person who serves in a position included in the adopted annual budget or established during a budget year that requires work on a regular (continuing, year-round) basis and is approved for benefit-eligibility in accordance with a full-time or pro-rata part-time schedule that works twenty (20) hours or more per week.
- B. *Immediate Family Member* -- The employee's spouse, child, son-in-law, daughter-in-law, step-child, parent, step-parent, spouse's parent, sibling, brother-in-law, sister-in-law, grandparent, grandchild, uncle, aunt, or a family member of the immediate household permanently residing under the same roof.
- C. *Pay Status* -- An employee who is receiving compensation from the City either for services rendered or on an approved leave with pay. Eligibility for benefits generally is contingent on being in pay status.

6.2 Personal Leave Day.

- A. Eligibility.
 - 1. All benefit-eligible employees who work twenty (20) hours or more per week and have completed his/her initial employment probationary period are granted one personal leave day off from work with pay on January 1st of each calendar year of employment.

2. The personal leave day shall be the equivalent of the number of hour equal to the employee's regularly scheduled work day.
- B. Procedure for Taking.
1. An employee shall submit a leave request in advance of the requested personal leave day in the same manner as any other types of leave.
 2. A personal leave request shall be granted only at such times as sufficient staffing is available to carry out the mission of the department. Approval of a personal leave request shall be at the sole discretion of the employee's supervisor and shall not be subject to grievance procedure.
- C. Special Conditions.
1. A personal leave day may not be carried over from one calendar year to another.
 2. The entire personal leave day must be taken in consecutive hours.
 3. An employee who transitions from a bargaining unit position into a non-bargaining unit position, and who has unused personal leave day(s) or perfect attendance personal day(s) prior to his/her transition, shall use such leave prior to the end of the current calendar year or he/she will forfeit such leave. Requests for exceptions to this provision may be submitted to the employee's Department Director and the Director of Human Resources for consideration of approval.
 4. If an employee terminates employment he/she shall not be paid for any unused personal leave day(s).

6.3 Vacation.

- A. Eligibility.
1. All benefit-eligible employees who work twenty (20) hours or more per week.
 2. An employee shall meet all applicable conditions to be eligible for vacation.
- B. Accrual during Initial Employment Probationary Period.
1. An employee serving an initial employment probationary period shall accrue vacation leave, but will not be permitted to use vacation leave until he/she has successfully completed his/her initial employment probationary period, unless an exception is granted in subparagraph C below.

2. An employee whose initial employment probationary period has been extended shall continue to accrue vacation leave, but will not be permitted to use vacation leave until he/she successfully completes the extended initial employment probationary period, unless an exception is granted in subparagraph C below.
 3. An employee in his/her initial employment probationary period may be granted an exception to use vacation leave with the advanced approval of his/her Department Director.
 4. An employee who leaves employment for any reason (voluntarily or involuntarily) prior to the successful completion of the initial employment probationary period shall not be paid for any unused, accrued vacation leave.
- C. **Accrual Rates.** An employee's vacation accrual shall be prorated in relation to the average number of hours in pay status or hours worked in a pay period in accordance with the schedule set forth below. Vacation leave shall be earned at a rate proportional to the ratio of scheduled weekly hours to a regular forty (40) hour schedule (e.g. working thirty (30) hours per week; accrue .75 rate of a regular forty (40) hour per week employee).

ACCRUAL SCHEDULE

40-Hour Employees

LENGTH OF SERVICE	MAXIMUM RATE PER PAY PERIOD	MAXIMUM HOURS ACCRUED PER YEAR
End of Probation thru 48 th month	3.70	96
49 th thru 108 th month	4.62	120
109 th thru 168 th month	5.54	144
168 th thru 228 th month	6.47	168
229 th thru 288 th month	7.39	192
289 th thru 348 th month	8.31	216
349 th and thereafter	9.24	240

24-Hour Employees

LENGTH OF SERVICE	MAXIMUM RATE PER PAY PERIOD	MAXIMUM HOURS ACCRUED PER YEAR
End of Probation thru 48 th month	4.93	128
49 th thru 108 th month	6.16	160
109 th thru 168 th month	7.40	192

168 th thru 228 th month	8.63	224
229 th thru 288 th month	9.86	256
289 th thru 348 th month	13.86	360
349 th and thereafter	13.86	360

D. Carry-Over.

1. A full-time employee may carry a maximum of two hundred forty (240) hours of vacation. A part-time employee may carryover vacation hours prorated in relation to the average number of hours in pay status or hours worked in a pay period.
2. A twenty-four (24) hour employee may carry a maximum of three hundred sixty (360) hours of vacation leave.
3. An employee shall request to use sufficient vacation leave during the year to ensure that the employee will not exceed the maximum carryover amount.
4. If an employee exceeds the maximum amount of carryover hours because a request to take vacation leave was denied for operational needs of the department or division, the employee may be given an opportunity to use the excess carryover during the first quarter of the subsequent calendar year. The employee shall submit a written request approved by the employee's Department Director to the Director of Human Resources to authorize the use of the excess carryover hours by December 31 of the calendar year.
5. If the employee fails to timely request use of excess vacation, or fails to use the excess hours in the first quarter, or the employee's Department Director denies the request, all excess hours shall be deducted from the employee's vacation balance.

E. Procedure for Use.

1. A non-exempt employee may use vacation leave in a minimum of one quarter ($\frac{1}{4}$) hour increments.
2. An employee shall request the use of vacation time by submitting a vacation leave request.
3. Unless there are extenuating circumstances, an employee shall make a request for vacation leave having a duration of one week or longer at least five days prior to the use of that leave. The five day request period shall apply to forty (40) hour employees requesting vacation use of five or more consecutive workdays or by twenty-four (24) hour

employees requesting vacation use of three or more consecutive workdays.

4. Unless there are extenuating circumstances, an employee shall make a request for use of vacation leave having a duration of less than one week at least two days prior to the use of that leave. The two-day period shall apply to forty (40) hour employees requesting vacation use of less than five consecutive workdays or by twenty-four (24) hour employees requesting vacation for less than three consecutive workdays.
5. An employee shall be encouraged to request vacation leave as far in advance as possible. Factors to consider in making the decision to grant vacation leave shall include, but not limited to: the purpose for the leave, the amount of time requested, the amount of notice provided by the employee, operation needs, the number of other employees requesting the vacation for the same period and an employee's seniority. Once a vacation request has been approved, the employee's vacation may not be canceled unless required by operational needs or requested by the employee.
6. If there is a dispute on vacation leave, the Department Director shall have the sole discretion to make any final decisions on the granting of a vacation leave request. The decision of the Department Director is final and is not subject to the grievance procedure.

F. Special Conditions.

1. An employee who becomes ill while on vacation leave may request the substitution of sick leave for the vacation leave.
2. At the time of rehire an employee shall notify the Director of Human Resources that the employee has prior benefit eligible services with the City. The employee shall be given credit for the prior service for the purpose of determining the employee's accrual rate.
3. Employees who are receiving workers' compensation benefits, including Temporary Total Disability, shall be eligible for prorated vacation leave accrual.
 - a. An employee shall be permitted to use appropriate accrued leave to supplement temporary disability payment in order to receive a full paycheck. In no event shall an employee be permitted to use accruals to receive an amount in excess of the employee's regular base pay.
 - b. An employee shall receive a prorated vacation leave accrual based on the same percentage as the temporary total disability payment during that pay period.

- c. An employee shall not accrue vacation leave for time he/she is in a no pay status.
- 4. An employee who has exhausted all of his/her sick, vacation or other leave accruals and is receiving shared leave shall not accrue vacation leave.
- 5. An employee who transitions from a bargaining unit position into a non-bargaining unit position and whose accrued vacation is in excess of the annual carryover amount will have the excess accrued vacation leave paid out on the last pay date of the year in which the transition occurs.
- 6. Under no circumstances may an employee use accruals in order to extend his/her employment. The last physical day worked will be considered the employee's last day of employment unless he/she is on a preapproved leave of absence, such as FMLA or City Non-FMLA Leave of Absence.
- G. Payout. An employee who has successfully completed initial employment probation shall be paid for all accrued vacation leave upon termination of employment with the City. The vacation payout will not be factored into overtime calculations.
- H. Return to Work. An employee shall return to work on his/her next scheduled workday following vacation leave. If there are extenuating circumstances the employee shall immediately notify his/her supervisor to request additional leave. If an employee fails to notify his/her supervisor, the employee may be placed in a no pay status. If the circumstances do not justify the use of additional leave, the requested leave may be denied and the appropriate disciplinary action may be taken in accordance with this Personnel Manual and/or applicable bargaining unit agreements.

6.4 Holidays.

- A. Eligibility.
 - 1. All benefit-eligible employees shall be paid for the following holidays in accordance with this Section 6.4.
 - 2. An employee must be in pay status on the day before and the day after the designated holiday in order to receive holiday pay.
- B. Designated Holidays. The Director of Human Resources on or before December 15th of each year will notify City employees of the dates on which the City shall observe the following holidays:

New Year's Day
Martin Luther King Jr. Day
Memorial Day
Juneteenth

Independence Day
Labor Day
Veterans' Day
Thanksgiving
Friday immediately following Thanksgiving
Winter Break
Winter Break

The Department Director shall select an alternate day on which an employee may observe a particular holiday if such employee is required to work on the designated holiday.

- C. Hours Observed. All designated holidays shall commence at 12:00 a.m. and shall end at 11:59 p.m. on the designated day on the day of the designated holiday.
- D. Compensation for Work on a Holiday.
1. Unless otherwise specified in a bargaining unit contract, a non-exempt employees who is required to work on a designated holiday shall be paid two times his/her regular hourly rate for all hours worked on such designated holiday. Hours worked on a holiday shall not be considered in calculating overtime if the employee exceeds forty (40) hours in the workweek. A Department Director, at his/her sole discretion, may elect to offer compensatory time in lieu of actual holiday pay.
 2. A sworn public safety employee not covered by a bargaining unit agreement that works a holiday shall earn holiday vacation equivalent to the hours worked on the holiday up to a maximum of 264 hours for 24-hour employees, 110 for 10-hour employees and 88 hours for 8-hour employees.
 3. Non-exempt employees who are receiving Temporary Total Disability compensation shall only receive supplemental holiday pay in an amount equivalent to a full day's pay.

6.5 Sick.

- A. Eligibility.
1. All benefit-eligible employees.
 2. An employee shall meet all of the conditions set forth in this Section 6.5 to be eligible for sick leave.
- B. Use during Initial Employment Probationary Period. Sick leave shall be available as it is accrued including during the initial employment probationary period, but it shall not be allowed in advance of accrual.

C. Accrual Rate.

1. An employee shall only accrue sick leave while in pay status.
2. Sick leave is earned on a prorated accrual rate based on hours worked in a pay period with a maximum 3.70 hours per pay period for a forty (40) hour employee and up to a maximum of 11.08 hours for a twenty-four (24) hour employee.
3. A part-time employee may accrue up to maximum of the pro-rated number of hours he/she worked.
4. During the initial employment probationary period an employee shall accrue sick leave for each pay period or the portion of a pay period in pay status.
5. Employees who are receiving Workers' Compensation benefits, including Temporary Total Disability, shall be eligible for prorated sick leave accrual.
 - a. An employee shall be permitted to use appropriate accrued leave to supplement temporary disability payment in order to receive a full paycheck. In no event shall an employee be permitted to use accruals to receive an amount in excess of the employee's regular base pay.
 - b. An employee shall receive a prorated sick leave accrual based on the same percentage as the temporary total disability payment during that pay period.
 - c. An employee shall not accrual sick leave for time he/she is in a no pay status.
6. An employee who has exhausted all of his/her sick, vacation or other leave accruals and is receiving shared leave shall not accrue sick leave.
7. An employee is required to use sick leave accruals while on leave unless approved by the Director of Human Resources.

D. Maximum Carryover.

1. A forty (40) hour employee may carry a maximum of 1,040 hours of sick leave.
2. A twenty-four (24) hour employee may carry a maximum of 1,388 hours of sick leave.

E. Acceptable Use.

1. Sick leave may only be utilized by an employee in order to be compensated for absences during an employee's regular or normal

work schedule under the following circumstances:

- a. Sick leave may be allowed in minimum one quarter-hour ($\frac{1}{4}$) increments for non-exempt employees when he/she is unable to perform duties due to personal sickness, injury, illness or diagnostic or remedial medical or dental treatment of the employee or an immediate family member as defined by this Personnel Manual and/or applicable bargaining unit agreement.
 - b. Sick leave may be utilized if exposure to a contagious disease or injury may endanger or jeopardize the attendance or welfare of other employees
 - c. Sick leave shall also be allowed for the birth or care of an employee's newborn child or for placement with the employee of a son or daughter for adoption or foster care.
2. In non-emergency situations, the employee shall schedule medical or dental appointments and/or treatments at a time that does not unduly interfere with job-related duties.

F. Procedure for Use.

1. Scheduled use of Sick Leave

- a. Whenever possible an employee shall request sick leave in advance of the absence so that the use of leave does not interfere with the employee's work responsibilities.
- b. Scheduled sick leave shall be requested and approved by the employee's supervisor prior to use of leave.

2. Unscheduled use of Sick Leave

- a. Whenever possible an employee shall notify the employee's supervisor prior to the start of the employee's shift or if the shift has started prior to leaving work for an unscheduled use of sick leave for the employee or his/her immediate family member.
- b. An employee must submit a sick leave request to the employee's supervisor within two working days from the date the employee returns to work or the use of accumulated sick leave shall not be allowed.

G. Special Conditions.

1. Employees shall not be charged for sick leave use for medical appointments or therapy authorized by Human Resources as a result of a Workers' Compensation claim or as authorized by the Director of Human Resources.

2. Employees shall be allowed to attend a maximum of two scheduled appointments at the City's Health and Wellness Center per month and shall not be charged sick leave for such appointments. The employee shall attempt to schedule such appointments at a time that does not unduly interfere with job-related duties and must ensure appointments do not create a burden on departmental operations. Employees shall submit a leave request for such appointments utilizing the appropriate leave code for approval by his/her supervisor.
 3. Employees shall be referred to the Human Resources Department in the event the supervisor believes that an employee is unable, because of illness or injury, to perform the duties assigned to the employee's position for consideration of an evaluation by the City's healthcare provider in accordance with the Section 10.6 "Fitness for Duty."
 4. An employee who transitions from a bargaining unit position into a non-bargaining unit position and whose accrued sick leave is in excess of the annual carryover amount will have the excess reduced to the maximum allowed sick leave balance. E.g. 24-hour management will be reduced to 1,388 hours and 8-hour management will be reduced to 1,040 hours.
 5. Under no circumstances may an employee use accruals in order to extend his/her employment. The last physical day worked will be considered the employee's last day of employment unless he/she is on a preapproved leave of absence, such as FMLA or City Non-FMLA Leave of Absence.
- H. Return to Work. Employees who have been absent for a personal medical condition more than four consecutive workdays using sick leave and a twenty-four (24) hour employee who has been absent for a personal medical condition more than two consecutive workdays using sick leave shall report to the Human Resources Department prior to returning to his/her workday for a return to work authorization. The Director of Human Resources may require an employee to report to the City's healthcare provider to determine whether the employee can perform his/her essential job functions in accordance with Section 10.6 "Fitness for Duty."
- I. Abuse of Sick Leave.
1. If the Director of Human Resources questions an employee's abilities to perform his/her essential job functions the employee may be required to report to the City's healthcare provider for a Fitness for Duty examination as outlined in Section 10.6.
 2. A supervisor may refer an employee who has exhausted his/her sick leave to the Director of Human Resources for review and counseling.

In addition, an employee who has established pattern of consistent or continued unavailability for work that has not been substantiated may be referred to the Director of Human Resources for review and counseling, if applicable.

3. The use of sick leave for purposes other than those authorized or which demonstrates an unsubstantiated pattern of consistent or continued unavailability for work may be an abuse of sick leave subject to disciplinary action up to and including termination in accordance with this Personnel Manual and/or applicable bargaining unit agreements.
- J. Payment on Retirement. An employee who meets all eligibility requirements and retires under the KPERS, KP&F or Social Security systems shall be paid for thirty-five percent (35%) of accrued sick leave at the employee's then current rate of pay. An employee who is not vested under a retirement plan or is not eligible to retire and leaves City employment (voluntarily or involuntarily) shall not be eligible for payment of his/her accrued sick leave.

6.6 Family Medical Leave.

The federal Family & Medical Leave Act of 1993 (FMLA), as amended, requires employers with fifty (50) or more employees to provide eligible employees with unpaid leave. There are two types of FMLA leave available: Basic 12-week leave entitlement and Military Family Leave entitlement. In addition to FMLA leave, employees may also be eligible for other types of leave under the City's Personnel Manual or state or local regulations. To learn more about the availability of leave, please contact the Human Resources Department.

- A. Eligibility. In order to qualify to take FMLA leave, an employee must meet all of the following conditions:
1. The employee must have worked for the City at least 12-months.
 2. The employee must have worked at least 1,250 hours during the 12-month period immediately prior to the date when the leave would begin.

The 12-months of service need not have been consecutive. Employment before a break in service of seven years or more will not be counted, unless the break in service was caused by the employee's service obligation covered under the Uniformed Services Employment and Reemployment Rights Act (USERRA); or unless there was a written agreement that the employer intended to rehire the employee after the break in service.

The City designates the period for taking FMLA leave as a rolling 12-month period measured backward from the date on which the leave is designated as such.

Employees with any questions about their eligibility for FMLA leave should contact the Human Resources Department for more information.

B. Basic FMLA Leave. Eligible employees may take up to 12-work weeks of FMLA leave in a 12-month period for the following qualifying reasons:

1. The birth of a child and to care for the newborn child within one-year of birth;
2. The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one-year of placement;
3. To care for employee's spouse, child or parent who has a serious health condition;
4. A serious health condition that makes the employee unable to perform the essential functions of his/her job.

In cases where both parties to a marriage are employed by the City, the two spouses, together, may take a *combined total* of 12 weeks' leave during any 12-month period for reason 1 and 2 above, or to care for a parent with a serious health condition.

C. Military Family Leave. There are two types of Military Family Leave available: Qualifying Exigency and Military Caregiver.

1. *Qualifying Exigency Leave.* Eligible employees may be entitled to use up to 12-weeks of their Basic FMLA Leave for any qualifying exigency when the employee's spouse, son, daughter, or parent is on covered active duty for Regular Armed Forces or has been notified of an impending call or order to covered active duty.
 - a. "Covered Active Duty for Regular Armed Forces members, or call to covered active duty status" means duty during the deployment of the covered service member with the Armed Forces to a foreign country (outside of the United States, the District of Columbia, or any territory or possession of the United States, including deployment to international waters).
 - b. "Covered Active Duty for a member of the Reserve components of the Armed Forces" (members of the National Guard and Reserves), means duty during the deployment of the covered service member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation.

- c. Qualifying exigencies may include:
 - i. Seven, or less days' notice of deployment
 - ii. Certain military events and related activities
 - iii. Certain childcare or school related activities
 - iv. Certain financial and legal matters
 - v. To spend up to fifteen (15) calendar days with a covered service member who is on temporary Rest and Recuperation leave during deployment
 - vi. Certain counseling sessions
 - vii. Post-deployment activities within ninety (90)-days after the termination of the covered service member's covered active duty status, and to address issues arising from death of covered service member
 - viii. Caring for the covered service member's parent who is incapable of self-care
 - ix. Other activities arising out of the covered service member's active duty and agreed upon by the company and the employee.

2. *Military Caregiver Leave.* An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member with a serious injury or illness may request up to a total of 26-work weeks of unpaid leave during a "single 12-month period" to provide care for the covered service member.

- a. A current service member of the regular Armed Forces, including a service member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; or is otherwise on the temporary disability retired list, for a serious injury or illness which is service-connected.
- b. A veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and who was discharged within the past five years before the employee takes military caregiver leave to care for the veteran.

D. Intermittent or Reduced-Schedule Leave. Employees may be authorized under certain circumstances to take leave intermittently or on a reduced-schedule basis.

1. An employee must make reasonable efforts to schedule FMLA leave for planned medical treatment so as not to unduly disrupt the City's business operations.
2. An employee will not be authorized to take leave on an intermittent basis when used to care for the employee's own child during the first year following birth, or to care for a child placed with the employee for foster care or adoption, unless both the City and the employee agree to such intermittent leave.
3. Military Family Leave to care for a covered service member or due to qualifying exigencies may also be taken on an intermittent basis, if authorized.

If intermittent or reduced-schedule leave is authorized, the City may temporarily transfer the employee to an available alternative position that better accommodates the recurring leave and has equivalent pay and benefits.

E. Pay, Benefits and Protections During FMLA Leave.

1. Leave is unpaid. FMLA leave shall be unpaid, unless the employee has accrued leave.
2. Substitution of paid accrued leave. When an employee's leave is designated as FMLA Leave, accrued leave will be substituted for unpaid leave. Paid accrued leave will be applied in the order designated by the employee. If the employee does not designate the type of accrued leave to be substituted during the unpaid FMLA leave, accrued leave will be applied in the following order: Sick, Vacation, Personal Day, Perfect Attendance Day(s), and any other available leave.
3. Accruals do not extend FMLA. The substitution of paid accrual time for unpaid leave time does not extend the 12-week leave period. Paid accrued leave will run concurrently with unpaid FMLA leave. In no case can the substitution of paid leave time for unpaid leave time result in the receipt of more than one-hundred (100) percent of an employee's salary. An example of an employee's FMLA leave running concurrently is Sick leave.
4. Exempt Status.
 - a. Records. When an employee is designated as exempt under the federal Fair Labor Standards Act (FLSA), the City may require an employee to maintain records of his/her time off from work in order to track the employee's use of FMLA leave.
 - b. Intermittent Leave. When substituting paid leave for unpaid leave, exempt employees shall use an hour-for-hour exchange, submitting requests for use of accruals for all time

missed for the FMLA purpose, and may use accruals in ¼ hour increments.

- c. **Notification.** If an employee has exhausted all accrued leave, the City will deduct from the employee's salary any hours taken as intermittent or reduced FMLA leave within a workweek and such deduction shall not affect the exempt status of the employee.

- 5. **Medical and other benefits.** An employee who is on FMLA leave, the City will continue the employee's health coverage under any "group health plan" at the same level and under the same conditions as if the employee had continued to work. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave.

- a. When paid leave is substituted for unpaid FMLA leave, the City will deduct the employee's portion of the health plan premium as a regular payroll deduction, as long as pay is sufficient to cover the employee's share of the premium.
- b. When accrued leave is exhausted and the leave is unpaid, the employee must submit payment for his/her portion of the health plan premium.

An employee's healthcare coverage will be terminated if the employee's premium payment is not paid within thirty (30)-calendar days. If the employee elects not to return to work for at least thirty (30)-calendar days at the end of the leave period, the employee will be required to reimburse the City for the cost of the health plan premiums paid by the City for maintaining coverage during the unpaid leave; unless the employee cannot return to work because of a serious health condition or other circumstances beyond the employee's control.

- 6. **Employee Status after FMLA Leave.** An employee who takes FMLA leave pursuant to this Section 6.4 will be able to return to his/her original position, or an equivalent position with equivalent pay, benefits, and other employment terms; except as otherwise provided in subsection I below.

F. Procedure for Requesting FMLA Leaves.

- 1. **Requesting Leave.** An employee requesting FMLA leave should contact the Human Resources Department.
- 2. **Foreseeable Leave.** If the need to use FMLA leave is foreseeable, the employee must provide the City with at least thirty (30) days' prior notice of his/her need to take leave. When thirty (30) days' notice is not possible, the employee must provide notice as soon as practicable

(i.e., within one or two business days of learning of the need for leave except for extraordinary circumstances). Failure to provide such notice may be grounds for delaying the start of the FMLA leave.

3. Unforeseeable Leave. If the need for leave is not foreseeable, employees are required to request leave as soon as practicable generally within one day under the facts of the particular case.
4. Submitting Leave. When submitting a request for leave, the employee must provide sufficient information for the City to determine if the leave might qualify as FMLA leave. The employee must also provide the anticipated start date of the leave, as well as the anticipated duration of the leave.
 - a. *Calling in "sick" is not sufficient.* Sufficient information may include that the employee is unable to perform his/her job functions; that a family member is unable to perform daily activities; that the employee or family member needs hospitalization or continuing treatment by a healthcare provider; or the circumstances supporting the need for military family leave.
 - b. Employees must also inform the City if the requested leave pertains to a reason for which FMLA leave was previously taken or certified.
 - c. Employees may be required to provide certification and periodic recertification supporting the need for leave from a healthcare provider.
5. Notification of Eligibility. When an employee requests leave, the City will inform the employee whether he/she is eligible under the FMLA.
 - a. If the employee is eligible for FMLA leave, he/she will be given a written notice that includes details outlining any additional information he/she will be required to provide.
 - b. If the employee is not eligible for FMLA leave, he/she will be given a written notice that indicates the reason for ineligibility.

G. Medical Certification. If the employee is requesting leave because of the employee's own or a covered relative's serious health condition, the employee and the relevant healthcare provider must supply appropriate medical certification. Employees may obtain Medical Certification forms from the Human Resources Department.

1. The City will notify the employee of the requirements for medical certification and when it is due (no more than fifteen (15) calendar

days after the date of the leave request). If the employee provides at least thirty (30) calendar days' notice of medical leave, he/she should also provide the medical certification before leave begins.

2. Failure to sufficiently complete and return the Medical Certification form in a timely manner may result in the employee's leave being delayed or denied. Failure to submit the completed Medical Certification form in a timely manner may result in absences being considered unexcused.
3. The City, at its expense, may require an examination by a second healthcare provider, selected by the City, if it reasonably doubts the medical certification initially provided. If the second healthcare provider's opinion conflicts with the original medical certification, the City, at its expense, may require a third healthcare provider, jointly selected by the City and the employee, to conduct an examination. This third opinion will be considered final and binding.
4. The City may require subsequent medical recertification. Failure to provide a request for recertification within fifteen (15) calendar days, except in extraordinary circumstances, may result in the delay of further FMLA leave until such time as the recertification is provided.
5. Employees may be required to provide a fitness-for-duty certification upon return to work, or during intermittent leave, as required.
6. The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with this law, *the City requests that all employees direct their medical providers to not provide any genetic information when responding to a request for medical certification.*

"Genetic Information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

H. Reporting While on Leave.

1. An employee utilizing Basic FMLA leave must contact the Human Resources Department at least once every thirty (30) days during his/her absence regarding the status of the condition and his/her intention to return to work. In addition, the employee must provide notice as soon as practicable (e.g., within two business days, if

feasible) if the dates of the leave change, are extended, or were initially unknown.

2. If an employee continues outside employment while on FMLA Leave, the employee must contact the Human Resources Department and provide the name of the employer, the position held, the responsibilities associated with the position and the number of hours worked per week.

- I. Exemption for Highly Compensated Employees. Highly compensated employees (i.e., highest-paid ten percent (10%) of employees at a worksite or within a seventy-five (75)-mile radius of that worksite) may not be returned to their former or equivalent position following a leave if restoration of employment will cause substantial economic injury to the City. This fact-specific determination will be made by the City on a case-by-case basis. The City will notify an employee if he/she qualifies as a “highly compensated” employee and of his/her rights if the City intends to deny reinstatement.

6.7 Extended Sick Leave.

Extended sick leave (up to five hundred twenty (520) hours of additional sick leave benefits) is available for employees who meet the following eligibility criteria:

- A. Eligibility.
 1. Any benefit-eligible employee who has satisfied his/her initial employment probationary period and who has been diagnosed with a terminal illness, and is not expected to return to work, may request and be granted the use of extended sick leave.
 2. The employee shall be required to have exhausted all accrued sick leave, compensatory time, vacation leave or other applicable accrued leave.
 3. Approval shall not be granted to an employee who has previously collected any amount of extended leave benefits unless such amount has been reimbursed to the City pursuant to the provisions of subsection C 2 below.
 4. The amount of extended sick leave benefits received by the employee shall be adjusted by the amount of disability and other benefits that an employee may receive. The City reserves the right to cancel extended sick leave benefits if it is determined that the employee has not fully disclosed the receipt, or expected receipt, of any type of disability benefits from any source.
 5. All extended sick leave benefits shall cease at the time of death of the employee.

B. Procedure for Requesting.

1. Eligible employees or a representative thereof may submit a request to the Director of Human Resources.
2. The request must be accompanied by a certification from the employee's health care provider stating the diagnosis and indicating that the employee is not expected to return to work.
3. Any employee may receive a proportionate amount of sick leave based on the average number of regularly-scheduled hours worked in the previous twelve (12) months, up to a maximum of five hundred twenty (520) hours of extended sick leave. The employee shall receive extended sick leave benefits at their last base hourly rate of pay.
4. Payment of extended sick leave benefits shall not commence until approval for the Extended Sick Leave benefit is given by the Director of Human Resources. Retroactive payment of extended sick leave benefits shall not be allowed unless an exception has been granted by the City Manager for good cause.
5. While on extended sick leave, an employee shall not be considered in pay status and shall, therefore, not accrue sick leave and/or vacation leave.

C. Return to Work.

1. Any employee who has received extended sick leave benefits in any amount may only return to work subject to FMLA, if applicable, and/or the availability of a position for which he/she qualifies.
2. Any employee returning to work shall be required to repay all extended sick leave benefits received while on extended sick leave either from future leave accruals, payroll deduction or other cash repayments. The Director of Human Resources shall coordinate a repayment agreement and/or schedule with the returning employee regarding the method and frequency.

6.8 Family Crisis Leave.

A. Eligibility.

1. Full-time employees may receive up to three-days of family crisis leave in accordance with section 3.C. below.
2. Part-time employees may receive up to the number of hours that would have normally been worked by the part-time employee that works twenty (20) hours or more in a week and an average three-day period.

B. Definitions.

Family Crisis Leave may be used in the event the health or welfare of the employee's immediate family.

1. "Family Crisis" shall mean an occurrence such as a fire, flood or tornado or when extreme, extenuating circumstance arise which may threaten the health or welfare of the immediate family as approved by the Director of Human Resources.
2. "Immediate Family" shall mean the employee's spouse, child, son-in-law, daughter-in-law, step-child, parent, step-parent, spouse's parent, sibling, brother-in-law, sister-in-law, grandparent, grandchild, uncle, aunt or a family member of the immediate household permanently residing under the same roof.

C. Procedure for Requesting.

1. An employee shall submit an appropriate leave request to his/her supervisor and identify as part of the comments associated with said request the type of family crisis, immediate family and applicable dates.
2. Employees must request the use of family crisis leave in advance of the date upon which such leave will commence unless circumstances make it impossible for such leave to be requested in advance.
3. The specific number of hours an employee receives as family crisis leave shall be determined by the department director, who shall take into consideration the type of situation the employee will be required to deal with. A statement from the healthcare professional verifying that the health problem is both life threatening and an emergency may be requested. Such determinations by the department director shall not be subject to the grievance procedure.

D. Return to Work.

Any employee who does not return to work after having used his/her family crisis leave on the date and at the time as approved by his/her supervisor, shall be placed on unauthorized leave without pay and subject to appropriate disciplinary action in accordance with the City's Personnel Manual and applicable bargaining unit agreements; provided, however, that he/she has not requested to use some other form of paid leave.

6.9 Shared Leave.

A. Eligibility. Any benefit-eligible employee.

B. Hours Available.

1. A benefit-eligible employee may receive a proportionate amount of shared leave based on the average number of regularly scheduled

hours worked in the previous twelve (12) months up to a maximum of five hundred twenty (520) hours of shared leave.

2. Requests for shared leave shall be dependent upon a sufficient amount of donated time being available; time designated for the benefit of specific eligible employee; and subject to any specific conditions that may apply.

C. Acceptable Use.

1. An employee may only use shared leave for his/her own illness or injury, which prevents the employee from performing his/her essential job functions, or to care for an immediate family member who has a serious health condition that qualifies under FMLA.
2. An employee shall only be able to use shared leave after he/she has exhausted other available accrued leave.

D. Procedure for Requesting.

1. An employee shall be required to submit a request for shared leave prior to his/her absence unless there is an emergency, or the employee is unable to make the request for shared leave.
2. All requests for shared leave must be on forms provided by the Human Resources Department. The request form shall require, but not be limited to, the following information:
 - a. Nature of illness or injury.
 - b. Documentation from the employee's health care provider that the employee's own illness or injury prevents him/her from performing his/her essential job functions or for a serious health condition of the employee's immediate family member.
 - c. Estimated duration of the leave.
 - d. Number of hours requested.

All requests for shared leave shall be approved by the Director of Human Resources.

E. Special Conditions.

1. Decisions regarding donations to, or use of, shared leave shall be at the sole discretion of the Director of Human Resources and not be subject to the grievance procedure contained in this Personnel Manual and/or any applicable bargaining unit agreement.
2. An employee who has been released by their health care provider for light duty will not be eligible for shared leave unless no light duty is available.

3. An employee receiving benefits from Temporary Total Disability, a short term disability program, or extended sick leave will not be eligible for shared leave.
 4. An employee who receives shared leave shall not accrue sick or vacation leave based on hours received.
- F. Donations to Shared Leave Bank.
1. Any benefit-eligible employee may, at any time during the year, donate excess accrued vacation to the shared leave bank; provided, however, That no employee will be able to make a donation if it would cause his/her accrued vacation leave balance to drop below forty (40) hours. Donated vacation hours will be deducted from the donor's accrued vacation leave balance at the beginning of the payroll period in which the donation was received by Human Resources.
 2. Donations to the shared leave bank shall not be made from any accrual balances other than vacation.
 3. Donations to the shared leave bank shall be made in increments of one hour.
 4. Donations to the shared leave bank are voluntary, non-compensable and irrevocable.

6.10 Bereavement Leave.

- A. Overview. Bereavement Leave may be used in the event of a death of an employee's immediate family member in order to make arrangement related to, or to attend, the funeral.
- B. Eligibility.
1. Full-time employees may receive up to three-days of bereavement leave in accordance with subsection C 3 below.
 2. Part-time employees may receive up to the number of hours that would have normally been worked by the part-time employee in an average three-day period.
 3. Although employees are not eligible to receive paid bereavement leave for individuals who are not considered an "immediate family member" such employee may use another type of approved leave to attend the funeral.
- C. Procedure for Requesting.
1. Any benefit-eligible employee, as defined in Section 4.1, shall submit an appropriate leave request to his/her supervisor and identify as part of the comments associated with said request the

immediate family involved and applicable dates.

2. Employees must request the use of funeral leave in advance of the date upon which such leave will commence unless circumstances make it impossible for such leave to be requested in advance.
3. An employee may be granted up to three days of bereavement leave for the purpose of attending to funeral details, attending a funeral and associated travel. Such determinations shall not be subject to grievance procedures.

D. Return to Work. Any employee who does not return to work after having used his/her bereavement leave on the date and at the time as approved by his/her supervisor, shall be placed on unauthorized leave without pay and subject to appropriate disciplinary action in accordance with this Personnel Manual and/or any applicable bargaining unit agreements; provided, however, that he/she has not requested to use some other form of paid leave.

6.11 Voting Leave.

A. Eligibility.

1. Any employee who is registered to vote may, upon request, be granted up to two hours of paid leave for the purpose of casting a ballot in a primary, special or general election held in Kansas.
2. Only an employee whose work schedule does not permit two consecutive hours free from job responsibilities during the open hours of operation for all voting sites will be considered eligible to receive voting leave.
3. An employee shall only be given voting leave for the amount of time it actually takes to vote in the election; provided, however, that such leave shall not exceed two hours.

B. Procedure for Requesting.

1. Employees shall request the use of voting leave in advance of the date set for the election to their supervisor.
2. Employees shall submit the appropriate leave request.

C. Return to Work. Any employee who is granted voting leave shall return to work at the time specified by his/her supervisor. If the employee does not return to his/her work site at the designated time, the employee shall be placed on unauthorized leave without pay and subject to appropriate disciplinary action in accordance with this Personnel Manual and/or any applicable bargaining unit agreements.

6.12 Court Appearance Leave.

A. Eligibility.

1. Certain employees are entitled to paid time off for the purpose of appearing in court or administrative-related proceedings:
 - a. An employee who is required by law to be present at a local, State or Federal court proceeding, whether by summons, subpoena, or notice from the court, for the purpose of serving as a juror or witness.
 - b. An employee who is required to appear in court, at an administrative proceeding or at a deposition through his/her scope of employment or his/her employment capacity.
2. An employee who is (i) a voluntary plaintiff in a civil matter, (ii) a defendant in a non-job related matter arising outside the scope of his/her employment, or (iii) appearing as a voluntary expert witness shall not be paid. Any such employee may request the use of appropriate accrued leave or approved leave without pay.

B. Procedure for Requesting.

1. Upon receiving a summons, subpoena, or notice from the court the employee shall provide such documentation to his/her supervisor.
2. The employee shall submit an appropriate leave request, based on his/her eligibility as set out in Section 1 above, prior to the leave or immediately upon his/her return.
3. Upon receipt of the appropriate documentation, the employee's supervisor shall approve the leave request.

C. Compensation.

1. The employee will be compensated at his/her current rate of pay at the time of the court leave that is scheduled on his/her regularly-scheduled work day. For example, any employee who is scheduled to work between the hours of 11:00 p.m. and 8:00 a.m., or as otherwise stated in an applicable bargaining unit agreement, and who is scheduled to appear in court or an administrative proceeding during the day immediately preceding and following the normally scheduled shift shall not be required to work the normally scheduled shift.
2. Eligible employees shall receive shift differential as part of the pay for the normally scheduled hours.

D. Return to Work. Any employee who does not return to work to complete his/her scheduled work shift after having completed his/her court appearance shall be placed on unauthorized leave without pay and subject to appropriate disciplinary action in accordance with this Personnel Manual and/or any applicable bargaining unit agreements.

6.13 Military Leave.

A. Eligibility.

1. Benefit-eligible employees who serve as a member of the uniformed services, including the Reserves or National Guard, are eligible for military leave benefits.
2. Subject to certain exceptions under the Uniformed Services Employment and Reemployment Rights Act (USERRA), these benefits are limited to five years of leave of absence.
3. In the event of any conflict between this ARR and USERRA, employees will be afforded all rights required by law.

B. Procedure for Requesting.

1. An employee should notify his/her supervisor and the Human Resources Department of the need for leave as far in advance as is reasonable under the circumstances. Written notice is preferred, but not required under the law or this Section.
2. Supervisors should notify the Human Resources Department when an employee makes them aware of the need for military leave.
3. An employee is encouraged to complete a Military Leave of Absence form and meet with Human Resources personnel to review the employee's pay and benefits prior to the commencement of leave.

C. Pay.

1. The City provides a maximum of eighty (80) hours of military pay per year for uniformed service members who need to be off work in order to participate in military service or training.
2. Military pay is provided to prevent service members from having to exhaust accrued leave or going into a 'No Pay' status while serving the standard two-week annual training. However, an employee may designate military pay to be used during any required time away from his/her scheduled work due to applicable military leave.
3. Military pay is provided only for those days an employee would have normally been assigned to work during the military assignment or training.
4. An employee must be in regular pay status prior to receiving military pay during any given calendar year.
5. An employee must submit a completed Military Leave of Absence Form to the Human Resources Department in order to receive military pay.

6. An employee may use earned personal accruals to prevent going into a 'No Pay' status.
 7. An employee in a 'No Pay' status will not continue to accrue leave, and will not continue to earn KPERS years-of-service credit.
- D. Reemployment.
1. An employee must apply for reemployment by contacting the Human Resources Department in accordance with the timeline established by USERRA. Military discharge documentation should be provided to establish the timeliness of the application for reemployment, the duration of the military service, and the honorable discharge from the military service.
 2. Upon an employee's timely application for reemployment, he/she will be reinstated according to the requirements established by USERRA.

6.14 Extended Leave of Absence.

- A. Eligibility.
1. Any benefit-eligible employee may apply for an extended leave of absence.
 2. An extended leave of absence shall not exceed one year.
 3. An employee must exhaust all accrued vacation, compensatory leave and/or any other appropriate accrued leave. If the employee's leave of absence is for the medical treatment or care of the employee or an immediate family member, the employee must also exhaust accrued sick leave.
 4. Acceptable uses:
 - a. Medical (for employee or immediate family member).
 - b. Education.
 - c. Outside employment; provided, however, the outside employment does not conflict with this Personnel Manual and/or any applicable bargaining unit agreement.
 - d. Other valid reasons, as jointly determined by the Director of Human Resources and the employee's Department Director in their sole discretion.
- B. Procedure for Requesting.
1. An employee shall submit his/her request for an extended leave of absence to the Human Resources department. Requests for medical purposes shall be accompanied by a certification signed by the

employee's healthcare provider stating the nature of the illness and the anticipated leave period.

2. Any extended leave of absences must be approved by the Department Director and the Director of Human Resources prior to the employee taking such leave.
3. The employee shall be required to have exhausted all accrued sick leave, compensatory time, vacation, or other appropriate accrued leave.
4. An extended leave of absence shall be unpaid. Generally, an employee shall not accrue any benefits including, but not limited to, sick leave, vacation leave, health insurance, retirement or seniority; provided, however, that an employee who is on leave protected by USERRA, FMLA or other such status protected by law may accrue certain benefits.
5. Employees taking an extended leave of absence that does not qualify for FMLA may be given the opportunity to pay health care premiums at his/her own expense.

C. Return to Work.

1. The City will attempt to keep an employee's position open. There is no guarantee, however, that any given position will be available for an employee upon his/her return due to business necessity and/or budget constraints.
2. An employee returning to work from an extended leave of absence for the employee's own medical reasons may be required to submit to a "Fitness for Duty" by the City's healthcare provider. The employee shall be required to obtain a "Return to Work Authorization" from the Director of Human Resources prior to being authorized to return to work.

6.15 Inclement Weather.

A. Declaration.

1. In the event of extreme weather conditions, the City Manager may announce the closing of non-emergency City offices by issuing a Declaration of Inclement Weather, which shall include beginning and ending times. All benefit-eligible, non-emergency employees who are scheduled to work shall be placed on Inclement Weather Leave for their normal scheduled hours during this specified time frame.
2. The Declaration of Inclement Weather will be communicated by the most practical means available at the time.

- a. Closing prior to normal work day: The Communications and Media Relations Division Director will provide a message to the local radio and television stations for communication to the public, as well as coordinate the notification of closure on the City Employee's Information Line at 785-368-0196 and on the City's website at www.topeka.org.
 - b. Closing during normal workday: The City Manager shall notify Department Directors, who shall then notify all affected City employees within their respective departments.
- B. Weather Plans. Each department shall develop and maintain a plan detailing how that respective department will provide essential services to the public in the event of inclement weather, as well as how notice of an inclement weather event will be communicated to employees within the department. Departmental plans should be forwarded to the City Manager. For each department, the plan shall outline the following:
 1. A list of employees designated as emergency personnel by the Department Director. "Emergency personnel" includes those employees who must work during an inclement weather event in order to provide essential services to the public;
 2. A contingency plan to address situations when emergency personnel are unable to report to work due to inclement weather; and
 3. A communication plan for notifying all emergency and non-emergency personnel of a Declaration of Inclement Weather issued by the City Manager.
- C. Eligibility for: Recording Time-Off.
 1. Hours during the regular business day that have been specified as set out in subsection A 2 above shall be designated as Inclement Weather Leave for all exempt and non-exempt, non-emergency employees.
 2. Any employee who works during a Declaration of Inclement Weather will receive compensation at the same rate of pay that he/she would have received had there not been a Declaration of Inclement Weather; unless otherwise specified in any applicable bargaining unit agreement.
 3. Employees may work remotely to continue working as usual during periods of inclement weather. Employees will be paid for their actual hours worked and if hours are less than his/her normal scheduled hours the employee shall submit an inclement weather leave request for those remaining hours. (Example: Employee work 4 hours remotely and 4 hours inclement weather total of 8 hours)

4. Employees who received prior approval for authorized leave during the period covered by the Declaration of Inclement Weather will not be eligible to receive compensation.
- D. If No Declaration Issued.
1. If an employee determines he/she cannot report to work due to weather conditions and a Declaration of Inclement Weather has not been issued, the employee should follow his/her own departmental policy for reporting his/her absence.
 2. An employee who does not report to work, reports to work late, or leaves early due to weather when a Declaration of Inclement Weather has not been declared will be expected to use appropriate accrued leave or leave without pay unless the employee is permitted by his/her supervisor, at the supervisor's discretion, to make up missed work time within the workweek.

6.16 Exempt Employee Leave Accrual.

- A. Purpose. To establish a uniform procedure for deductions from leave accrual balances for exempt employees who use approved accrued leave in less than a full day increment while complying with the provisions of the Fair Labor Standards Act.
- B. Applicability. This provision shall apply to exempt employees. An "Exempt Employee" is an employee whose position is designated as exempt from overtime in accordance with the provisions contained in the Fair Labor Standards Act.
- C. Procedure.
1. Exempt employees must follow the designated procedures for requesting applicable leave (i.e. vacation leave, sick leave).
 2. An exempt employee's leave accrual balance shall be deducted in either half-day or full-day increments. An exception to this provision may be made in accordance with the Fair Labor Standards Act when an exempt employee is absent for a full-day or more for personal reasons without sufficient accruals to cover. In those instances all available accrued hours may be deducted. The employee's pay will not be docked.
 3. Department Directors shall have the discretion to determine whether or not deductions will be made to, or flexible scheduling will be allowed for, the leave accrual balance of any exempt employee who works more than forty (40) hours in any particular work week.
 4. Each Department Director shall consistently and uniformly apply such discretion to all exempt employees working in his/her department.

6.17 Administrative Leave.

- A. Authority to Authorize; Pay Status. The City Manager and/or the Director of Human Resources may require an employee to take an administrative leave with pay; provided, however, that satisfactory evidence exists to justify taking such action. The Director of Human Resources must receive prior approval from the City Manager prior to requiring an employee to take an administrative leave.
- B. Length of Time. An administrative leave shall not exceed ten consecutive work days without the prior approval of the City Manager.
- C. Not Disciplinary. An administrative leave is not considered a corrective or disciplinary action and is, therefore, not subject to the grievance process.

6.18 Furloughs for Non-Union Employees.

The purpose of the Furloughs is to create cost savings through the reduction of total salary expenditures for both exempt and non-exempt employees who are not covered by a union contract.

- A. Eligibility. Non-union employees, except sworn public safety employees in the fire and police departments.
- B. Definitions.

Furlough – A temporary period of time an employee is relieved of his/her duties without pay because of a lack of work, lack of funds or for other non-disciplinary reasons. A day or multiple days either voluntary or declared by the City Manager as mandatory are a furlough day that shall not be considered a working day.

Continuous Furlough – A specific period of time an employee is relieved of his/her duties without pay because of a lack of work, lack of funds or other non-disciplinary reasons. Multiple days, either voluntary or declared by the City Manager as mandatory, are furlough days that shall not be considered working days.

Mandatory Furlough – A mandated furlough, declared by the City Manager when necessary to address financial or other issues that may require a monetary reduction in the City's expenses. A furlough may be declared for all employees or for specific groups of employees. Furloughs can be declared for a specific number of days to be taken over a period of time or for a date specifically selected by the City Manager for identified employees.

- C. Furlough Process.

Voluntary Furloughs:

Employees shall request voluntary furlough time in full or half-day increments as they would request vacation or other compensated time off:

through leave request utilizing the IntelliTime system within two weeks prior to the planned furlough day. Approval of a voluntary furlough request is not mandatory or automatic. Such requests should only be approved if it is operationally feasible to do so. Directors of departments facing personnel shortages should carefully evaluate their ability to grant furlough time off to employees.

Mandatory Furloughs:

Employee mandated furloughs are declared by the City Manager when necessary to address financial or other issues that may require a monetary reduction in the City's expenses. When a mandated furlough is implemented, employees shall submit their furlough time in full or half-day increments utilizing the IntelliTime system. All employees furloughed, including employees classified as exempt, shall be paid on an hourly basis during any workweek that includes a furlough day. Subject to the exceptions described below, furloughed employees shall neither be required nor allowed to work more than the number of allowable work hours in that workweek. Allowable work hours are determined by reducing a 40 hour work week by the number of mandated furlough hours for that week.

Employees whose regular day off falls on a furlough day will be furloughed on a different day during that workweek. If an employee's wages are reduced in lieu of a furlough day, those wages shall not fall below the federal minimum wage.

D. Furloughs.

Voluntary: Eligible employees may request up to ten (10) voluntary furlough days in any one calendar year. Employees are permitted to take voluntary furlough time in single, intermittent or consecutive days not to exceed 40 hours in any one payroll period. In order to ensure that employees receive sufficient compensation to cover their retirement contribution, it is imperative that they have at least 40 hours of compensated time in the pay period in which any unpaid time is taken. There is no pressure for employees to participate in the voluntary furlough program and there are no consequences for not participating.

Mandatory: Employees will be required to submit the appropriate number of days or hours, to correspond with the number of mandated furloughs declared by the City Manager.

E. General Guidelines.

Cancellation of furlough days – The City Manager has the right to cancel a scheduled furlough day and reschedule it for another day as necessary. Employees may request to change a voluntary furlough day selected to an alternate date by notifying his/her supervisor prior to the scheduled date. The supervisor will evaluate the new selected date in order to meet operational needs similar to other types of leave requested.

Discipline – Employees may not substitute a furlough day for time served as a result of disciplinary suspensions.

Exceptions – Situations may arise which will require exceptions to the furlough. Department directors are authorized to exercise their discretion to require employees to work more than the allowable work hours during a furlough week in exigent circumstances. Supervisors and managers need to closely monitor and approve the operational need to call in an employee back to work in order to control unnecessary overtime costs. In addition, certain departments may need to modify an individual employee's furlough schedule because of operational needs.

- If a situation occurs that requires an employee to work more hours in a workweek in which a furlough has been mandated, the additional hours will be compensated at straight time for hours worked up to 40 and applicable overtime compensation as outlined in the Personnel Manual for hours over 40.
- During a furlough week, an employee who is called back to work on an emergency basis after regular working hours and after having left the job site shall be compensated in accordance with the Personnel Manual. The employee must limit total hours worked during the furlough week, including overtime hours, to the maximum allowable work hours if at all possible.

Exempt employees – When a furlough is requested or mandated, exempt employees will be considered non-exempt during the week in which a furlough has been scheduled and shall work only the allowable hours in that workweek. A furlough and the resulting deductions from pay shall not disqualify an exempt employee from being paid on a salary basis except in the workweek during which the furlough occurs and for which the employee's pay is accordingly reduced.

FMLA – Voluntary furlough time may be used during an approved Family and Medical Leave consistent with the guidelines described in this program and will not be counted against an employee's annual Family and Medical Leave entitlement.

Grievance Procedures – Furlough request denials are not subject to the grievance procedures.

Holidays – Employees may not select a City observed holiday as his/her furlough day.

Leave benefits – Benefit leave accruals will not be reduced during the pay period in which a furlough day is taken. Accrued leave benefits, such as vacation or compensatory time, cannot be taken or used in lieu of a furlough day.

Overtime – In order to avoid unintended overtime liability, it is absolutely imperative that employees not perform work while on furlough time. The employee should not check email, make or take phone calls on City business or otherwise engage in work for the City during the furlough day. They should also not work additional hours during the workweek to make up for lost productivity, since this defeats the cost savings gained from the furlough hours.

Pay code – Employees shall select "Furlough" as the appropriate pay code when requesting a voluntary or mandated furlough day. All furlough days taken under this program must be recorded using this pay code.

Pay status - An employee must have other applicable leave accruals available to be eligible to participate in voluntary furloughs. An example, if an employee is in a "no hours" status he/she would not be eligible for approved voluntary furlough day(s).

Worker's compensation benefits – Worker's compensation weekly benefits (temporary income benefits) will not be affected by a furlough day. Worker's compensation supplements will not be paid on a furlough day. Employees injured during a furlough day may not qualify for worker's compensation benefits because furloughed employees are on an off-duty status.

Violations – Intentional violations of this program may result in progressive disciplinary action, up to and including termination.

Section 7

Training and Development

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7.1 Training and Development.

A. Types of Training. There are several different methods that may be used to meet employee training and development needs. The City Manager and/or Department Director shall have the discretion to require individual employees, or groups of employees, to participate in other types of training. The most commonly used training methods are set forth below:

1. Employer-Initiated Participation. An employee participates as a requisite for maintaining or increasing individual performance levels in accordance with the City's goals, objectives and needs.
 - a. Supervised On-the-Job Training. This type of training is conducted during normal working hours at the job site. The immediate supervisor provides this primary instruction, combined with supervised work, to help employees perform the tasks required for the job or to perform new tasks.
 - b. Cross-Training. This type of training is conducted to cross-train employee or co-worker skills outside his/her current job assignment, which will allow him/her to be called upon to perform a variety of tasks as the need arises and make day-to-day work more efficient.
 - c. Specific/Job-Related Training. This type of training is intended to help employees maintain or improve skills required to perform their current job.
 - d. Technical Professional Training. This type of training is sponsored by individual departments (e.g., Fire, Police and Public Works) to meet the unique skills-training needs of their employees. It may also include technical training required to attain or maintain professional trade or other licenses, permits or certifications that may be deemed essential or desirable for the particular position held by the employee.
 - e. Mandatory Training. This type of training is considered mandatory either by federal, state or local law, by City's personnel provisions and/or by request of the City Manager or Department Director. The City Manager and/or Department Director shall have the discretion to require

individual employees, or groups of employees, to participate in other types of training.

- i. New Employee Orientation (required for all newly hired employees).
- ii. Alcohol and Controlled Substance Training. Such training is required once each calendar year for all employees who supervise individuals holding a Commercial Drivers' License (CDL) and may be conducted either on or off-site.
- iii. Harassment Prevention Training. Such training is required for all employees every other calendar year (during each even-numbered year) and may be conducted either on or off-site.
- iv. Cultural Awareness Training. Such training is required for all employees every other calendar year (during each odd-numbered year) and may be conducted either on or off-site.

2. Employee-Initiated Participation. Employees may seek permission to participate in training and development activities with or without assistance from the City.

- a. Conference/Seminar Attendance. This type of training may be an activity related to membership in a professional association, municipal organization or career interest that is approved by the employee's supervisor in accordance with the Section 7.3 below, "Work-Related Travel," which may include registration fees, transportation costs, accommodations, meals and incidental allowances.
- b. Continuing Educational Courses. This type of training includes continuing education courses that would be for job-related purposes or to enhance the employee's opportunity for career advancement with the City. Such training may qualify for Tuition Reimbursement as set out in Section 7.2 below, "Work-Related Travel."
- c. Career Coaching/Counseling. This type of training assists employees with preparing for a career change or advance for other career opportunities. Career coaching consists of evaluating interests, values, work styles and skills and may consist of matching employee talents with organizational needs, recruiting and retaining talent in the City, identifying training and development needs and assisting employees in

specifying and locating new employment opportunities within the City.

- B. Leave of Absence. An employee may request an Extended Leave of Absence from his/her position, in accordance with Section 6.13 of this Personnel Manual, for the purpose of advancing an employee's abilities or supplementing professional or skill training.
- C. Responsibility.
 - 1. Supervisor. It is the responsibility of the employee's supervisor to ensure (i) there is appropriate budget allocation to cover the costs associated with training; (ii) training activities comply with this section of the Personnel Manual; (iii) any required documentation is completed before and after the training is completed; and (iv) employee(s) attendance is monitored to ensure participation.
 - 2. Employee. The employee is responsible for monitoring his/her work hours through IntelliTime and submitting the appropriate leave requests for attending such training. The employee is responsible for attending training, being punctual and following the schedule of such training.
- D. Records. An employee who attends an Employer-Initiated training program must execute any documentation required prior to, during or at the conclusion of such training. This documentation will be retained in the Human Resources Information System (HRIS) as evidence of his/her completion of such training.

An employee who attends an Employee-Initiated training program will be responsible for submitting any corresponding certificates of completion to the Human Resources Department for inclusion in his/her personnel file.

7.2 Tuition Reimbursement.

- A. Eligibility. All benefit-eligible employees, as defined in Section 4.1, may request and be granted tuition reimbursement to the extent adequate funding is available; provided, however, that employees shall not be eligible during their initial hire probationary period.
- B. Scheduling Classes. All course work must be scheduled outside of the employee's regularly-scheduled work hours. Exceptions may be granted by the employee's Department Director and approved by the Director of Human Resources for good cause shown.
- C. Limits
 - 1. Full-time benefit-eligible employees are eligible may request and receive reimbursement of tuition paid up to One Thousand Dollars (\$1,000.00) per calendar year based on available funding.

2. Part-time benefit-eligible employees may request and receive reimbursement of tuition paid up to Five Hundred Dollars (\$500.00) per calendar year based on available funding.
 3. The total amount of tuition reimbursement for which an employee is eligible shall be reduced by the actual amount the employee receives in tuition assistance from all other sources, including grants, scholarships or other benefits, but specifically excluding loans.
- D. Qualifying Education Programs. Tuition reimbursement may be granted for job-related course work, or courses that will enhance an employee's opportunity for career advancement with the City. Only course work at the following institutions shall qualify for tuition reimbursement: any accredited college, university, technical school or such other professional or government-sponsored educational program that directly relates to the employee's position or will enhance an employee's opportunity for career advancement with the City.
- E. Procedure for Requesting
1. An employee must apply at least thirty (30) days prior to the course start-date and no earlier than ninety (90) days prior to the course start date and receive approval from the Department Director and the Director of Human Resources indicating that the course is eligible for tuition reimbursement. An employee who enrolls prior to receiving the requisite approval may not be eligible for reimbursement if it is later determined that the course work does not qualify.
 2. Tuition reimbursement forms are available on the City's intranet site or may be obtained from the Human Resources Department and must be completed, in full, then signed by the employee and appropriately acknowledged by the employee's Department Director.
 3. An employee who applies for tuition reimbursement must sign an acknowledgement indicating that in the event he/she voluntarily leaves employment with the City within twelve (12) months of receipt of tuition reimbursement he/she agrees to reimburse the City, in full, for the amount of tuition reimbursement received.
 4. Following the employee's completion of the course work, he/she shall submit a copy of the tuition reimbursement form accompanied by proof of enrollment and a transcript or other grade report in a form deemed acceptable by the Director of Human Resources. This request for reimbursement shall be submitted to the Director of Human Resources within sixty (60) days of the receipt of final grade(s). Applications for reimbursement received after sixty (60) days may be denied by the Director of Human Resources.

- F. Grade Requirement. Only course work for which the employee has received a grade of “C” or better; or a passing grade for a pass/fail course; or a certificate of successful completion is eligible for reimbursement. The Director of Human Resources shall have sole discretion as to whether the course work qualifies and the grades earned are sufficient. This decision shall not be subject to the grievance process.

7.3 Work-Related Travel.

The provisions of this section support the City’s fundamental obligation to demonstrate transparency and accountability for tax payer dollars spent on travel required to conduct City business. Employees are expected to use sound judgment to travel at the lowest reasonable cost to the

City, such as selecting a conference with the closest destination. The Department Director may authorize exceptions for compelling reasons on a case-by-case basis. The reason for the exception shall be submitted in writing to the City Manager for approval. The basic guidelines are as follows:

- A. Prior Approval Required. Employees must obtain approval from his/her Department Director prior to any travel that requires payment and/or reimbursement. If an employee uses a City vehicle for an out-of-town delivery or pick-up and has no other reimbursable expenses he/she does not need to complete a Request for Travel Authorization form. Department Director’s travel must be approved by the City Managers unless it is a day trip. Employees are not eligible for meal reimbursement when an overnight stay is not required.
- B. Forms to be Used. All travel request must be submitted using the Request for Travel Authorization and/or Advance or Reimbursement form (hereinafter collectively referred to as “Form”) followed by entering the appropriate information into the accounts payable system. The Form serves as the originating and only source document for travel authorization, travel advances, and travel reimbursements.
- C. Authorization. The Cost Estimate Column on the Form serves as an agreement for the cost of the trip and must be approved in advance of travel. A copy of the cost estimates need to accompany the travel completion form. It is recognized that the actual cost may vary from the estimated costs. Actual costs will be allowed with the Department Director’s approval.
1. Payments that can reasonably be billed or charged directly to the City should be billed or charged in this manner. Departments are encouraged to make direct payments for items such as registration, fees, lodging, and airfare.
 2. Once the Estimated Cost portion is complete, the Form must be submitted to the employee’s supervisor and Department Director for approval with information about any “before and advance” trip

expenses (registration fees, lodging, airfare and meals). It is not necessary to submit the Form to the Administrative and Financial Services Department at this time, unless an advance is requested.

D. Advances.

1. When an employee's meal and/or hotel/motel advance is approved by the Department Director, the completed Form and accounts payable system will be used by the Administrative and Financial Services Department to process the advance. The Administrative and Financial Services Department must receive travel advance requests sixteen (16) calendar days prior to departure. The travel advance will be directly deposited into the employee's bank account on the Friday before departure. The applicable ACH form for direct deposit is located on the City's intranet site. The ACH form will only need to be submitted once; unless there is a change in the bank or the account.
2. The Department Director's approval for advances will be no less than three days for meal per diem and hotel/motel costs.

E. Reimbursable Expenses. Any expense not set out below must be specifically noted and approved by the Department Director prior to travel being taken in order for it to be included. The following expenses are reimbursable:

1. Airfare, lodging and public transportation costs at the lowest available costs. Examples include, but are not limited to, coach class or the lowest fare available on an airline, travel booking sites, etc.; taking into consideration, however, any unnecessary delays or excessive absence from the office that might result from these less expensive alternatives, thus causing workplace hardship.
2. Up to two checked bags each way. Overweight and/or oversized baggage fees will not be reimbursed by the City. Employees are encouraged to consider the most economic manner by which to transport necessary items for City-related travel. This may include shipping conference material to and from the destination and minimizing checked baggage when possible.
3. Roundtrip mileage to KCI (limited to one-hundred fifty (150) miles) when using a personal vehicle.
4. Airport transportation service (e.g. KCI Roadrunner), if an employee chooses not to drive him/herself.
5. Taxi, shuttle, or bus fare (including reasonable tips) to and from the destination airport and the registered hotel, as well as for other business-related trips during the employees stay.

6. Lodging at the actual room rate for single occupancy, plus actual taxes paid. A government rate should be requested for in-state lodging. Employees shall present the City's sales tax exemption certificate at registration.
 - a. Employees should stay at the conference hotel when possible to avoid other transportation charges.
 - b. Employees are encouraged to use the City's purchasing-card (P-Card) to reserve and pay for lodging.
 - c. Employees should request a detailed lodging receipt upon their departure (at check-out).
7. Conference registration fees, as authorized by the Department Director. Employees must take advantage of early registration opportunities whenever possible.
8. Meals.
 - a. Employees are not eligible to receive reimbursement for meals when an overnight stay is not required.
 - b. Expenses for breakfast, lunch, dinner, as well as reasonable tips and taxes on associated with these meals, to the extent the meals occur while the employee is on travel status. *Such meals shall be reimbursed based on per diem rates.* Meal per diem is defined as those rates published by the U.S. Government Services Administration (GSA) for the area to which the employee is traveling. If the city or county in which the employee is traveling is not listed, then reimbursement will be at the minimum rate listed on the GSA website at www.gsa.gov.
 - c. Meal expenses cannot be charged to any City-issued bankcard, including the P-Card. Meals provided by the conference will be deducted from the meal reimbursement allowance, unless authorized by the Department Director. If an employee selects an optional meal on a registration form, and additional fees are charged, the City will only pay for expenses up to the meal reimbursement allowance.
 - i. Breakfast: If departure occurs prior to 6:00 a.m. twenty percent (20%) of maximum meal reimbursement allowance
 - ii. Lunch: Twenty-five percent (25%) of maximum meal reimbursement allowance

- iii. Dinner: If return to the point of origin occurs after 7:00 p.m. fifty-five percent (55%) of maximum meal reimbursement allowance
- 9. Parking at the airport shall be allowed at economy rates only; unless the Department Director has specifically approved parking at a closer or more secure area.
- 10. Turnpike tolls shall be paid at the published toll rates. If an employee has traveled by vehicle in another state, he/she may provide toll fees at a later date or when notified of any charges.
- 11. Rental car expenses shall be at the lowest reasonable rates, when the Department Director has provided advance approval related to this expense. The City requires the purchase of the additional property damage insurance provided by the rental car company.
- 12. Additional weekend stay can be reimbursed only if the savings are warranted from Saturday stay-over deals (e.g., airfare), and only with advance approval from the Department Director.

F. Non-Reimbursable Expenses.

- 1. When two or more employees travel in the same personal vehicle, mileage reimbursement will be paid to the employee who provides the vehicle; passengers cannot claim mileage.
- 2. More than one round trip to the airport, unless advance approval prior to travel has been provided by the Department Director due to cost savings.
- 3. Additional charges associated with “early bird check-in,” unless advance approval prior to travel has been provided by the Department Director due to special circumstances.
- 4. Alcoholic beverage expenses.
- 5. Rental car expenses, unless advance approval has been provided by the Department Director prior to travel in accordance with subsection 2 E 11 above.
- 6. Extra transportation expenses incurred by an employee, for sight-seeing, shopping, golfing, etc.
- 7. Additional travel expenses for a spouse, or other non-City employees.
- 8. In-room movies, personal telephone calls, or similar-type amenities at the place of lodging.

9. An employee traveling as an officer or board member or a presenter to a particular organization, and the organization is paying part or all of the travel, the employee will not be allowed a duplicate travel reimbursement from the City. Any expenses covered by the organization will be deducted from requested reimbursement.
- G. Standard Mileage Rates. Mileage reimbursement for travel outside Shawnee County will be calculated based upon the current rates issued by the Internal Revenue Service. A City vehicle should be used whenever feasible and is strongly encouraged for day travel. Employees should check with Fleet Services or his/her own department/division on the availability of a City vehicle.
- H. Acceptable use of P-Card.
1. Employees are encouraged to use the City's P-Card only for registration fees, public transportation and lodging.
 2. The P-Card should be used when making and confirming lodging reservations, and when paying for lodging at check-out. Employees should clearly identify themselves as a City employee and ask for the government discounted rate and sales tax exemption, when available.
 3. If an employee charges any meal expenses to his/her room, then the employee must pay for these expenses **prior to check-out** from his/her personal funds. City-issued bankcards, including the City P-Card, shall not be used to purchase any meals or other room service amenities at the appointed place of lodging.
- I. Travel Completion.
1. The Actual Cost column of the Form must be completed after the employee returns. All costs and travel times associated with the trip will be included on the Form, including costs that have already been paid by the City. For expenses already paid by the City, reference must be made as to how such expenses were paid (PO or P-Card), including a specific reference to document numbers.
 2. If a reimbursement of travel expenses is owed to the employee, such reimbursement will be processed upon completion of the Form and entry into the accounts payable system. Receipts for all travel expenses must be attached.
 3. The completed travel Form and accounts payable system including final cost must be submitted to the Administrative and Financial Services Department within ten (10) working days of travel completion. Failure to comply with this time frame may delay future travel advances and/or reimbursements.

4. No travel advance or reimbursement will be paid to employees who have not completed and submitted the appropriate Form and entered such form into the accounts payable system for previous travel taken.
5. Department Director approval is required prior to any expenditure of funds.

The Department Director may authorize exceptions for compelling reasons on a case-by-case basis. The reason for the exception shall be submitted, in writing, to the City Manager.

Section 8

Promotion, Transfer, Demotion and Appointments

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8.1 Promotions.

- A. Eligibility. All benefit-eligible, non-probationary, employees shall be eligible for promotions to a higher classification for which they are qualified or for which a training program may be established.
- B. Definition and General Guidelines.
1. *Promotion* -- The advancement of an employee from his/her current position in a classification to a vacated or newly-created position in another classification with increased duties and responsibilities and a higher pay range.
 2. Promotions may be used to fill a position that becomes open due to the departure or retirement of an employee, or to fill a newly-created position.
 3. Department Directors shall evaluate the qualifications of an employee through a process authorized by the Human Resources Department to determine whether or not he/she is eligible for promotion to a higher classification.
 4. An employee receiving a promotion shall be required to serve an interim probationary period as set out in Section 9 of this Personnel Manual, "Performance Evaluations, Probation and Merit Increases." The Department Director may remove an employee who is serving an interim probationary period if the employee's job performance is not adequate. Determinations made by the Department Director and the Director of Human Resources shall not be subject to the grievance procedure.
- C. Promoted Employees.
1. Promotions will become effective at the beginning of a pay period.
 2. An employee who is promoted shall receive compensation based upon the position's classification in accordance with the Personnel Manual and bargaining unit agreements.

8.2 Transfers.

An employee may apply for a transfer to a currently-vacant position that has been advertised. Probationary employees are not eligible to apply for a transfer without having received approval from their Department Director and the Director of Human Resources. A thorough review of an employee's qualifications, work history and documented performance evaluations should be conducted before a transfer is considered. The employee must possess the necessary qualifications for such position and the transfer must be approved by the Department Director and the Director of Human Resources.

8.3 Demotions.

- A. Voluntary. Upon request of the employee, and with consent from his/her Department Director and the Director of Human Resources, demotion may be made to a currently-vacant position. A voluntary demotion must be in the best interest of the City and the specific department(s) involved before approval is granted. A thorough review of an employee's qualifications, work history and documented performance evaluations should be conducted before a voluntary demotion is considered. The employee must possess the minimum qualifications for such position.
- B. Involuntary. An employee may be assigned less responsible work through a demotion if he/she fails to achieve a "meets expectations" evaluation and/or after he/she has been given a performance probationary evaluation, as provided in Section 9 of this Personnel Manual, "Performance Evaluations, Probation and Merit Increases." The Department Director shall immediately notify the employee, in writing, setting forth the specific reasons for the demotion.

8.4 Reassignments.

Reassignments may be requested by an employee, or initiated by a Department Director, when the best interests of the City are served by such action. It may be necessary to reassign employees to other classifications with changes in title and pay for non-performance-related reasons, including but not limited to, a reduction in force when an employee's original position is eliminated and the City offers to reassign rather than layoff the employee, a long-term absence in position and/or a special project.

8.5 Temporary Assignment.

- A. Definitions.
 - 1. *Acting Assignment* -- A situation when an employee is asked to temporarily fill a position.
 - 2. *Out of Class Assignment* -- A situation when an employee is asked to perform duties not contained within his/her classification for the position in which he/she is currently employed.

- B. Eligibility. The City Manager and/or Department Director may, when applicable, place a benefit-eligible employee in a temporary assignment.
1. Temporary assignments shall be approved by the Position Review Committee (PRC) prior to the employee being placed in any such assignment.
 2. The employee selected by the Department Director to serve in a temporary assignment shall meet the qualifications stated for that position; provided, however, that an exception may be made if approved by the PRC.
 3. The length of time a benefit-eligible employee serves in a temporary assignment shall be determined by the Department Director and consist of the entire length of time the position needs to be filled, or for only a portion of that time.
 4. Selection of an employee for a temporary assignment shall not be subject to the grievance procedure.
- C. Compensation. An employee placed in a temporary assignment will be compensated as follows:
1. Acting – minimum of the grade or five percent (5%) above his/her current salary whichever is greater.
 2. Out of Class – up to three percent (3%) above his/her current salary.
- D. Conditions.
1. An employee shall continue to accrue seniority in his/her regular position during the period within which he/she is serving in a temporary assignment.
 2. If the employee's home position is within a bargaining unit, the applicable bargaining unit agreement provisions shall apply.
 3. An employee who returns to his/her regular position shall be eligible for any salary or merit increases he/she would have been eligible for during the period of time within which he/she served in the temporary assignment.
 4. An employee who is serving in a temporary assignment that is FLSA exempt shall be exempt during the period of time within which he/she is serving in such temporary assignment.
- E. Completion of Temporary Assignment. Upon completion of the temporary assignment, the employee shall return to his/her previously-held classification to perform his/her regular work duties and at his/her regular rate of pay.

8.6 Transitional Assignment (Light Duty).

- A. Eligibility. An employee who is temporarily unable to perform his/her essential job functions due to an on-the-job injury/illness or a personal injury/illness may be eligible for a transitional duty (light duty) assignment with the approval of the Director of Human Resources (or designee).
- B. Procedure for Use.
 - 1. An employee must submit his/her request for transitional duty to the Director of Human Resources. The request must include the following pertinent information regarding the injury/illness:
 - a. Specific written restrictions based on the treating physician's review of the complete official job description, including the physical requirements.
 - b. The City may require the employee to submit to an assessment by the City's Health Care Provider. Any such required exam, ordered by the Director of Human Resources, will be at the City's expense.
 - 2. All requests for transitional duty assignments will be evaluated, and a corresponding decision will be made, by the respective department and the Director of Human Resources on a case-by-case basis. In determining whether or not to approve any such request, the following factors will be considered:
 - a. The department's staffing needs
 - b. The availability of restricted duties as defined by the treating physician
 - c. The duration of the restrictions
 - d. The employee's ability to complete the essential job functions of the transitional duty assignment
 - e. The safety and health of the employee, his/her co-workers and the public
 - f. The City's risk of liability
 - 3. The Director of Human Resources shall advise the employee's supervisor and/or Department Director of work restrictions imposed by the employee's treating physician.
 - 4. The department may attempt to accommodate any identified medical restrictions by placing the employee in transitional duty assignments within the employee's department. If the department

cannot accommodate the restrictions, the Director of Human Resources may attempt to find alternative transitional duty assignments outside the department.

The City may re-evaluate any transitional duty status or assignment on a periodic basis.

5. The Department Director, in consultation with the Director of Human Resources, may temporarily remove specific responsibilities from the employee's position to the extent such responsibilities would conflict with the medical restrictions.
6. A transitional duty assignment is intended to be used for a temporary duration (less than one year). An employee in a transitional duty assignment may be required to report to the City's Health Care Provider for evaluation of work restrictions and the ability to perform his/her essential job functions as determined by the Director of Human Resources.
7. An employee assigned to transitional duty shall provide an update of his/her condition to the Director of Human Resources every forty-five (45) days in order for the employee to continue qualifying for the transitional duty assignment.
8. An employee assigned to transitional duty shall be compensated at his/her regular base rate of pay.

C. Limitations.

1. The City is not required to accommodate an employee's transitional duty request. The department will provide valuable job functions necessary to fulfill the department's responsibilities and assignments.
2. An employee's approved transitional duty assignment will cease immediately if the employee fails to adhere to the restrictions placed upon him/her by the treating physician or if the employee fails to successfully perform any transitional duty assignments.
3. The transitional duty assignment will cease immediately if the employee exaggerates symptoms in an attempt to refuse any of the duties assigned, or refuses to perform assigned duties that are within the defined restrictions during the relevant period.
4. The City will not place an employee in any position in which he/she might work beyond his/her restrictions; even in an emergency situation.

5. The transitional duty assignment will cease immediately if the employee refuses any assessment requested by the City's Health Care Provider.
- D. Return to Regular Work Duties. If an employee is released to perform his/her essential job functions by the employee's treating physician or the City's Health Care Provider, he/she shall assume such duties at the time and on the date specified by the Director of Human Resources.

Section 9

Performance Evaluations, Probation and Merit Increases

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9.1 Performance Evaluations; Probation.

A. Generally. Annual evaluations, as well as any other evaluations, shall be used as the foundation of a methodical and organized system for monitoring the results of work activities, collecting information and evaluating performance, as well as determining the achievement of goals. Properly using performance information can assist supervisors in making staffing decisions, allocating resources and communicating whether department or organizational objectives have been met, as well as implementing any performance-based corrective actions that are deemed necessary.

B. Types.

1. Annual Evaluations. Employees shall be evaluated on at least an annual basis. An employee who receives a rating or numeric score that equates to “unsatisfactory” or “needs improvement” on an evaluation may receive a performance improvement plan (PIP) or be placed on a performance probationary period depending upon the particular circumstances involved. If the supervisor elected to place an employee on a PIP, the PIP will outline goals, actions and expectations that must be accomplished during a time period not to exceed ninety (90) days. If at any time during the PIP it becomes evident to the supervisor that the employee is failing to meet the goals, actions and expectations established in the PIP, the employee may be placed on a performance probationary period as set forth in Section 9.1 B 2 c below.

2. Other Evaluations.

a. Initial Probationary Evaluation. Newly-hired employees shall receive an evaluation prior to the end of the initial probationary period of not less than 1,040 hours worked (approximately six months).

i. An employee’s initial probationary period may be extended at the request of the Department Director, with the approval of the Director of Human Resources.

ii. An employee may be removed from his/her position at any time, and for any reason, during the initial probationary period at the request of the Department Director, with the approval of the Director of Human Resources.

- iii. Failure of an employee to complete his/her initial probationary period shall not be subject to the grievance procedure.
 - b. Interim Probationary Evaluation. An employee who is promoted, transferred, demoted or reclassified shall receive an evaluation prior to the end of the interim probationary period, which shall not be less than 1,040 hours worked (approximately six months).
 - i. An employee's interim probationary period may be extended at the request of the Department Director, with the approval of the Director of Human Resources.
 - ii. An employee may be removed from his/her position at any time, and for any reason, during the interim probationary period at the request of the Department Director, with the approval of the Director of Human Resources.
 - iii. Failure of an employee to complete his/her interim probationary period shall not be subject to the grievance procedure.
 - c. Performance Probationary Period. An employee who receives a rating or numeric score that equates to "unsatisfactory" or "needs improvement" on an evaluation, will be placed on a performance probationary period and a performance improvement plan (PIP) will be established. The purpose of the performance probationary period is to provide the employee with an opportunity to improve his/her performance to a satisfactory level. The PIP will outline goals, actions and expectations that must be accomplished during the performance probationary period.
- 3. Conclusion of Probation. At the conclusion of the probationary period, the supervisor must conduct a performance evaluation, after which:
 - a. The supervisor may provide a numeric score indicating that the employee has successfully completed his/her probation and recommend that the employee be removed from probationary status; or
 - b. The supervisor may provide a numeric score indicating that the employee has failed to meet expectations during his/her probation and recommend that one of the following options be taken:

- i. extend the employee's probationary period to a specified date;
- ii. transfer the employee to an equivalent position, if available;
- iii. demote the employee to another position, if available; or
- iv. terminate the employee's employment.

C. Responsibilities.

1. Department Director's Responsibilities. The Department Director shall ensure that supervisors are aware of the City's and the Department's strategic goals. Department Directors shall be responsible for ensuring each supervisor completes performance evaluations and PIPs.
2. Supervisor Responsibilities. Supervisors shall be required to set performance expectations based on the employee's position description and the Department's goals. Supervisors shall provide continuous feedback to employees to assist with meeting performance expectations and must keep the contents of all performance evaluations confidential.
3. Employee Responsibilities. Employees, in collaboration with their supervisor, shall develop performance expectations, discuss any obstacles that could prevent them from meeting performance expectations and notify their supervisor of job-related accomplishments.
4. Human Resources Responsibilities. Human Resources personnel shall provide guidance and technical assistance. Human Resources personnel shall review evaluations to examine the content for appropriateness and serve as the point of contact for any appeal of an evaluation.

D. Successful Completion. All employees who successfully complete their initial or interim probationary period must be approved by the Department Director and the City Manager. If an employee does not successfully complete his/her probationary period, Human Resources personnel must approve appropriate action prior to the employee being notified.

E. Confidentiality. Documents generated pursuant to this Section 9.1 shall be considered confidential and made available only to the employee evaluated, or his/her designee; the employee's supervisor and/or Department Director; the Director of Human Resources; the City Manager and/or any individual who may reasonably require access to such documents as required for legal actions, including the resolution of grievances.

F. Appeal. An employee who receives a rating or numeric score that equates to "unsatisfactory" or "needs improvement" on his/her annual evaluation,

may appeal their performance evaluation in accordance with procedures established by Human Resources. The decision of the Appeals Committee shall be final and shall not be subject to the grievance procedure.

9.2 Merit Increase.

- A. Purpose. This Section communicates and clarifies the City's implementation of merit increases. There are no guarantees that any merit increases will be granted. Any applicable merit increases are discretionary and based upon the availability of funds.
- B. General.
 - 1. Bargaining Unit Agreements. An employee whose position is listed under a bargaining unit agreement will receive salary increases in accordance with the terms set out in his/her corresponding bargaining unit agreement.
 - 2. Management and Executive. An employee whose position is listed under the Management and Executive Classification and Pay Plan is eligible for a merit increase that is directly tied to the employee's performance evaluation.
 - 3. Requirements to Receive Increase. An employee may receive a merit increase based upon the employee's performance, as determined in the performance evaluation process. No merit increase will be provided to any employee who receives an overall "Needs Improvement" performance rating or a numeric score of less than 3.0.
 - 4. Approval of Merit Pay Recommendations.
 - a. Members of the Position Review Committee (PRC) shall review all recommendations for merit increases for possible salary inequities and ensure that such recommendations are appropriately substantiated and within the approved funding allocation. Merit increase recommendations may be revised upon review.
 - b. Once the merit increases are approved, the Director of Human Resources will notify the Department Director and inform employees who received a merit increase, as well as those who did not receive such an increase.

Section 10

Health, Safety and Welfare

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10.1 Occupational Health.

- A. Purpose. The purpose of this Section is to ensure that employees are able to work in a safe and healthy environments and to control risks arising from physical, chemical and other workplace hazards in compliance with the Americans with Disabilities Act and other applicable state and/or federal laws.
- B. Procedure.
1. The Occupational Health Program shall be comprised of:
 - a. Physical Examinations/Health Screenings (i.e. pre-hire, annual and Department of Transportation)
 - b. Drug Screenings (i.e. pre-hire, random, reasonable suspicion and Department of Transportation)
 - c. Occupational Vaccinations
 - d. Functional Capacity Evaluations
 - e. Ergonomic Evaluations
 - f. Respirator Checks
 - g. Psychological Examinations (i.e. pre-hire and post-critical incident.)
 2. The Director of Human Resources shall ensure that appropriate procedures are in place for all components of the Occupational Health Program.
 3. An Employee who fails to submit to any Occupational Health screening(s) or examination(s) required for his/her position may be removed from his/her position for cause.

4. An employee who is not cleared from an Occupational Health screening or examination may be placed in a transitional assignment (light duty) or leave of absence status pending an interactive process to determine whether the employee may be able to safely perform the essential job duties with or without accommodation in accordance with Section 8.6 D or Section 10.6 of this Personnel Manual.
5. An employee who makes false, inaccurate and/or misleading statements, or who fails to disclose material information relative to any health or physical conditions that may affect his/her ability to perform essential job duties without the possibility of harm or injury to him/herself or to other persons or property, may be removed from his/her position for cause.

10.2 Use of Vehicles for City Business.

- A. Purpose and Intent. This section serves as a guideline for mileage reimbursement, use and safety of City vehicles, taking City vehicles home, driving personal vehicles for work-related purposes, emergency fuel conservation, discipline, corrective action and responsibility for enforcement. The intent is to ensure that employees are using City vehicles for City purposes and consistent with recognized best practices in compliance with applicable federal, state and local laws and regulations.
- B. Insurability. Individuals shall not be allowed to operate a City vehicle nor drive for City-related business unless the individual is at least eighteen (18) years of age and meets the following insurability criteria:
 1. Individuals who have been convicted of any of the following high risk traffic violation(s) within the past three years will be considered uninsurable and will not be authorized to drive for City-related business.

High Risk violations (not limited to):

 - a. Driving under influence of alcohol, narcotics or pathogenic drugs
 - b. Fleeing or attempting to elude
 - c. Illegal transportation of alcohol or drugs
 - d. Reckless driving
 - e. Heedless, willful, wanton or reckless disregard of the rights or safety of others while operating a motor vehicle, endangering persons or property
 2. Individuals who have been convicted of four (4) or more low risk violation(s) within the past three years will be considered

uninsurable and will not be authorized to drive for City-related business (see Table contained in subsection B 5 below).

Low Risk violations (not limited to):

- a. Any moving violation not considered to be a high risk violation
 - b. Operating without equipment as required by law
 - c. Contest racing on public roads or highways/exhibition of speed
 - d. Failure to yield
 - e. Following too close
 - f. Passing improperly or where prohibited
 - g. Making improper turn
 - h. Failure to maintain required liability insurance – court conviction
 - i. Driving in excess of posted maximum speed limit
3. Individuals who have been at fault for two automobile accidents within the past three years will be considered uninsurable and will not be authorized to drive for City-related business.
 4. Individuals who have been at fault for one automobile accident and two low risk violations in the past three years will be considered uninsurable and will not be authorized to drive for City-related business (See Table contained in subsection B 5 below).
 5. For purposes of paragraphs 3 and 4, at fault accidents that occur while on City business shall not automatically count against public safety (Police and Fire) employees for purposes of determining insurability and authorization to continue to drive on City-related business. Public safety employees with a motor vehicle record that would otherwise trigger the requirements of paragraphs 3 and 4 will be required to complete additional remedial driving training and Human Resources and the employee's Department Director will review the accidents and/or violations to determine whether such employee should continue to be considered insurable and authorized to drive.

6. Motor Vehicle Record Insurability Criteria:

Number of Low Risk Violations	Number of At-Fault Accidents (last 3 years):		
	0	1	2
0	Insurable	Insurable	Uninsurable
1	Insurable	Borderline	Uninsurable
2	Insurable	Uninsurable	Uninsurable
3	Borderline	Uninsurable	Uninsurable
4	Uninsurable	Uninsurable	Uninsurable

- a. Employees that have received a number of violations that are considered “borderline” will be required to complete remedial driving training.

7. Appeals from these guidelines shall be submitted, in writing, to the Director of Human Resources.

- C. All employees who drive as part of their essential job functions will be required to participate in annual driving training.

- E. **Notification.** An Employee must notify his/her supervisor immediately regarding any automobile accident or moving violation that occurs in the course of City-related business and within twenty-four (24) hours (or as soon as practical) regarding any automobile accident or moving violation that occurs outside of work while driving their personal vehicle. The supervisor must then report such accident or violation to the Risk Management Section of the Human Resources Department within twenty-four (24) hours (or as soon as practical), regardless of whether in the course of City-related business or during personal use.

- E. **Post-Accident Testing.** Employees who are driving for City-related business are subject to post-reportable incident testing as supplemented in Section 10.3 D 2 and/or any applicable bargaining unit agreement.

- F. **Motor Vehicle Reports.** Motor vehicle reports will be evaluated at least annually for any employee who is responsible for driving as part of his/her essential job functions to ensure driving eligibility.

- G. **Use of City Vehicles.** Employees who operate a City vehicle must adhere to the following regulations:

1. City vehicles are to be used only to conduct City-related business. No personal use of City vehicles shall be allowed; except that minimal

personal use is permitted for employees authorized to take City vehicles home.

2. City vehicles shall not be modified or physically altered.
3. Employees who operate a City vehicle must have a valid driver's license for the class of vehicle they are assigned to operate. Employees are responsible for knowing all state and local motor vehicle laws, including the latest amendments, which include, but are not limited to, wearing a seatbelt.
4. All City vehicles shall be smoke and tobacco free.
5. Employees who operate City vehicles should remove all trash, debris, etc. upon exiting the vehicle.
6. Employees are responsible for conducting and completing a walk-around checklist on their vehicle to check for damage or defects, including, but not limited to, lights out, oil level, tire pressure and tread depth and fluid leaks prior to operating the vehicle and at the conclusion of operations.
7. Employees are responsible for paying fines for traffic violations when such fines arise from the operation of a City vehicle on City-related business. The City will not reimburse employees for such fines unless there are extenuating circumstances, such as unknowingly driving a City vehicle with defective equipment.
8. Employees are responsible for notifying their supervisor within twenty-four (24) hours (or as soon as practical) regarding any automobile accident, vehicle damage or moving violation; including, but not limited to, DUI, no insurance, and any driver's license suspension, which may impact their ability to drive for work-related purposes. The supervisor must then report such accident or violation to the Risk Management Section of the Human Resources Department within twenty-four (24) hours. All accident damage and operational damage to any City vehicle or equipment must also be reported to the Fleet Services Division (Fleet Services), within twenty-four (24) hours (or as soon as practical), to ensure that the information is recorded within the asset's perpetual history. Employees are subject to post-reportable incident testing as supplemented in Section 10.3 D 2 and/or any applicable bargaining unit agreements.
9. Only City employees may be passengers in City vehicles; provided, however, that non-City employees may be passengers if the vehicle is operated by a City employee and the transportation of the non-City employee either (i) directly relates to City-related business and falls within the employee's job responsibilities or (ii) has been authorized

by the Department Director in accordance with established departmental guidelines.

10. A City employees who chooses to carry a concealed handgun in accordance to personnel provisions may store a handgun within a City vehicle used during the course of his/her employment. However, with the exception of certified law enforcement officers, the handgun must be stored in a locked case out of plain view from the exterior of the vehicle. It is the responsibility of said employee to purchase the locked case at his/her own expense. The City shall not be responsible for the theft, damage or other loss of a handgun and/or locked case stored in a City vehicle. An employee may not store a handgun in a City vehicle when the employee is off duty. An employee may not store a handgun in a City vehicle while the vehicle is being used by another person, unless the employee is also in the vehicle.
11. If an employee is required to rent a vehicle during travel for City-related business, he/she shall comply with the provisions outlined in the Section 7.3, "Work-Related Travel."

H. Use of Personal Vehicles for City-related Business.

1. Employees are directed to use City vehicles to conduct authorized City-related business when possible and expedient. When a City employee is unable to use a City vehicle to conduct official business, he/she will receive compensation for the use of his/her personal vehicle. Compensation is given at the Internal Revenue Service's (IRS) predetermined per-mile rate. City employees claiming reimbursement should complete the mileage form developed by the Administrative and Financial Services Department. Under normal conditions, City departments will submit reimbursement forms directly to the Administrative and Financial Services Department.
2. Employees who operate a personal vehicle on City-related business must have a valid driver's license for the class of vehicle they are assigned to operate.
3. Employees who operate their own personal vehicle for City-related business shall have liability insurance that complies with state law.
4. Employees are responsible for knowing all state and local motor vehicle laws, including the latest amendments, which include, but are not limited to, wearing a seatbelt.
5. Employees are responsible for paying fines for traffic violations when such fines arise from the operation of a personal vehicle on City-related business. The City will not reimburse employees for such fines.

6. Vehicles leased or borrowed for City-related business are deemed to be vehicles covered under the City's auto insurance. Vehicles rented for City-related business shall include the purchase of the additional property damage insurance provided by the rental car company.
- I. Take-Home Vehicles. City vehicles may not be taken to an employee's home unless the employee is subject to, and experiences, frequent call-outs for emergency response duties after normal working hours, or is employed in a capacity that requires frequent evening meetings or engagements pertaining to City-related business. Department Directors are responsible for submitting such requests in writing, and obtaining City Manager approval prior to any vehicle being assigned to an employee as a take-home vehicle. Employees who seek approval for a take-home vehicle must comply with all applicable requirements.
1. Personal Use. No assigned City vehicle may be used for personal business unless the event qualifies as a "*de minimis*" personal use, as defined by IRS regulations. If a City vehicle is approved by the City Manager to be used for personal business, the Administrative and Financial Services Department will be notified so that appropriate taxable fringe benefits are applied to the employee's taxes.
 2. Vehicle Inventory. All operating departments will produce and submit to the City Manager a current department vehicle inventory that includes the type of vehicle being driven, the name of the assigned driver and the vehicle's take-home status. Once this list is submitted to the City Manager, each vehicle will be evaluated and classified according to its purpose and use. Pooled or shared vehicles will also be listed as "pool" for an assigned driver. Each department shall also maintain a file containing its departmental vehicle and driver lists. Individual departments are responsible for updating this file each and every time a change is made.
 3. Vehicle Category. To better define and clarify vehicle roles and assignments, and to comply with established legal emergency vehicle definitions, all City vehicles will be classified as one of the following two types and shall comply with the respective requirements and responsibilities listed for that category.
 - a. Emergency Vehicles- Category I
Defined as Police and Fire Department vehicles with emergency lights and sirens, and other departmental vehicles that carry emergency response equipment (cranes, welders, generators, tools, etc.), and/or assigned to a role or duty requiring quick response to life threatening, or public service emergencies. Drivers of Category I vehicles will not be required to maintain or submit monthly driver logs.

b. *Benefit Eligible Vehicles- Category II*

Defined as other departmental vehicles that are assigned and driven by a specific employee and approved for take-home vehicle status by the City Manager. The only personal use permitted for these category vehicles, unless contractual terms of employment provide otherwise, is a direct route between the employee's place of residence and daily work locations, with the value of the transportation benefit subject to federal and state income, FICA and Medicare tax. This value must be considered as compensation for tax purposes, as required by federal tax laws.

Drivers of Category II vehicles will be required to maintain and submit monthly vehicle logs to their supervisor. Monthly logs must include and identify the daily-incurred vehicle working mileage, while separately identifying the actual personal, daily trip mileage entries to and from the employee's residence. Trip mileage for all trips to and from the employee's residence will be used by the Administrative and Financial Services Department for determination of personal benefit and final yearly compensation levels, as required by federal tax laws.

J. Driver Safety Guidelines.

1. Employees are required to comply with all applicable state and local laws while operating either a City vehicle or their personal vehicle on City-related business and are prohibited from using wireless communication devices while driving, which includes text messaging; provided, however, that public safety employees may use wireless communication devices while driving only when safety is not compromised. While driving, attention to the road and safety should always take precedence over conducting business.
2. Driving under the influence of alcohol or illegal drugs is prohibited while driving on City-related business and is cause for discipline, up to, and including, termination.
3. Operating a vehicle when an employee's ability to do so safely has been impaired by a medical condition, fatigue, injury or medication is prohibited.
4. Employees who are operating, and passengers who are riding in, a vehicle on City-related business must wear seat belts; even if airbags are available.

K. Global Position System.

1. City vehicles may be equipped with a Global Position System (GPS) unit.

2. GPS units will be routinely monitored to determine both individual and organizational performance and efficiency. Each department shall develop a monthly monitoring schedule.
 3. Any malfunction of a GPS unit will be investigated. If an employee is found to have caused the malfunction through vandalism, tampering, or other similar misconduct, the employee will be disciplined in accordance with Section 14 of this Personnel Manual.
- L. Fuel Usage and Purchasing Cards. Fleet Services is responsible for administering and monitoring the City's fueling suppliers and fuel purchasing card programs. It shall have the authority to make all decisions pertaining to fuel card activation and de-activation.
1. Fuel.
 - a. City departments that own and operate City vehicles and equipment must be fueled at City fueling sites or at the City's contracted supplier's card lock sites throughout the City. All City-issued fuel cards can be used nationwide at select fueling sites. These sites can be located by state, city or route of travel at WWW.CFNFLEETWIDE.com. This website is not updated on a regular basis; therefore, employees should always have an alternate location planned.
 - b. Departments and employees must use only approved fuel for City vehicles and equipment. Operators must always use correct odometer and/or hour readings when purchasing fuel.
 - c. Fuel payments must be made using the City's authorized fuel purchasing cards or temporary fuel cards. If an employee does not have a fuel card and must obtain fuel, he/she must personally pay for the fuel and seek reimbursement and approval from Fleet Services and his/her Department Director.
 2. Fuel Purchasing Card (fuel card).
 - a. Fleet Services is responsible for the issuance, activation, accounting and billing of all fuel purchase transactions. Departments will receive a fuel card that has been assigned to a specific vehicle or piece of equipment, or a miscellaneous fuel card that can be used to fuel multiple vehicles or pieces of equipment. Fleet Services will perform an annual review related to all aspects of fuel purchases.
 - b. Upon approval, Fleet Services will issue the fuel card. The fuel card will contain a unique Electronic Identification Number (EIN) and Personal Identifying Number (PIN), randomly generated and assigned by the fuel vendors. Fuel cards and PIN numbers will be supplied to the departments. Fuel cards

and PIN numbers must be kept separate at all times and must be located and secured after regular business hours in distinctly separate locations.

- c. Lost, stolen or misplaced fuel cards are to be reported to Fleet Services immediately upon discovery, after which Fleet Services shall immediately deactivate the fuel card.

3. Temporary Fuel Purchasing Card.

- a. Departments may obtain a temporary fuel card as a method to fuel City vehicles during any approved City training or travel. To utilize this program, a Temporary Fuel Purchasing Card User Agreement must be completed and submitted to Fleet Services. Contact Fleet Services for approved fuel sites.
- b. Department or Division Directors shall make a written request to Fleet Services for the issuance of a temporary fuel card. The request shall include the employee's name, start and end dates of the trip, location, vehicle number and funding source.
- c. Upon approval, Fleet Services will issue the temporary fuel card. The employee shall complete the Temporary Fuel Purchasing Card User Agreement prior to his/her use of the temporary fuel card.
- d. An employee who is assigned a temporary fuel card shall complete all transactions in accordance with the Temporary Fuel Card User Agreement. Upon the employee's return, he/she will provide original supporting receipts and documentation for each transaction including the date, number of gallons, price and type of product, odometer reading and location of the vendor when the card is returned.
- e. The cardholder is responsible for ensuring that all purchases are proper, legal, reasonable and correctly documented. Failure to report or document any purchase may be deemed misuse and subject the employee to disciplinary action, up to, and including, termination.

4. Discipline for Misuse. Misuse of the fuel card is a violation of this Personnel Manual. In an effort to administer fair and uniform procedures among all City departments, the following progressive discipline process will apply to misuse of City-issued fuel cards by cardholders.

1st Misuse -- Documented verbal counseling and re-signing of fuel cardholder agreement.

2nd Misuse -- Written counseling and fuel card privilege revoked for a minimum of six months.

3rd Misuse -- A three-day unpaid suspension and fuel card privilege permanently revoked.

However, theft, dishonesty, fraudulent use, solicitation, acceptance of money or anything of value to influence a decision or a fourth or subsequent misuse of a fuel card, shall result in a request for termination of employment through the Director of Human Resources.

M. Emergency Fuel Conservation.

1. Purpose and Intent. The City must be able to supply public services and safety should the motor-fuel supply become disrupted or impacted by economic conditions, natural disaster, war or terrorism. The City must ensure all critical public services are performed in the event of an inadequate fuel supply, or price increases that threaten the City's budgeted fuel expenditures.
2. Departmental Fuel Conservation Plan. All departments shall provide the City Manager with a plan detailing fuel consumption. Each plan submitted to the City Manager for approval will communicate the specific strategies the department intends to implement to reduce fuel use for each of the four levels of fuel conservation. Each departmental plan shall become Standard Operating Procedure for the respective department once submitted and approved.

Each department will be responsible for educating its employees on this provision, as well as the department's fuel conservation plan, before the any employee is allowed to operate a City vehicle or any mobile equipment.

3. Fuel Conservation Levels. Level 1 control applies to all normal City operations. Should conditions necessitate additional conservation, the City Manager shall inform the Department Directors which level of conservation will be followed.
 - a. *Level 1 Implementation (Normal Operations)*
All departments will comply with Level 1 of their fuel conservation plan. Level 1 of the departmental plan, as approved by the City Manager, will permit normal operations with no restrictions on any in or out of town travel for City-related business; but will specifically identify procedures that are required to eliminate unnecessary fuel consumption. Each department shall eliminate unnecessary trips and multiple vehicle calls and engage in other efforts to reduce fuel consumption.

Plans shall include, but not be limited to, eliminating the extended unnecessary idling of vehicles, the driving (roading) of heavy equipment to work-sites or any other operational process where worthwhile fuel savings can be achieved. The reduction in wear and tear and fuel consumption for a piece of equipment being towed on a trailer, versus being driven, will far outweigh the additional cost of trailers or fuel burned by the tow vehicle. The cost of locating, obtaining and adopting the use of satellite locations is also a viable method of reducing consumption. A thorough study should be completed by each operation.

Departmental plans at Level 1 must be comprehensive, in-depth and creative to achieve the desired reductions. After departmental plans are submitted and approved by the City Manager, all employees driving or operating vehicles will be trained and subsequently held accountable for complying with all applicable provisions.

- b. *Level 2 Implementation (Minor Reduction)*
Level 2 of departmental plans shall eliminate any out of town training or conference travel not required as part of an employee's departmental professional certifications or accreditations. In cases where training and travel are necessary, every attempt will be made to postpone the training until the emergency has subsided. When such travel is required, each trip must be pre-approved, in writing, by the City Manager. Other daytime use of vehicles during regular business hours will be permitted.
- c. *Level 3 Implementation (Substantial Reduction)*
Level 3 of departmental plans shall eliminate take-home vehicles. In Level 3, only vehicles defined and equipped as an emergency response vehicle that serves in a critical support role will be allowed take-home privileges. Level 3 of the plan must designate any vehicle classified as an emergency response vehicle for take-home privileges. Driving during regular business hours must be limited to scheduled maintenance operations, emergency responses or planned pick-up or delivery of critical supplies.
- d. *Level 4 Implementation (Major Reductions)*
Level 4 of departmental plans shall specify that only approved emergency response vehicles, which are specifically designated in the plan, may be operated. The City Manager will determine whether other City vehicles may be taken out of service until the fuel conservation level is reduced.

- N. **Discipline and Corrective Action.** Employees shall be subject to corrective or disciplinary action, up to, and including, termination. Corrective action may also include removal from driving responsibilities, which may result in a reduction in the employee's classification and pay, in addition to removal of the employee from his/her position with the City.

10.3 Drug and Alcohol-Free Workplace.

- A. **Purpose.** The City will provide and maintain a drug-free and alcohol-free workplace. A drug-free workplace program has been established that balances respect for individuals with the need to maintain an alcohol-free and drug-free environment. Employees whose drug or alcohol use impacts the workplace will be subject to disciplinary action, up to, and including, termination of employment and/or may be offered an opportunity to participate in rehabilitation subject to a last-chance agreement. The City will comply with the Department of Transportation's (DOT) CDL requirements for the testing of employees who are required to maintain a commercial driver's license (CDL). The minimum sanctions contained in this provision and federal law shall not lessen the City's ability to impose greater sanctions, up to, and including, termination of employment, under the City's disciplinary policies.

B. **Definitions.**

1. *Alcohol* -- The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl alcohol but excluding isopropyl rubbing alcohol.
2. *Alcohol Possession* -- Having on the employee's body or clothing, in City-provided vehicles, in workplace locations, desks, files or other workplace locations, a previously-opened, unsealed container, or a container with a broken seal, containing any amount of alcohol.
3. *Alcohol Screening/Testing* -- A procedure to indicate and/or confirm the presence of alcohol in the body.
4. *Alcohol Use* -- The ingestion of any beverage, mixture, or preparation containing alcohol, including medication or mouthwash. This term, however, shall not include those medications taken pursuant to a valid prescription.
5. *Collection Site* -- A place designated by the City where employees present themselves for the purpose of providing a urine specimen for a controlled substance test.
6. *Commercial Driver's License (CDL)* -- A privilege granted by the State of Kansas which gives the individual permission to operate on public roads a motor vehicle or combination of motor and other vehicles having a combined gross weight in excess of 26,000 pounds.

7. *CDL Position* -- An employment position with the City, which requires the employee to possess a current CDL to perform the essential functions of that job and shall be subject to all federal Department of Transportation regulations.
8. *Controlled Substances* -- An illegal drug and/or drug listed in the Controlled Substances Act. It shall specifically include, but not limited to, the following drugs: Marijuana/Cannabinoids, Cocaine Metabolites, Opiates, Morphine, Codeine, Phencyclidine (PCP), Amphetamines, Methamphetamine, Barbiturates and Benzodiazepines. This term, however, shall not include those medications taken pursuant to a valid prescription.
9. *Controlled Substance Screening/Testing* -- A procedure to identify the presence of the metabolites of controlled substances or steroids in an employee's system.
10. *Department Director* -- A person responsible for the conduct and performance of the employees in a particular department or another individual designated by the Department Director to act on his/her behalf.
11. *Designated Employer Representative (DER)* -- An individual identified by the employer (Director of Human Resources or designee) who is able to receive communications and test results from the DTA and who is authorized to take immediate actions to remove drivers from safety-sensitive duties and to make required decisions in the testing and evaluation processes on behalf of the City.
12. *Designated Testing Agency (DTA)* -- A health care provider that is licensed and certified and designated by the City to perform testing of employees or applicants for the presence of alcohol and controlled substance use.
13. *Drug-Free Workplace Act of 1988* -- The statute passed by Congress on November 18, 1988, and all amendments thereto, requiring grantees of federal agencies to certify they will provide a drug-free workplace.
14. *Employee Assistance Program (EAP)* -- A City-sponsored program designed to assist both management and employees in resolving personal and/or work related problems.
15. *Prescription Drug Use* -- The use of controlled substances by prescription specifically written for that employee.
16. *Random Testing* -- An unscheduled and unannounced test for an employee selected anonymously by a numerical selection procedure,

who will be required to immediately submit to an alcohol or controlled substance test.

17. *Reasonable Suspicion* -- A belief that can be articulated based on objective facts sufficient to lead a reasonable person to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of his/her job is impaired or that the employee's ability to perform his/her job safely is reduced.
18. *Reportable Incident* -- Any personal injury or property damage involving a City employee that occurs during assigned work hours, as well as any incident involving an employee operating a City vehicle or equipment that can be operated on public right-of-ways.
19. *Safety Sensitive Duties* -- Unsupervised access to money, law enforcement or firefighting responsibilities, the operation of motor vehicles, other modes of transportation, forklift driving, heavy equipment operation, sharp tools (knives, box cutters, needles), work with injury risks (heights, in traffic areas) and tasks involving high levels of cognitive function and judgment.
20. *Substance Abuse Professional (SAP)* -- An individual holding a license or certificate in the appropriate field and designated by the City to perform evaluation, counseling, and rehabilitation of employees who have engaged in alcohol or controlled substance use.
21. *Third Party Administrator (TPA)* -- A service agent designated by the City to provide or coordinate the provisions of drug and alcohol testing.

C. Prohibited Behavior.

1. An employee shall not use, consume, sell, trade and/or offer for sale alcohol, illegal drugs, intoxicants or drug paraphernalia in the workplace, including prescription drugs prescribed for another individual.
2. An employee shall not work or report to work while under the influence of illegal drugs or alcohol, regardless of where consumed.

D. Drug and Alcohol Testing.

1. Pre-Employment

- a. All applicants, as a condition of employment, will be required to participate in pre-employment, post-offer drug testing.
- b. Any applicant who has a verified positive pre-employment, post-offer drug test shall have the offer of employment withdrawn.

2. Post-Accident

- a. Conducted after accidents of employees while on the job or while operating a vehicle owned or leased by the City.
- b. Post-accident testing will occur for any employee involved in an accident requiring medical treatment (beyond minor first aid) for anyone involved, for property damage to a City vehicle, or to other vehicle(s) or other property, and/or at the discretion of a Department Director and/or the Director of Human Resources.
 - i. Employees must notify their supervisor immediately if they are involved in an accident.
 - ii. All Post-Accident tests will be completed for both alcohol and drug use within eight hours after the accident.

3. Reasonable Suspicion

- a. Conducted when a supervisor or manager observes behavior or appearance that is characteristic of alcohol or illicit drug misuse.
- b. Reasonable suspicion shall be based on specific facts, reasonable inferences or observations regarding the physical, behavioral or performance indicators and shall take into consideration, but not be limited to, the employee's appearance, behavior, speech, job performance, attendance, smell and possession of alcohol or controlled substance and statements or admissions by the employee that he/she has consumed any alcohol or controlled substance.
- c. If reasonable suspicion exists, the employee will be required to submit to drug and/or alcohol testing.

4. Random

- a. All DOT-covered positions, CDL positions, safety-sensitive positions or positions outlined in any applicable bargaining unit agreements will be subject to random drug and/or alcohol testing. Such tests will be conducted on a random and unannounced basis.
- b. A random test shall be unannounced and may be administered during any portion of the employee's work day and at any time during the year.
- c. The employee's supervisor or another member of management shall remove the randomly selected employee

from the work site and transport the employee directly to the City's DTA collection site.

5. Return-to-Duty

If an employee has violated the prohibited drug and alcohol rules, he/she will be required to take an observed drug and/or alcohol test before returning to safety-sensitive duties. He/she shall be subject to unannounced follow-up testing recommended by the SAP following return to active safety-sensitive duty. Return-to-duty tests must be conducted under direct observation by an individual of the same gender from the DTA.

6. Follow-Up

The number of follow-up testing an employee receives is determined by the SAP and may continue for up to five years. This means the SAP will determine how many times an employee will be tested, for how long and for what substance (drugs, alcohol or both). The DER is responsible for ensuring that follow-up testing is conducted and completed. Follow-up testing is in addition to all other required testing. Follow-up tests will be observed by an individual of the same gender from the DTA.

E. Testing.

1. Alcohol Test Process

All employees required to submit to an alcohol test shall report to the DTA which will perform all testing. Tests done by a law enforcement agency related to traffic and other offenses shall not be considered to be a valid substitute for the test performed by the City's DTA. Further, employees shall not be permitted to select his/her own test provider.

All testing for alcohol shall be conducted by breath alcohol testing methods. Employees shall be required to show a valid form of identification which displays a photograph of the employee. The following are the only forms of identification that will be acceptable: a current City employee identification badge, State of Kansas identification card, driver's license, military identification card or passport.

2. Alcohol Test Levels

a. A test result of 0.02 or less shall be considered a passing score.

b. A test result of greater than 0.02 and less than 0.04 shall constitute a positive test result which is not automatically deemed to be a failure. An employee with a positive test result of between 0.02 and 0.04 shall be relieved of any work duties which require the operation of any vehicle or machinery or could involve working in hazardous environments or

situations, and shall be assigned light duty for the remainder of the employee's shift, if available.

- c. An employee who has test result of 0.04 or greater shall result in a test failure.

3. Controlled Substance Test Process

An employee required to submit to a controlled substance test shall report to the collection site. All controlled substance tests will be performed by the City's DTA, which shall be coordinated through the DER. Further, employees shall not be permitted to select his/her own test provider. All testing for controlled substance shall be conducted by urinalysis. The City's DTA shall be responsible for monitoring, sealing and labeling the specimen guaranteeing that the security, proper identification and integrity of the test are not compromised. Employees shall be required to show a valid form of identification, which displays a photograph of the employee. The following are the only forms of identification that will be acceptable: a current City employee identification badge, a State of Kansas identification card, a driver's license, a military identification card or a passport.

- a. Each urine sample is subdivided into two bottles labeled as "primary" and "split" specimen. Only the primary is opened and used for the urinalysis. The split specimen remains sealed and is stored at the laboratory. If, in the sole opinion of the DTA, the split specimen should be tested, the employee shall have seventy-two (72) hours to request a split specimen be sent to a different certified laboratory specified by the DTA. The seventy-two (72) hour time period shall commence when the employee is informed that he/she has the option to send the split specimen for testing. The City may seek reimbursement from the employee for the testing and analysis of the split specimen.
- b. All controlled substance tests shall be conducted by the use of a gas chromatography/mass spectrometry (GC/MS). All positive urine samples will be retained by the laboratory for one year, or longer if an appeal or court action is in process.

4. Controlled Substance Test Levels

- a. Test levels (threshold limits) shall conform to the mandatory guidelines for federal workplace drug testing programs established by the Substance Abuse and Mental Health Services Administration (SAMHSA) of the Department of Health and Human Services (HHS). As such, the list of analytes and test methodologies are subject to change. When required by applicable government regulations or guidelines please refer to the table below for current test levels.

Cutoff Concentrations for Substance Abuse Screen Tests

Effective October 1, 2017

All cutoff concentrations are expressed in nanograms per milliliter (ng/mL)

Initial test analyte	Initial test cutoff	Confirmatory test analyte	Confirmatory test cutoff concentration
Marijuana metabolites (THCA)	50 ng/mL	THCA	15 ng/mL
Cocaine metabolite (Benzoylecgonine)	150 ng/mL	Benzoylecgonine	100 ng/mL
Codeine/Morphine	2000 ng/mL	Codeine	2000 ng/mL
		Morphine	2000 ng/mL
Hydrocodone/Hydromorphone	300 ng/mL	Hydrocodone	100 ng/mL
		Hydromorphone	100 ng/mL
Oxycodone/Oxymorphone	100 ng/mL	Oxycodone	100 ng/mL
		Oxymorphone	100 ng/mL
6-Acetylmorphine	10 ng/mL	6-Acetylmorphine	10 ng/mL
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL
Amphetamine/Methamphetamine	500 ng/mL	Amphetamine	250 ng/mL
		Methamphetamine	250 ng/mL
Methylenedioxymethamphetamine (MDMA) / Methylenedioxyamphetamine (MDA)	500 ng/mL	MDMA	250 ng/mL
		MDA	250 ng/mL

- b. If, in the sole opinion of the DTA, it appears from the test results for the controlled substance that the sample was diluted and negative, the employee or candidate shall be required to take a repeat controlled substance test within twenty-four (24) hours of notification of diluted sample.
 - c. If, in the sole opinion of the DTA, the employee has failed the controlled substance test, then the DER shall notify the employee and the Department Director of the results.
- F. **Refusal to Test.** No employee shall refuse to submit to a post-accident alcohol or controlled substances test, a random alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substances test or a follow-up alcohol or controlled substances test. Any employee who refuses to submit to testing shall not be permitted to perform or continue to perform his/her work duties and shall be subject to discipline, up to, and including, termination in accordance with this Personnel Manual and/or any applicable bargaining unit agreement.

G. Positive Tests.

1. An employee who tests positive for a controlled substance and/or alcohol will be removed from duty and will be subject to disciplinary action, up to, and including, termination of employment.
2. An employee who tests positive for a controlled substance and/or alcohol for the first time shall be evaluated by a SAP. Further, the employee shall be required to successfully complete a rehabilitation program as recommended by the SAP as a condition of continued employment and shall be subject to random follow-up alcohol and controlled substance tests as determined by the SAP.
3. If an employee is referred to a SAP for assessment and recommendations, he/she is required to successfully complete recommended rehabilitation or treatment, and required to pass a Return-to-Duty test and sign a Last-Chance Agreement.

H. Confidentiality of Records.

1. All alcohol and controlled substance test results and records shall be maintained under strict confidentiality by the DER. These records shall only be disclosed to the applicable members of management and shall not be disclosed to any other person unless ordered by a court of law or in accordance with the provisions set forth in subsection 2 below. These records shall be kept separate from the personnel files.
2. The City will release an employee's records relating to that employee's alcohol or controlled substance test upon:
 - a. The receipt of a written document, executed by the employee, authorizing the disclosure of the records; and
 - b. The receipt of a written document, executed by the employee, identifying the individual(s) to whom the disclosure may be made; and
 - c. The receipt of a written document, executed by the employee, releasing the City from any liability associated with that disclosure.

I. Notification of Convictions. An employee who is convicted of a criminal drug or alcohol violation must notify the City in writing within five days of the conviction. The City will act as appropriate under the circumstances as required by the Drug-Free Workplace Act. Departments that have been awarded federal grants or contracts shall notify the appropriate contracting agencies as required by law.

J. Compensation.

1. An employee shall be compensated for the period of time necessary to take a required alcohol or controlled substance test.
2. An employee shall be placed on administrative leave with pay for a first positive result until the employee is scheduled to meet with the SAP or until a determination is made regarding termination of employment for repeated positive results.
3. For a first test failure, an employee may use sick, vacation or compensatory time accruals during the period from the first appointment with the SAP until the SAP has released the employee back to work. Provided, however, the employee can only use sick, vacation or compensatory time accruals while the employee is actively participating in, and following all requirements established by the SAP as part of, a rehabilitation program.

10.4 Alcohol Use at City Facilities.

A. Purpose. To provide direction regarding the service, consumption and possession of an open container of alcoholic beverages by City employees both during and after working hours at City-owned facilities.

B. Background. The City has a significant interest in the health and safety of its employees and the citizens of Topeka. Through Section 10.3, related to a Drug and Alcohol Free Workplace, the City actively and aggressively pursues a workplace that is free from the dangers associated with drug and alcohol abuse. This is in compliance with the Federal Drug-Free Workplace Act of 1988. The City also has a direct interest to ensure that employees adhere to high standards of conduct.

1. Section 10.3 states that employees:
 - a. Shall not report to work under the influence of alcohol or drugs or exhibit symptoms of drug or alcohol use;
 - b. Shall not consume drugs or alcohol, possess an unsealed container or a container with a broken seal containing any amount of alcohol while on duty;
 - c. Shall not sell or provide drugs while on duty;
 - d. Shall not have their ability to work or be on paid stand-by impaired as a result of the use of drugs or alcohol.
2. Section 10.3 does not, however, specifically address alcohol use by City employees at City-owned facilities. This Section is intended to provide direction to management and City employees under their supervision related to the service, consumption and/or possession of

an unsealed container or a container with a broken seal containing any amount of alcohol at City-owned facilities both during and after working hours.

- C. Alcohol Use at City-Owned Facilities. Except as provided below, the service, consumption and/or possession of an unsealed container or a container with a broken seal containing any amount of alcohol by City employees is prohibited during working hours or while an employee is considered on-duty at City-owned facilities.
- D. Exception. It is appropriate for City employees to use various City-owned facilities in the same manner as members of the public. For example, alcoholic beverages may be served to and consumed by City employees after working hours and while not on-duty during events located at City-owned facilities that allow the service and consumption of alcohol. Such facilities include, but are not limited to, the Topeka Zoo and the Topeka Performing Arts Center. City offices or worksites located at such facilities would be excluded.

10.5 Smoking and Tobacco Products.

- A. Overview. To promote the health and well-being of all City employees, the City is committed to providing a safe and healthy workplace and presenting a positive public image by ensuring all City buildings and facilities are smoke and tobacco free.
- B. Definitions.
 - 1. *Electronic Cigarette Devices (e-cigarettes and other vapor products)* -- Any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking.
 - 2. *Smoking* -- The act of lighting, smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind. This includes electronic cigarettes and devices.
 - 3. *Tobacco Products* -- Include consumable products that contain tobacco including: chewing tobacco, snuff, or other smokeless tobacco and similar alternative products.
- C. Guidelines.
 - 1. Both state law and Topeka Municipal Code (TMC) Chapter 8.20 prohibit smoking in public places and places of employment.
 - 2. Smoking and the use of electronic cigarette devices and/or other vapor or tobacco products shall be prohibited in all City buildings, facilities, vehicles, and equipment, unless otherwise specifically permitted herein.

3. More specifically, the prohibitions shall apply to:
 - a. All areas of buildings, facilities or structures occupied by City employees.
 - b. All City-owned or leased parking garages, storage facilities or similar-type buildings or structures.
 - c. All vehicles or equipment owned or leased by the City.

Employees who wish to smoke or use electronic cigarette devices and/or other vapor or tobacco products are restricted to designated areas at which appropriate smoking waste disposal receptacles are available and appropriate signage is posted. Employees are permitted to smoke, use electronic cigarette devices and/or other vapor or tobacco products only during approved break times within such designated smoking areas.

D. Designated Areas.

1. The Department Director or Division Director or Manager in charge of the specific building or facility as set out in TMC Chapter 8.20, shall designate a smoking area within which the prohibition shall not apply; provided, however, that the area shall not be located within a ten-foot radius of the entrance to any City facility.
2. Designated smoking areas must be equipped with appropriate smoking waste disposal receptacles and marked with appropriate signage as set forth in associated procedures.
3. If a dispute arises concerning the location of a potential designated smoking area, the position of the nonsmoker shall be given greater weight.

E. Cessation Programs. The Employee Wellness Program supports tobacco cessation programs, which are available by contacting the Human Resources Department.

10.6 Fitness for Duty

- A. Applicability. All employees shall be subject to the City's Personnel Manual regarding fitness for duty.
- B. General.
 1. A Department Director or the Director of Human Resources may require an employee to report to the Human Resources Department for a fitness for duty assessment if the Department Director believes that the employee is physically/psychologically unable to perform the essential job functions of his/her position.

2. The Director of Human Resources shall designate a health care provider to evaluate the physical/psychological ability of an employee to perform the essential job functions of his/her position.
 3. An employee who, in the opinion of the designated health care provider, is no longer able to perform the essential job functions of his/her position may be transferred, voluntarily or involuntarily demoted, placed on transitional (light) duty or terminated. The Director of Human Resources and the employee's Department Director shall decide which actions shall occur in the event it is determined that the employee cannot continue in his/her regular position.
 4. The designated health care provider may require the employee to provide a release for the exchange and discussion of medical information between the employee's treating physician and the designated health care provider in order to best evaluate the employee's physical/psychological history and recommended treatment prior to making a Fitness for Duty determination.
 5. An employee who has been referred to the designated health care provider to determine whether the employee can perform the essential job functions of his/her position, shall be placed on paid administrative leave until that initial evaluation is completed.
 6. In the event an employee fails to comply with the designated health care provider's instructions or fails to appear at scheduled appointments with the designated health care provider, the paid administrative leave will be terminated and the employee may be disciplined, up to, and including, termination.
- B. Alternatives to Returning to Regular Duties. If the designated health care provider informs the Director of Human Resources that an employee is unable to temporarily perform his/her essential job functions, then one of the following options shall be available:
1. The employee may use appropriate accrued leave until such time as he/she is able to return to work; or
 2. The employee may request an unpaid leave of absence (see Short Term Leave); or
 3. The Director of Human Resources, in consultation with the Department Director may demote or transfer an employee to a vacant position within the department for which the employee can perform the essential job functions; or
 4. The Director of Human Resources may demote or transfer an employee to a position within another department in accordance

with this Personnel Manual and/or any applicable bargaining unit agreement; provided, however, that the director of each department consents to the demotion or transfer and the employee can perform all of the essential job functions of that position; or

5. An employee may seek transitional (light) duty, disability or retire, if he/she is eligible.
 6. If no other position is available or the employee is not eligible for any of the above-listed alternatives, then the Director of Human Resources may seek termination.
- D. Return to Regular Work Duties. An employee released by the designated health care provider to perform his/her essential job function shall assume such duties at the time and on the date specified by the Director of Human Resources.

10.7 Workers' Compensation

- A. Eligibility. An employee who suffers an injury or medical condition arising out of and in the course of employment may be eligible for workers' compensation benefits. The Kansas Workers' Compensation Act (K.S.A. 44-501 et. seq.) shall govern such benefits.
- B. Procedure for Use.
1. Employee's responsibility. All injuries or medical conditions arising out of and in the course of employment shall, be reported to his/her supervisor regardless of the severity. An employee shall notify his/her supervisor of the accident or injury, which must be reported immediately to the Employee Injury Call Center. Claims must be reported within twenty (20) days of the injury or the claim may be determined to be non-compensable. An employee may decline treatment for an injury or medical condition. However, the employee's duty to report that he/she was injured or incurred a medical condition to his/her supervisor and the Employee Injury Call Center remains.
 2. Supervisor's responsibility. Once informed of an injury or medical condition arising out of and in the course of employment, the supervisor shall complete a telephonic Employer's Report of Accident immediately to the Employee Injury Call Center even if the employee declined treatment.
- C. Medical Treatment.
1. Third Party Administrator Services. The Director of Human Resources may utilize the services of a Third Party Administrator (TPA) for claims processing, claims management and nurse case management.

2. Medical Services. The Director of Human Resources or TPA shall designate a health care provider to be available on a twenty-four (24) hour basis to provide medical services for work-related injuries or medical conditions to eligible city employees. All employees with work-related injuries or medical conditions must report to the designated health care provider. An employee may not choose his/her own health care provider for injuries or conditions arising out of and in the course of City employment. If an employee reports to the designated health care provider, he/she should indicate to the provider that he/she is being seen for a work-related injury.
3. Pharmacy Services. The Director of Human Resources or TPA shall designate the pharmacy providers for work-related injuries or medical conditions. An employee who receives medication(s) for work-related injuries or medical conditions covered by the Kansas Workers' Compensation Act shall receive such medication(s) at no cost; provided that the employee informs the designated pharmacy, at the time the prescription is filled, that the medication(s) is for a work-related injury or medical condition.
4. Medical Appointments. An employee who is receiving treatment during regularly-scheduled work hours for a work-related injury or medical condition approved and accepted by the Director of Human Resources shall submit a leave request for any time spent receiving treatment as "Workers' Compensation doctor's appointment" to ensure that personal accruals are not diminished. An employee will be eligible for compensation only if the treatment has been authorized by the Director of Human Resources or TPA and only for the time the employee is actually receiving the medical treatment. An employee shall not receive any compensation for time spent receiving medical treatment that falls outside the employee's regularly-scheduled work hours.

Requests may be made to the Director of Human Resources for approval of Workers' Compensation emergency medical care outside regularly-scheduled hours when the injury and/illness occurs on the employee's scheduled shift and the emergency medical care continues past the end of his/her shift.

5. Mileage Reimbursement. Based on the Kansas Workers' Compensation Act, the City of Topeka will reimburse the employee for travel at a distance greater than and/or equal to five miles round trip so that he/she can obtain medical services or treatment for a compensable work-related injury or medical condition.

- D. Transitional Duty Assignment (Light Duty). A department may make available light duty, as set out in applicable City policies and/or procedures, for an employee who has a work-related injury or medical condition. All light duty assignments shall be coordinated through the Director of Human

Resources to assure that the job assignment is compatible with the employee's work restrictions, as imposed by the designated health care provider.

If light duty is not available or is not compatible with the employee's work restrictions, then the employee may be eligible for Temporary Total Disability benefits as determined by the Director of Human Resources or TPA.

E. Compensation of Injured Employees.

1. Temporary Total Disability Benefits

- a. Once an employee is injured and unable to work for seven calendar days, he/she may be eligible for Temporary Total Disability benefits.
- b. Temporary Total Disability shall be an amount equal to sixty-six and two-thirds percent (66 2/3%) of the employee's base wage up to the statutory limits. Temporary Total Disability may be paid to the employee by the TPA, separately from City compensation.
- c. During the first seven calendar days, the employee may use appropriate accrued leave.
- d. Once an employee has been off work for a compensable injury or condition in excess of twenty-one (21) consecutive calendar days, the employee shall be eligible for restoration at sixty-six and two-thirds percent (66 2/3%) of any appropriate accrued leave that was used during the initial seven calendar days.

2. Supplementing Employee's Paycheck. An employee who is on approved workers' compensation leave shall be permitted to use appropriate accrued leave to supplement Temporary Total Disability payments in order to receive a full paycheck. In no event shall an employee be permitted to use accruals to receive an amount in excess of the employee's regular base pay.

- a. The employee is responsible for the payment of his/her benefits while on approved workers' compensation leave. If the employee is supplementing his/her accrued leave from the City, applicable benefit contributions will be deducted from the employee's paycheck.
- b. If the employee does not receive a supplemental paycheck from the City, the employee will be billed for the amount associated with the applicable benefit contribution. The employee shall pay this amount directly to the City to cover the applicable benefit period.

3. Leave Accrual

- a. An employee receiving Temporary Total Disability benefits shall receive a prorated amount of appropriate accrued leave based on the same percentage as the Temporary Total Disability payment during that pay period.
- b. An employee who uses appropriate accrued leave to supplement Temporary Total Disability benefits in order to receive a full paycheck shall accrue appropriate leave at the designated accrual rate per pay period.

4. Eligible retirement contributions. Employee's on a leave of absence earning less than fifty percent (50%) of regular compensation for ten or more consecutive calendar days are not eligible to contribute to the KPERS/KPF retirement plans. Regular compensation is based on regular pay, accumulated sick leave, accumulated vacation, or any combination that equals the amount of regular compensation prior to the work-related injury or medical condition. Regular compensation does not include workers' compensation.

Additional questions and compensation calculations should be referred to KPERS/KPF at:

Website: <https://www.kpers.org/>

E-mail: kpers@kpers.org

Phone: toll-free 1-888-275-5737 or local 785-296-6166

5. Family And Medical Leave Act (FMLA) And Workers' Compensation. If an employee's work-related injury or medical condition constitutes a serious health condition under FMLA, then the absence shall be designated as FMLA leave.

6. Unresolved. The Director of Human Resources shall be the final arbiter of all workers' compensation injuries or benefits and the decision shall not be subject to the grievance procedure. If an employee is not satisfied, or if a dispute arises, relating to a workers' compensation claim or alleged work-related injury or illness, he/she may contact the Kansas Department of Labor for an independent opinion and assistance:

Website: www.dol.ks.gov/workcomp/default.aspx

e-mail: wc@dol.ks.gov

phone: (785) 296-4000

10.8 Emergency Management, Employee Safety and Building Security

A. Emergency Management.

1. All employees and elected officials are expected to comply, at all times, with applicable federal, state, and local emergency

management rules and regulations, as well as with applicable City of Topeka emergency management plans and procedures.

2. Effective emergency response and recovery can only be achieved through a comprehensive multi-hazard plan. The plan must involve all governmental service providers and community groups that contribute to meeting emergency needs. Emergency plans should include statements regarding mission, intent of plan and a description of the organization, emergency resources and provisions for outside assistance and should establish emergency policies, procedures, responsibilities and communications.
3. A written Emergency Management Plan and Continuity of Operations Plan (COOP) shall be provided and/or made available to employees by the City's emergency project manager(s), in addition to any training related to such plans. (A COOP is designed to ensure that agencies are able to continue performance of essential functions under a broad range of circumstances).
4. The City's emergency project manager(s) shall be responsible for ensuring that Department Directors are appropriately trained on the COOP on at least an annual basis and that each director executes an Acknowledgment of Training, which shall thereafter be maintained as a record of training by the project manager(s).
5. Each Department Director shall be responsible for ensuring that employees in his/her department are appropriately trained on the COOP on at least an annual basis and that each employee executes an Acknowledgement of Training, which shall be provided to the City's emergency project manager(s) within thirty (30) days of the date on which the training was completed so they can maintain an accurate record of training.
6. The City's emergency project manager(s) shall be responsible for designating appropriate personnel to receive FEMA's National Incident Management System (NIMS) and Incident Command System (ICS) training, for determining the regularity with which such training must be conducted and for ensuring that each individual who receives such training executes an Acknowledgment of Training, which shall thereafter be maintained as a record of training by the project manager(s).
7. A Red Alert is a situation when a credible threat of harm presents itself. When a Red Alert is declared by the City Manager, when the National Security level is raised or when other circumstances dictate, employees and visitors can expect additional security and safety measures to be implemented. Depending upon the type of threat involved, these could include, but are not necessarily be limited to:

- a. An armed, uniformed officer with metal detector will be located at the front door of City Hall and at the primary entrances of other sites, as appropriate.
- b. A requirement that visitors sign-in upon entering each site and be escorted to and from their designation inside each building. (Emergency plans will dictate who the appropriate escort should be.)
- c. Restrictions on vehicle access and parking, in accordance to site-specific plans.
- d. Implementation of a central mail-handling and examination system, as appropriate.
- e. Other site-specific security, as appropriate.

B. Employee Safety.

1. General/Emergency Management.

- a. All employees and elected officials are expected to comply, at all times, with applicable federal, state, and local safety rules and regulations, as well as with applicable City of Topeka safety plans and procedures.
- b. New employees will receive and/or be made aware of (in paper and/or electronic form) applicable City safety manuals, plans and procedures during their new employee orientation as part of the general safety overview provided by the City's emergency project manager(s). Newly elected officials will be provided with applicable City safety plans and procedures by the City Manager within a reasonable period of time after assuming office.
- c. Department Directors and Division Directors/Managers will designate a Safety Captain, as well as a back-up, for each building, facility and site over which they have authority to serve as a more direct point of contact, if needed, for the City's emergency project manager(s). The names and positions of each designated individual must be provided to the City's senior emergency project manager.
- d. Written Safety Procedures (evacuation, lock-down, HVAC system shut-down, shelter-in-place, etc.) will be provided to employees by the City's emergency project manager(s), who shall also coordinate and schedule the appropriate parties to conduct any training or drills related to the same (i.e., AED use, active shooter, bomb-threat, biohazard/chemical spill, CPR, fire, flood, hostile intruder, storm, tornado). Employees

must participate in one of the identified types of safety training/drill at least once per quarter.

- e. All safety equipment, including alarms, PA systems, fire extinguishers, emergency lighting, etc., must be fully operational and ready for optimal performance; regular testing will, therefore, be conducted by the City's emergency project manager(s). Any maintenance, repair or replacement deemed necessary shall be coordinated by the City's emergency project manager(s) with the Facilities Division of the Public Works Department and/or outside vendors.

2. Specialized/Risk Management.

- a. Specialized procedures will be provided to employees whose job duties and responsibilities require compliance with such procedures.
- b. Any department and/or division required to adhere to specific safety procedures particular to its environment and/or the type of work performed by its employees will be responsible for developing and maintaining its own Safety Manual. Safety Teams will be established in each such department and/or division and will work with the City's Risk Manager to develop this type of more precise Safety Manual.
- c. Safety Manuals shall include rules, reporting procedures, program reviews and evaluations and may also include a schedule for ongoing monitoring and periodic inspections of the work place and of external conditions. Safety Manuals shall also include provisions for inspecting and reviewing emergency management practices concerning work place hazards, which shall be administered by the City's emergency project manager(s).
- d. Governmental regulatory agencies and insurance programs prescribe record-keeping systems. These records may be used to compare intra and interagency performance. Agency programs should be modified to reflect information obtained from accident experience.

C. Building and Facility Security.

- 1. Security of buildings and facilities, and their occupants, is an important function. Types and extent of security measures depend on the relative risks involved and the possible effects of fire, theft or vandalism.
- 2. All City facilities and buildings will be equipped with appropriate security measures and maintained in such a manner as to provide

reasonable safety and security to their occupants. Basic security measures could potentially include door locks, fencing, window grills, cameras, ultrasonic alarms, radioactive sensors, heat sensors, smoke sensors, infrared alarms, electronic eyes, silent alarms, fire alarm pull stations, safes and vaults, radio-controlled openers, lighting and public safety patrols. The City's emergency project manager(s) will work in conjunction with the appropriate Department Director(s) and the Facilities Division of the Public Works Department at least semi-annually to evaluate City security measures within individual buildings and facilities and address identified concerns.

3. Employees must be aware of their responsibilities to follow security established protocol and remain vigilant and watchful at all times; reporting anything they consider to be suspicious to their supervisor, the designated Safety Captain or the police.
4. Appropriate training will be provided by the City's emergency project manager(s) to Safety Captains and building security personnel on at least a semi-annual basis; evidenced by an Acknowledgment of Training, which each individual will execute and which shall thereafter be maintained as a record of training by the project manager(s).
5. Employees are required to wear official photo ID badges, which shall be prominently displayed. Official photo ID badges will be distributed by the City's emergency management project manager(s) as part of new employee orientation and renewed every four years thereafter.
6. Employees are prohibited from allowing access through any secured entrance to fellow City employees; each employee must access such entrance him or herself. Similarly, employees are prohibited from allowing access through any secured entrance to visitors; each visitor may access such entrance after having obtained the proper badge from the appropriate security officer.
7. Visitors to City buildings or facilities are required to wear an official Visitors ID badge during their visit, which shall be prominently displayed. Visitor ID badges will be distributed by security personnel.

- D. Training Coordination and Reporting. The City's emergency project manager(s) shall coordinate with the Human Resources Department to schedule all required drills/training to ensure that such training is included as part of the City's annual Training Schedule. The City's emergency project manager(s) shall provide an annual written report to the City Manager by no later than March 1st, which shall include an overview of all training

conducted during the previous calendar year and a recommendation related to any modifications that may assist with future training events.

10.9 Concealed Handguns.

- A. Purpose. The City shall ensure a safe and secure work environment, free of intimidation and threat of physical harm in accordance with all state and federal laws, including the Kansas Personal and Family Protection Act that allows some employees to carry concealed handguns in certain circumstances and in certain places. The purpose is to provide clear guidelines for employees and supervisors.
- B. Definitions.
 - 1. *Adequate Security Measures* -- The use of electronic equipment and armed personnel at public entrances to detect and restrict the carrying of handguns into the building, or any public area thereof.
 - 2. *Handgun* -- A gun designed to be fired by the use of a single hand.
- C. Guidelines.
 - 1. Other than for certified law enforcement officers, it is outside the course and scope of employment for any City employee to possess, carry or use a concealed handgun.
 - 2. A City employee (who is not otherwise prohibited by state or federal law) may carry a concealed handgun in the workplace consistent with the Kansas Personal and Family Protection Act, as amended, and City policies. Any City employee who chooses to carry a concealed handgun in the workplace bears the ultimate responsibility to do so legally.
 - 3. In order to carry a concealed handgun through a restricted access entrance into a municipal building that provides adequate security measures at all public access entrances, an employee must be granted specific authorization from the Chief of Police, which shall thereafter be approved by the City Manager following consultation with the Department Director.
 - 4. A City employee who chooses to carry a concealed handgun must ensure that the handgun will not interfere with the performance of his/her assigned duties or obstruct required safety equipment.
 - 5. A City employee must comply with all posted signage, security measures, City policies and state and federal gun laws while on City property or engaged in his/her job duties. Employees, other than certified law enforcement officers, who enter onto private property during the course of his/her duties, are required to comply with any restrictions imposed by the property owner.

6. Other than a certified law enforcement officer, a City employee carrying a concealed handgun must keep said handgun completely concealed on his/her person, in a proper holster or similar product and with all safety features in place, except when stored as specifically allowed by subsections 9, 10 or 11 below.
7. A City employee shall not make any physical or verbal reference that he/she is carrying a concealed handgun.
8. A City employee who finds an unattended handgun should immediately alert his/her supervisor, the Human Resources Department and building security officer (where applicable), who will then contact the Topeka Police Department for further guidance. The employee should not retrieve or move the handgun.
9. A City employee may store a handgun within his/her own private vehicle located on City-owned property, *provided that* the handgun is out of plain view from the exterior of the vehicle and that the vehicle is locked the entire time during which he/she is not in the vehicle. The City shall not be responsible for the theft, damage or other loss of a handgun stored in a personal vehicle located on City property.
10. A City employee may store a handgun within a City vehicle used during the course of his/her employment. However, with the exception of certified law enforcement officers the handgun must be stored in a locked case out of plain view from the exterior of the vehicle. It is the responsibility of said employee to purchase the locked case at his/her own expense. The City shall not be responsible for the theft, damage or other loss of a handgun and/or locked case stored in a City vehicle. An employee may not store a handgun in a City vehicle when the employee is off-duty. An employee may not store a handgun in a City vehicle while the vehicle is being used by another person, unless the employee is also in the vehicle.
11. Each Department may establish Department-specific policies relating to the storage of handguns, *provided that* each such policy shall not be in conflict with this Personnel Manual or state or federal law and shall be reviewed and approved by the Director of Human Resources and the City Manager before it becomes effective.
12. In the event that a City employee, other than a certified law enforcement officer, discharges a handgun while on duty, the Topeka Police Department shall investigate the discharge and file a report of investigation with the Director of Human Resources. Based on such report, the Director of Human Resources, or his/her designee, will determine whether it constitutes grounds for disciplinary action, up to and including termination. The unlawful discharge of a handgun while on duty may also result in criminal charges.

D. Reporting Responsibilities.

1. Employees are required to immediately report violations and a written report shall be completed by the employee and/or supervisor and forwarded to the Director of Human Resources as soon as practicable thereafter. Employees should typically report violations to their direct supervisor, but in the case where the supervisor may have violated this personnel provisions, an employee shall report the violation to his/her Department Director or to the Director of Human Resources.
2. Employees are required to report violations without regard to the relationship between the employee and the individual.
3. Employees who act in good faith by reporting a real, perceived or implied violation(s) shall not be subject to harassment or retaliation. Harassment or retaliation must be reported to the Director of Human Resources for investigation and decision regarding proper action.
4. Employees who file an intentionally false report against another individual shall be subject to discipline, up to and including termination.

E. Violations and Other Consequences.

1. Violation(s) by a City employee may result in disciplinary action, up to and including termination, and may also result in criminal charges.
2. The City will not provide representation for any employee, or reimburse and/or pay attorney fees and other costs associated with the defense of any employee, in a civil or criminal action arising out of the possession or use of any handgun that is outside the course and scope of his/her employment.
3. With the exception of certified law enforcement officers, any City employee who injures himself/herself because of carrying a concealed handgun while working will not be covered by workers' compensation.

Section 11

Information, Technology and Media

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11.1 Acceptable Use of Technology Systems.

A. Definitions.

1. *Applications* -- Applications shall include any software system that provides a set of modules to carry out a business related function or operation.
2. *Firmware* -- Firmware is any machine code that provides a set of instructions for how the electronics within a technology system interoperate with other electronics within a technology system.
3. *Hardware* -- Hardware shall include any electronic device that executes firmware or software and is capable of storing and transmitting data.
4. *Personally Identifiable Information (PII)* -- PII consists of information about an individual maintained by the City that (1) can be used to distinguish or trace an individual's identity, such as some combination of an individual's name, social security number, date and place of birth, mother's maiden name, or biometric records; and (2) any other confidential information that is linked or linkable to an individual, such as medical, educational, financial, and employment information. PII, however, specifically excludes public records (for example, records open to the public via the Kansas Open Records Act or otherwise).
5. *Software* -- Software shall include any machine readable computer code.
6. *Technology Systems* -- Technology systems shall include information technology and other technology based systems that include hardware, firmware, software and applications.
7. *User* -- User shall be defined as employees, agents, contractors, sub-contractors, consultants, vendors, service providers, interns and temporary workers on City of Topeka premises or using the City of Topeka's technology systems.

B. Applicability. Technology systems include, but are not limited to:

1. Building Access Control Systems
2. Cell and Smart Phones
3. Cloud Computing Systems
4. Document Imaging Systems
5. E-mail
6. GIS
7. Hand-held, Laptop, Mobile and/or Personal Computers
8. Internet
9. Printers/Copiers/Fax Machines
10. Relational Database Management Systems
11. Radio Frequency (RF) Systems
12. SMS/Text Messaging
13. Telephone and Telephony Systems
14. Time Clocks
15. Software and Applications
16. Virtual Private Network Systems
17. Wireless Systems
18. Video Systems

C. No Right to Privacy. All information created, accessed or stored using City of Topeka technology systems and any application is the property of the City of Topeka. Users do not have a right to privacy to any activity conducted using the City of Topeka's technology systems. Representatives of the City of Topeka may review, read, access or otherwise monitor all activities on City of Topeka technology systems or accessed through use of a City of Topeka technology system. The City of Topeka monitors all City related Internet activity and web sites that are accessed. Users are advised that technology systems contain evidence that can be forensically recovered to determine acceptable use, unacceptable use or illegal use. Such evidence can be forensically reproduced in accordance with established procedures.

Users are advised that the City of Topeka possesses a robust cybersecurity ecosystem and strives to maintain a proper cybersecurity posture. Therefore, all activities conducted using City of Topeka Technology Systems are monitored filtered and analyzed by security appliances and security applications. The Director of Information Technology and his/her designees are authorized to use and act on security system information at any time to protect the City of Topeka network and technology systems from malicious cybersecurity and network security incidents and potential compromise of technology systems or information owned by the City of Topeka.

D. Governance over Technology Systems.

1. No user shall be granted access to the City's information technology network or technology systems until he/she has read the information contained in this Personnel Manual and acknowledged its contents.
2. Access to the City's technology systems can be denied or revoked at any time, for any reason. Users are responsible at all times for using a particular technology system in a manner for which it was designed and in a manner that is ethical, legal and consistent with the policies, and best interests, of the City.
3. Only users who are authorized by the City may use City of Topeka technology systems. A user may not allow any other person, including another authorized user, to access any application through the user's account or profile without prior authorization from the Director of Information Technology.

E. Responsibilities of Each User.

1. Users are responsible for any and all activity initiated from their network account or user profiles. Therefore, users shall protect their passwords and PIN's, change their passwords or PIN's on a regular basis, not reveal their passwords or PIN's to others, change their password or PIN's whenever disclosure has occurred or may have occurred and not leave their computers un-locked for non-authorized users to access. Users are responsible for protecting their own files (e-mail, word processing, spreadsheets, etc.), application access, information access and Internet access from unauthorized access by others.
2. Users are responsible for any or all activity initiated from City-issued ID badges that are used for access to City of Topeka facilities and to punch in/out using City of Topeka time clocks. Therefore, users shall protect their City-issued ID badges and not share access to City-issued ID badges with others. Users are responsible for reporting any loss of a City-issued ID badge as soon as practical to the Director of Information Technology by emailing itsecurity@topeka.org.

3. Users are responsible for protecting any confidential or personally identifiable information (PII) a user accesses or comes into contact with while using City technology systems. Unless sent in the course of their regular job responsibilities, users shall not electronically transmit confidential information or PII without explicit prior authorization, in writing, from their direct supervisor. Each Department shall review the type of PII maintained within their department to determine which categories of confidential information or PII shall not be electronically transmitted off City of Topeka premises or the City network using any form of un-encrypted electronic communication (non-dedicated fax, email or unsecure File Transfer Protocol). Users shall not leave hard copy documents containing confidential information or PII on City premises unsecured. Hard copy documentation containing confidential information or PII shall be destroyed according to City of Topeka record retention schedules and applicable state laws.
4. Users are responsible for reporting any loss, or theft, of a City technology system or information to the Director of Information Technology immediately upon the user becoming aware of such loss or theft. Notice shall be in the form of an e-mail to itsecurity@topeka.org.
5. If a user inadvertently accesses another user's files, the user must immediately discontinue access, report the access to the Information Technology Department and refrain from revealing any personal information discovered.
6. Users are hereby advised there is material on the Internet that is offensive. The City of Topeka does not have the ability to control this information and does not attempt to screen all Internet content. Users must use their good judgment and common sense to avoid offensive Internet sites. The City of Topeka disavows any liability arising out of a User's sensitivity to internet sites accessed by them.
7. Users shall leave their desktop computers powered on at all times in order necessary to facilitate patching and to apply software updates. Modern desktop computers and monitors are designed to enter a power saving mode after a period of inactivity and draw a small amount of power. Desktop computers require frequent patching and software updates, which occur during off business hours.
8. Users are required to establish a schedule with the Information Technology Department to bring in laptops and mobile devices that are not connected to the City network during business hours to facilitate patching and to apply software updates. A schedule can be established by entering an IT service desk request.

9. Users are highly encouraged to report any unusual operation of City technology systems or any unusual request for access to technology systems to the Information Technology Department by emailing itsecurity@topeka.org as soon as practical to assist in the detection of malicious Internet-related activity.

F. Acceptable Use.

1. Users are granted access to the City's information technology network and technology systems for business purposes. The City understands that employees may, from time to time, wish to use City technology systems for personal matters. While such use is not strictly prohibited, use must be reasonable, limited and consistent with other sections of the City's Personnel Manual. Such use shall not interfere with the City's business, interfere with the user's ability to perform his/her job, interfere with the ability of other users to perform their jobs, expose the City to liability or embarrassment, be for any unacceptable or illegal use as set forth in sections G and H below, violate the laws of the location information is transmitted to or from or violate any sections of the City's Personnel Manual or the applicable operating procedures of any City department.
2. Due to serious cybersecurity issues related to the Internet, users are advised and strongly encouraged to access the Internet only on a limited basis, as necessary to carry out job duties and related business purposes only accessing only well-known web sites as the best way in which to comply with acceptable use of City technology systems.

G. Unacceptable Use.

1. Network Connectivity. Users are strictly prohibited from connecting any device to a City of Topeka network port. Users are advised to contact the Information Technology Department through an IT service desk request to perform moves, adds or changes to any City technology system.
2. E-mail Attachments and URL's. No unexpected e-mail attachments received from an unknown source shall be opened. No URL or link contained in an e-mail received from an unknown source shall be clicked on. Email attachments and URL's imbedded in email have the potential to expose the City network to malware and malicious Internet activities. If the user is not sure about the source of email messages, he/she shall contact the Information Technology Department at itsecurity@topeka.org to verify the source of the email.
3. Optical Media and USB Drives. Users are strictly prohibited from inserting Optical Media (CD's, DVD's) and USB drives from unknown sources into City technology systems. If the user is unsure of the source of Optical Media or USB Drives, he/she shall contact

the Information Technology Department at itsecurity@topeka.org to verify the source.

4. Deception.

- a. Users shall not intercept or attempt to intercept network traffic, attempt to access the accounts of others or attempt to penetrate the security measures of the City of Topeka network. This includes, but is not limited to, intentionally seeking information on, obtaining copies or modifying files, email, other data or passwords belonging to other users without express permission from the Director of Information Technology.
- b. Users shall not send, or cause to be sent, communications that make use of or contain invalid or forged headers, invalid or non-existent domain names or other means of deceptive network addressing. Similarly, email that is relayed through a third party's mail server without the permission of that third party, or which employs similar technologies to hide or obscure the source of the email is prohibited. Users shall not impersonate another user by modifying email header information or otherwise hide the user's identity.
- c. Users shall not use any hardware or software method of masking the identification of the technology system in use on the City of Topeka network or when accessing the Internet.

5. Confidential Information. Users must not use email or any other electronic method to send City of Topeka proprietary, confidential information to any unauthorized person. Such information shall be sent to authorized persons in encrypted files if sent over publicly accessible media, such as the Internet or wireless technology. Such information may be sent in unencrypted files only within the City of Topeka network.

6. Banned Software. Use of Instant messaging software, unauthorized cloud based-file storage, file sharing and peer-to-peer (P2P) programs, multiple player games or any software that automatically accesses the Internet from a user's computer is prohibited. Examples of banned software include, but are not limited to: Limewire, Torrent-related programs, Google Talk, AOL Instant Messenger, Yahoo Instant Messenger, Weather Bug, Google Drive, and Dropbox.

7. Software Installations. No software, games or other applications may be installed or downloaded onto a City technology system without the prior approval of the City of Topeka Information Technology Department. Users shall not make copies of software or applications running on a City technology system for use at home, on laptops and mobile computers or for other reasons without such

authorization. Requests for software and application installation on City technology systems shall be through the submission of an IT service desk request.

8. Nuisance Email. Users shall not create or forward nuisance email, including jokes and chain letters.
9. Sales and Solicitation. Users shall not send email messages for any purpose other than business related communications. Users shall not transmit unsolicited commercial or bulk email or advertise or offer to sell goods or services to others. Unless approved by the City Manager or his/her designees, users shall not use City of Topeka technology systems for soliciting other employees for any reason, including, but not limited, to soliciting funds for school fund-raising drives, selling products or merchandise or solicit political support. Users shall not use City technology systems to make fraudulent offers to sell or buy products, items or services. Users shall not use City technology systems to advance any type of financial scheme such as pyramid schemes, Ponzi schemes or chain letters.
10. Content Downloads. User shall not knowingly download or upload, email, install or post files that contain software, music, video or other material protected by intellectual property laws, rights of privacy or publicity, copyright, trademark, patent, trade secret or any other applicable law unless the user owns or controls the rights thereto; or has received all the necessary consents.

H. Illegal Uses.

1. Network Connectivity. Users are strictly prohibited from connecting wireless access points or wireless routers to the City of Topeka network.
2. Wagers or Betting. Users are prohibited from using the City of Topeka's technology systems for wagering or betting.
3. Harassment. Users shall never harass, intimidate, stalk, threaten others or engage in other illegal activity (including but not limited to pornography, terrorism, espionage, theft, drug trafficking, human trafficking) by email or any other methods using City of Topeka technology systems. It is strictly prohibited for users to knowingly visit sites that feature pornography, terrorism, espionage, theft, or illegal drugs.
4. Rights of Others. Users shall not abuse or violate the legal rights of others using City of Topeka technology systems. All such activities shall be reported to management for appropriate action.
5. Internet Connection. Users shall not publish post, distribute, or disseminate defamatory, obscene, or unlawful material or

information from the City Internet connection or violate any applicable local, state, national or international law.

- I. Review of Employee Use. All information created, accessed or stored using City of Topeka technology systems and applications are the property of the City of Topeka. Users do not have a right to privacy to any activity conducted using the City's technology systems. Representatives of the City can review, read, access or otherwise monitor all activities conducted on City technology systems and accessed through the use of a City technology system. The City monitors all City-related Internet activity and web sites that are accessed. Users are advised that technology systems contain evidence that can be forensically recovered to determine acceptable use, prohibited use and illegal use. Such evidence may be forensically reproduced in accordance with established procedures.

Users are advised that the City possesses a robust cybersecurity ecosystem and strives to maintain a proper cybersecurity posture. Therefore, all activities conducted using the City's Technology Systems is monitored, filtered and analyzed by security appliances and security applications. The Director of Information Technology and his/her designees are authorized to use and act on security system information at any time to protect the City network and technology systems from malicious cybersecurity and network security incidents and potential compromise of technology systems or information owned by the City.

1. The following may be reasons the City Attorney and the Director of Human Resources determine it to be appropriate to authorize review of an employee's utilization of a City technology system:
 - a. There is a reason to believe the user is not complying with applicable provisions of this Personnel Manual.
 - b. Anticipated or actual litigation involving the City or its contractors, including, but not limited to, arbitration or employee grievance proceedings.
 - c. Access is required to comply with federal or state law, including the Kansas Open Records Act.
 - d. Access is necessary to investigate a matter involving discipline.
 - e. Access is necessary to protect the interests of the City.
2. In the event the City Manager or a Department Director requests assistance from the Director of Information Technology to review an employee's Internet use, telephone usage, or email messages, the following procedure shall apply:

- a. A request is emailed to the Director of Information Technology from the City Manager or Department Director.
- b. If access is technologically possible, the Director of Information Technology shall submit a request to the Director of Human Resources and the City Attorney for review.
- c. The Director of Human Resources and the City Attorney may approve the request if they determine an appropriate reason as stated above exists to authorize the request for review of employee utilization of a City technology system.

J. Exceptions.

- 1. The following sections shall not apply to official investigations conducted by law enforcement personnel provided that such uses are reasonably related to the investigation and have been approved by the employee's Bureau Commander or designee while using an approved data network and technology that is physically separated from the City data network and the Police Department data network.
 - a. Section G, paragraph 6 (Banned Software)
 - b. Section G, paragraph 7 (Software Installations)
- 2. The following sections shall not apply to official investigations conducted by law enforcement personnel provided that such uses are reasonably related to the investigation and have been approved by the employee's Bureau Commander or designee while using the City data network and the Police Department data network and related technology.
 - a. Section G, paragraph 4b (Deception)
 - b. Section G, paragraph 4c (Deception)
 - c. Section G, paragraph 9 (Sales and Solicitation)
 - d. Section H, paragraph 3 (Harassment)

- K. Violations. Violation of these provisions by a City employee or interns may result in immediate suspension of access to City Technology Systems and may result in discipline, up to, and including, termination of employment; provided discipline is consistent with the terms and conditions of this Personnel Manual and/or any applicable bargaining unit agreements.

Violation of these provisions by contractors, sub-contractors, consultants, vendors, service providers or temporary workers will result in immediate suspension of access to City Technology Systems.

11.2 Use of Wireless Communication Devices.

A. Overview. The use of wireless communication devices for City business shall be conducted so as to ensure that all City-related communication is available for review for purposes of complying with applicable laws. The Kansas Open Records Act provides that an employee in possession of recorded information related to City functions, activities, programs or operations is in possession of a public record that is subject to open records laws, regardless of whether the communication is maintained on a City-issued or personal wireless communication device. The following provisions outline the authorized usage, liabilities and procedures associated with using wireless communication devices. More specifically:

1. To explain the procedures for obtaining, using and returning a City-issued wireless communication device(s).
2. To explain the procedure for obtaining a stipend to compensate for business use of an Employee's wireless communication device.
3. To ensure appropriate use of equipment and services, so that public funds are spent only for public purposes.
4. To disclose potential financial liability to Employees.
5. To address safety issues for Employees.

B. Definitions.

1. *Administrator* -- The person designated to administer City plans for wireless communication devices and to activate and deactivate the devices.
2. *Business Use* -- Use of City-owned equipment and use of services paid for by the City for City business and in a manner consistent with the adopted policies and practices of the City, as well as any applicable City ordinance or Kansas statute.
3. *Routine Correspondence* -- Incoming and outgoing recorded communications that pertain to scheduling, availability for meetings, leave requests and information on current or prospective physical location of individuals or property. The retention schedule for Routine Correspondence is for as long as it remains useful.
4. *Stipend* -- A monthly amount paid to an Employee, approved by the Department Director, to allow usage of an Employee's personal wireless communication device for City-related business.
5. *Substantive City Business* -- Incoming and outgoing recorded communications, excluding Routine Correspondence, received or sent pursuant to the Employee's official duties and that are related

to the functions, activities, programs or operations of the City. The retention schedule for records concerning Substantive City Business is dependent on individual department retention schedules.

6. *Wireless Communication Devices* (hereinafter “WCD”) -- Cellular phones, IPADs, tablets, laptops, pagers, wireless cards and other electronic communication devices.

C. General Rules (applicable to all WCDs used in the workplace).

1. The intended use of WCDs during paid work time is for City business purposes. Although incidental personal use may occasionally occur, personal communications should be made during work breaks, or before or after the Employee’s regularly scheduled work hours, whenever possible. Excessive or improper personal use of a WCD may result in disciplinary action, up to and including termination.
2. All e-mail communication involving City business shall be made using the Employee’s City e-mail address. *No e-mail communication concerning City business shall be made using a personal e-mail account.*
3. *The transaction of Substantive City Business shall not be conducted via text messages.* Text messages shall be limited to Routine Correspondence and shall not be used to exchange documents.
4. Except as authorized in writing by the Employee’s Department Director, or as outlined in the Employee’s position description, the transaction of City business shall not be conducted on social media.
5. WCDs shall not be used while operating a motor vehicle, except as permitted in the City Vehicle Use Section.
6. Employees should *use appropriate communication etiquette* with WCDs, including silencing a WCD when audible use would disrupt business and refraining from using a WCD during any meeting when not relevant to the subject of the meeting except for emergency matters.
7. Non-exempt Employees shall not use a WCD to review or respond to work e-mail outside work hours unless prior written supervisory approval is obtained.
8. WCDs used for City business must be kept on during business hours or while on call. Department Directors and exempt employees receiving monthly stipends must keep devices on during business hours and as requested during other reasonable waking hours for emergency calls.

D. Rules applicable to City-Issued WCDs.

1. Before any City-issued WCD is provided to an Employee, a *Request and Acknowledgement Form* must be completed and forwarded to the Administrator. This Form may be obtained from the Division of Contracts and Procurement.
2. The monthly charges associated with each WCD will be paid from the budget of that particular Employee's department.
3. A City-issued WCD should not be used for non-business related purposes except on a limited basis. To avoid exceeding any service provider's plan limits, a WCD should not be used when an office device provides a less costly communication alternative. If an Employee's personal use of a City-issued WCD results in additional charges to the City, the Employee will be subject to discipline.
4. In no instance will it be deemed acceptable for an Employee to use a WCD to make harassing, threatening or intimidating calls, personal or otherwise. In no instance will it be deemed acceptable for an Employee to access any website using their City-issued WCD. Communications to "phone sex," "psychic hotline" or similar numbers or websites are prohibited.
5. City-issued WCDs shall remain the sole property of the City and shall be subject to inspection and/or monitoring at any time. The Employee has no right to privacy on a City-issued WCD. The City has the right to review all communications and records contained on the WCDs, including but not limited to phone history, text messages and internet usage.
6. Employees in possession of a City-issued WCD are required to take appropriate precautions to safeguard it from damage, loss, unauthorized use and theft. The WCD must maintain a password and screen lock to access the device.
7. There may be a specific business purpose as determined by the Department Director to issue a pool WCD that is not assigned to a specific Employee, but rather to multiple shifts, on-call rotations or workgroups. All personal usage on the City-issued pool WCD is strictly prohibited.

E. Rules applicable to Personal WCDs supported by a Stipend.

1. Before any Stipend is provided to an Employee, a *Stipend Request and Acknowledgement Form* must be completed and forwarded to the Administrator. This Form may be obtained from the Division of Contracts and Procurement. The monthly Stipend will be included in the Employee's paycheck and is not subject to federal or state taxes.

2. All Stipend-supported WCDs and accessories are the Employee's personal property and the Employee is responsible for all related charges.
 3. To receive the monthly Stipend, the Employee must maintain a wireless service plan and provide the wireless device number and a recent wireless bill to the Administrator.
 4. The monthly Stipend will continue until such time as the Department provides notice to discontinue the Stipend. The City is not responsible for maintaining any authorized Stipend and the amount may be changed or discontinued entirely depending on business need.
 5. Use of a WCD in any manner contrary to local, state or federal laws is a violation and may also result in immediate termination of the WCD Stipend.
 6. An Employee has no right to privacy in any City-related communications maintained on their WCD.
 7. Upon receipt of a Stipend, the Employee authorizes the City Manager's designee to review texts and all other communications maintained on a WCD for the purpose of retrieving City-related communications.
 8. When assigning a Stipend tier, Department Directors should consider the methods of communication required for the Employee to perform his/her duties.
- F. Rules applicable to Personal WCD not supported by a Stipend. An Employee is prohibited from creating or storing recorded information on a personal WCD that relates to City functions, activities, programs or operations unless authorized by the City Manager or designee. These provisions do not apply to the act of merely using a personal WCD to access an Employee's City e-mail.
- G. Return of a City-Issued WCD.
1. Upon an Employee's separation from service, whether voluntary or involuntary, any WCDs will be returned to the Administrator, in good and working condition, reasonable wear and tear excepted.
 2. The Department Director may require the return of any WCD from any Employee upon determining there is no longer a business need for the WCD. It shall be incumbent on the Department Director to notify the Administrator within five (5) business days of such decisions.

3. An Employee may return a WCD that is no longer in working order to the Department Director, with a request for a replacement WCD. It shall be incumbent upon the Department Director to notify the Administrator within five (5) business days of receiving such request. At such time, if the Department Director determines that a replacement WCD should be issued, a completed *Request and Acknowledgement Form* must be forwarded to the Administrator. This Form may be obtained from the Division of Contracts and Procurement.
 4. Upon return of a WCD, the Administrator shall note on the Request and Acknowledgement Form that the Employee returned the WCD and the Administrator shall specify on the Request and Acknowledgement Form whether the WCD is in good and working condition, reasonable wear and tear accepted.
 5. Should an Employee fail to present the WCD for inspection and review or fail to return a WCD in good working condition upon request from the Administrator or upon separation from employment, the replacement cost of such WCD may be deducted from the Employee's payroll check; provided the deduction does not reduce wages below the minimum wage.
- H. Violations. Violations of these provisions may subject an Employee to disciplinary action, up to, and including, termination from employment.

11.3 Litigation Holds.

- A. Overview. There are circumstances when a "litigation hold" must be issued to suspend the normal and routine destruction of records. Present and future records that are involved in litigation, or are reasonably anticipated to be involved in foreseeable legal action, must be identified and preserved until the City Attorney releases the litigation hold. If a City employee receives a litigation hold memo, this is official notification that he/she is one of the "affected city personnel" to whom the provisions of this section is directed.
- B. Scope. These provisions apply to all City personnel and covers all evidence, regardless of form, made or received in the transaction of city business. These provisions do not apply to all situations in which access to technology systems used by an employee must be reviewed. If a litigation hold has not been issued by the City Attorney, requests for review of technology systems used by employees would be covered by Section 11.1, "Acceptable Use of Technology Systems." The provisions of this Section 11.3 were adopted to ensure that proper steps are taken to identify and preserve evidence for compliance with the rules of civil procedure and to vigorously defend the City in litigation or potential litigation.

C. Definitions.

1. *City Personnel* -- Includes all employees (including permanent, temporary, full-time and part-time employees), Governing Body members, board and commission members, consultants and volunteers.
2. *City Attorney* -- The chief legal officer of the city and that person's designee or designees.
3. *Chief Network Engineer* -- The Information Technology Department (IT) employee responsible for personally maintaining the integrity of the City's networks, with first-hand knowledge of the systems.
4. *Data Manager* -- The Chief Network Engineer and/or Technical Support Group (TSG) employee who will be responsible for (i) working as part of the response team; (ii) securing and storing the identified ESI; (iii) advising affected city personnel regarding securing and preserving their relevant ESI; (iv) working with the Chief Network Engineer, the outside computer forensics professional, if any, and third party vendors, if any, to identify the location of ESI stored on the City Data Network and/or cloud-based services; and (v) working with the Chief Network Engineer and to ensure that necessary network access is provided to necessary parties to identify and properly secure relevant ESI.
5. *Evidence* -- Can be anything, but most commonly includes all records, whether in electronic or paper form, created, received or maintained in the transaction of City business, wherever conducted. Such evidence may include paper records and electronic records stored on servers, desktop or laptop hard drives, mobile devices, cloud storage or systems, tapes, flash drives, memory sticks, DVDs, CD-ROMs or other media.
6. *Electronically Stored Information (ESI)* -- electronic records including, but not limited to, e-mail, word processing documents, spreadsheets, databases, instant messages, calendars, voice messages, videotapes, audio recordings, photographs, SharePoint files, Wiki materials, telephone or meeting logs, contact manager information, Internet usage files and information stored on hard drives of City work station desktops or laptops, in mobile devices, in cloud storage/systems or in removable media, (i.e., flash drives, CD-ROMs, DVDs, memory sticks, tapes). This includes ESI on personal devices used for work-related purposes.
7. *Litigation Hold* -- An order to cease destruction, collect and preserve all records, regardless of form, related to the subject of the pending or potential litigation.

8. *Potentially Discoverable* -- Any evidence that has relevance to and therefore may fall within the scope of discovery in a particular lawsuit under the Federal or State Rules of Civil Procedure.
 9. *Outside Computer Forensics Professional* -- An experienced computer forensics professional contracted by the City Legal Department on an as-needed basis as determined by the City Attorney.
 10. *Response Team* -- A team of employees convened by and under the direction of the City Attorney to include the Chief of Litigation, a legal assistant, the Data Manager, the Chief Network Engineer, a representative from Human Resources, and a representative from each department with potentially discoverable evidence in the matter. A response team will be convened for each case that warrants a litigation hold. Many of the same employees will serve on most or all response teams. The department representative will be the employee designated by the director, in most cases the person charged with responding to open records requests.
- D. Notice of Litigation. When the City Attorney receives notice that a lawsuit has been filed against the City or any city personnel acting in the course and scope of their employment, or when the City Attorney reasonably anticipates such litigation, the City Attorney must act to preserve documents, tangible assets and electronic records that may relate to the litigation and that are in the City's possession, custody or control.
- E. Steps.
1. Litigation Hold Determination. The City Attorney will determine whether to initiate a litigation hold as soon as reasonably possible after receiving notice of the pending or potential litigation. The scope of the hold should be reasonable and in proportion to the case, potential value and uniqueness of the information, the overall circumstances of the claim, and should take into consideration nonmonetary factors.
 2. Response Team. The City Attorney will convene a response team and will work with this response team to determine the preliminary scope and subject matter for the litigation hold as follows:
 - a. Identify and list all persons with knowledge of facts that may relate to the pending or potential litigation, including persons who created, edited, communicated, handled or had custodial responsibility for potentially discoverable documents and tangible assets;
 - b. Develop a plan for preserving potentially discoverable documents and tangible assets held by persons with knowledge of facts that may relate to the pending or potential

litigation. Non-ESI will be marked with a visible identification label, if practical.

- c. Identify and list all persons with knowledge of facts that may relate to the pending or potential litigation, including persons who created, edited, communicated, handled or had custodial responsibility for potentially discoverable ESI;
- d. Work with the Chief Network Engineer to identify all IT architecture within the preliminary scope and subject matter of the pending or potential litigation and provide a way to access the relevant data if preservation is not an issue; and
- e. Develop an ESI preservation plan, including taking immediate steps to preserve data held by central services (e-mail, calendars, etc.).

3. Notification of Litigation Hold. The City Attorney will notify affected city personnel and his/her Department Director in writing when a litigation hold has been initiated. The notice will inform both the affected city personnel and the Department Director of their obligation to identify and preserve all evidence that may be relevant to the litigation hold. Department Directors shall ensure compliance with the litigation hold.

4. Obligation to Acknowledge Receipt of Notification. Affected city personnel must acknowledge their receipt, understanding and intent to comply with a litigation hold in the manner specifically set forth in that document. City personnel subject to a litigation hold should consult the Civil Litigation Division of the Legal Department for direction on where to procure assistance related to securing and preserving their electronic records as set out in subsection F below.

F. Duty to Preserve Evidence. Affected City personnel have a duty to preserve potential evidence when litigation is initiated, or is reasonably anticipated or foreseeable. Affected City personnel must immediately retain potential evidence in such circumstances and suspend deletion, destruction, purging, overwriting or disposal even if a litigation hold has not been issued.

1. When Litigation is Anticipated or Foreseeable. Litigation is reasonably anticipated or foreseeable against the department if any of the following occur:

- a. Receipt of a document preservation request or notice letter from an adverse party or legal counsel;
- b. Receipt of a communication threatening litigation;
- c. Notice of an administrative claim or complaint;

- d. A complaint was made to an external or internal investigatory agency or unit;
- e. Similar past experience or circumstances resulted in known and significant litigation;
- f. Events occurred that resulted in known and significant injury;
- g. Receipt or anticipation of receipt of a subpoena;
- h. Government audit or investigation; or
- i. Press or media reports suggest litigation is likely.

Affected City personnel who become aware of litigation to which the department or City is a party, or is reasonably anticipated or foreseeable, shall immediately notify his/her Department Director.

2. Obligations Following Notification of Litigation Hold. Upon notice of a litigation hold, affected city personnel must do the following:

- a. Immediately suspend deletion, purging, overwriting, or any other destruction of ESI relevant to potential or pending litigation or claim that is under their control. These electronic records must be preserved so that they can be retrieved at a later time and they must be preserved in their original electronic form, so that all information contained therein, whether visible or not, is also available for inspection – i.e., it is not sufficient to make a hard copy (print-out) of electronic records. The original file format and metadata shall be retained. Affected city personnel are encouraged to contact the Civil Litigation Division of the Legal Department for direction on where to procure assistance concerning suggested methods for preserving electronic records, as well as documenting the location and identity of records via Excel spreadsheet or other acceptable means.
- b. Coordinate with the Data Manager and the Outside Computer Forensics Professional, if any, to preserve any new electronic records that are generated after receipt of the litigation hold notice that is relevant to the subject of the notice.
- c. Preserve hard copies of documents under their control. Steps should be taken to identify all relevant paper files and to ensure the retention of such files. Affected city personnel may make hard copies of ESI; however, as previously outlined, the information must be preserved in its original electronic form.

- d. If affected City personnel use their home computers or cloud computing for City-related business (including e-mail on their City e-mail accounts or on personal accounts such as AOL, Yahoo Mail, Gmail, Facebook, other social media tools, etc.), they must coordinate with the Data Manager and the Outside Computer Forensics Professional, if any, to preserve the ESI on those computers or in personal clouds.
 - e. Inform the City Attorney of any other current or former city employee who may have relevant ESI subject to the litigation hold.
- 3. Document Retention Policies; Destruction. Once affected City personnel have received notification, ALL RELEVANT RECORD DESTRUCTION MUST CEASE IMMEDIATELY. More specifically, all affected City personnel must cease any document destruction relating to the evidence covered by the litigation hold until the litigation hold is released. This is imperative. If any affected City personnel fails to follow this protocol or causes the destruction of relevant evidence, that employee may be subject to disciplinary action, up to and including termination.
- 4. Departing City Employees. If affected City personnel separate from employment during the course of a litigation hold, the employee's Department Director must take possession of any and all evidence under the control of the separated employee and notify the City Attorney and response team. Upon termination of affected city personnel, the response team should, if warranted, review the contents of all systems utilized by the employee prior to the deletion of the system's data and prior to the destruction of the system.
- G. Auditing Procedures. After a litigation hold has been issued, and as warranted by proportionality principles, the litigation hold response team may implement procedures for ensuring compliance with the particular litigation hold involved and give notice of the procedures to affected city personnel and his/her Department Director. The procedures may include:
 - 1. Sending written notices to all recipients of a litigation hold, reminding them of the obligation to preserve ESI. These reminders should be sent regularly, on a schedule designated by the response team, until the end of the active discovery phase of litigation.
 - 2. The reminder notice should also include a request to notify the response team of any newly discovered sources or locations of relevant ESI.
 - 3. If warranted by the City Attorney, the Data Manager will choose one litigation hold recipient and check the person's electronic activity for the previous week to determine if the person is properly saving

relevant data. This should be done at least once every quarter until the end of the active discovery phase of litigation. The Data Manager must prepare a written report to the City Attorney stating the findings from these samples.

4. If noncompliance with the litigation hold is discovered, appropriate action should be taken to ensure that evidence is preserved.
- H. Expected Conduct. When affected City personnel are required to take or refrain from taking certain actions, they must use reasonable efforts to comply.
- I. Violations. Violations may result in disciplinary action, up to and including termination.
- J. Release of a Litigation Hold. Upon the conclusion of the anticipated or pending litigation, the City Attorney will issue a written notice to the response team and all affected city personnel, lifting the formal litigation hold. The City Attorney will also provide instructions regarding the disposal or destruction of all documents, tangible assets or ESI preserved and/or collected during the anticipated or pending litigation. The lifting of the litigation hold notice shall resume normal document retention policies.

11.4 Open Data.

- A. Overview. The City is committed to the spirit of open government, building upon existing open records laws, including the Kansas Open Records Act (K.S.A. 45-215 et seq.), expanding the data making it available to the public and providing resources for understanding this data. The adoption of this Open Data provision:
 1. Improves the provision of services, increases transparency and access to public information and enhances coordination and efficiencies among departments and partner organizations.
 2. Provides for the incorporation of data that is collected by various City departments into a single location will facilitate the ability to aggregate, analyze and synthesize it to better allocate public resources.
 3. Promotes a higher level of civic engagement through access to public information, including access to public data
 4. Allows citizens to provide valuable feedback to government officials regarding local issues.
 5. Encourages the proactive publication of information currently sought through open records requests, thereby benefiting all parties involved by saving time and money.

Open Data supports the City's desire to be interconnected and fosters innovation for its residents; increases transparency, accountability and comparability; promoting economic development and research; and improves internal performance.

B. Definitions.

1. *API* -- An application programming interface that specifies how software components should interact with each other.
2. *Data or Data Sets* -- A collection of final versions of relevant statistical, factual, geographical or other information:
 - a. collected in an alphanumeric form reflected in a list, table, graph, chart or similar form that can be digitally transmitted or processed;
 - b. regularly created or maintained by or on behalf of and owned by the City that records a measurement, transaction or determination related to the business of the City;
 - c. includes metadata, if available, consistent with core metadata standards at a level of granularity recommended by the Open Data Review Board (defined below and further referenced in Section 5) and a description of the methods used in creating the Data or Data Set, including a comprehensive list of sources; and/or
 - d. maintained in a manner that is Machine Readable.

Data or Data Sets shall not include Protected Data (defined below) or information provided to the City by other governmental entities. Nothing in this Open Data provision shall be deemed to prohibit the City from voluntarily disclosing information not otherwise defined in this section as "Data" or "Data Sets," including, when appropriate, narrative in machine readable text, as long as it is not Protected Data.
3. *ITD* -- The City's Information Technology Department.
4. *Kansas Open Records Act* -- K.S.A. 45-215 et seq.
5. *Machine Readable* -- In a format that is reasonably structured to allow automated processing.
6. *Open Data* -- All Data or Data Sets that the City makes accessible to the public.
7. *Open Data Review Board* -- A group of individual selected by the City Manager and tasked with providing staff and residents a voice

in the open data program by serving as a forum for discussions about open data policies and specific datasets; including the impact the open information may have on the organization. The initial committee members selected by the City Manager include:

- a. Deputy City Manager
- b. City Attorney
- c. City Clerk
- d. Director of Financial and Administrative Services
- e. Director of Information Technology
- f. Director of Public Works
- g. Deputy Director of Financial and Administrative Services
- h. Deputy Director of Information Technology
- i. Deputy Director of Public Works/Technical Services
- j. Media Relations Division Director
- k. Police Department Representative

8. *Protected Data -- Any Data or Data Set:*

- a. that contains a significant amount of Data or Data Sets and where the disclosure of such Data would impose an undue financial or administrative burden on the City; or
- b. that reflects the internal deliberative or administrative process(es) of the City, including but not limited to, Data and Data Sets relating to negotiating positions, future procurements or pending or reasonably anticipated legal or administrative proceedings; or
- c. that is subject to privacy laws, student records laws, copyright, patent, trademark or trade secret protection, a confidentiality agreement, an attorney/client privileged communication or otherwise protected by law or contract; or
- d. that includes or constitutes proprietary applications, computer code, software, operating systems or similar materials; or
- e. that includes or constitutes employment records, protected health information, internal employee-related directories or

lists, facilities data, information technology or internal service-desk data of the City; or

- f. that if disclosed by the City might raise privacy, confidentiality or security concerns or jeopardize, or have the potential to jeopardize, public health, safety or welfare.
- g. that is otherwise exempt from disclosure pursuant to Kansas Laws, including but not limited to the Kansas Open Records Act.

- 9. *Publishable Data* -- Data or Data Sets that are not Protected Data or otherwise sensitive information and that have been prepared for release on the open data web portal.

C. Open Data Initiative.

- 1. The City will develop and implement practices that allow it to:
 - a. Proactively release Publishable Data, making it readily available in open formats, with no restrictions on lawful, noncommercial use or reuse, and fully accessible to the broadest range of users to use for varying purposes;
 - b. Publish high quality, updated Data and Data Sets with documentation (metadata) and permanence to encourage maximum use;
 - c. Establish and maintain an Open Data portal that provides a central location for published City Data and Data Sets;
 - d. Encourage innovative uses of the City's Publishable Data by agencies, the public and other partners.
- 2. The development and implementation of these practices shall be overseen by the City Manager.
- 3. The requirements of this Open Data provision shall apply to all City departments, offices, administrative units, commissions, boards, advisory committees or other divisions of City government ("department").
- 4. Information technologies, including web-based and other Internet applications and services, are an essential means for open government and good government generally.
- 5. The protection of privacy, confidentiality, public safety and security must be maintained as a paramount priority and must be balanced with the City's desire to enhance transparency and accountability through open data.

D. Data Accessibility.

1. For the purpose of identifying which Data or Data Sets shall be made accessible as Open Data, the City shall consider whether the information in the Data or Data Set:
 - a. improves public knowledge of the operations of the City or furthers the goals of the City; or
 - b. increases City accountability, efficiency, responsiveness or delivery of services; or
 - c. makes available Data or Data Sets frequently requested by the public or City departments.
2. Such efforts shall be consistent with the rules and standards established by the City Manager and with applicable laws, including the Kansas Open Records Act and all applicable privacy, confidentiality, security, accessibility and student records laws, and otherwise legally confidential and/or privileged information.
3. The disclosure of Protected Data shall be discretionary. When appropriate the City may elect to publish data beyond that required by the Kansas Open Records Act while ensuring published data does not impose a breach of privacy laws, confidentiality, privileged information or information otherwise protected by law.
4. Data or Data Sets shall be updated in a reasonable manner, using automated processes to update Data when possible, including real-time Data when appropriate, to preserve the integrity and usefulness of the Data or Data Sets.

E. Public Data Access.

1. The ITD shall provide and manage a website to make Open Data and Data Sets accessible to the public. The website will include information of all available Open Data and Data Sets. This information shall also be available in a Machine Readable format.
2. Open Data and Data Sets will be accessible to external search capabilities.
3. Any user of Open Data or Data Sets distributed by the City may modify, use and publish such Open Data or Data Sets without charge.
4. Open Data or Data Sets will be accessible without the use of a user account or password.

F. Governance.

1. Implementation of the Open Data Initiative will be overseen by the Data Governance Committee, which will work with the City's departments and agencies to:
 - a. Identify a lead Open Data coordinator for each City department who will be responsible for managing that department's participation in the Open Data initiative;
 - b. Oversee the creation of a comprehensive inventory of Data or Data Sets held by each City department that are published to the Open Data portal and regularly update this inventory;
 - c. The Data Governance Committee will develop and implement a process for determining the relative level of risk and public benefit associated with potentially sensitive, non-protected information so as to make a determination about whether and how to publish it;
 - d. Develop and implement a process for prioritizing the release of Data or Data Sets to the Open Data portal, which takes into account new and existing signals of interest from the public (such as the frequency of open records requests), the City's programmatic priorities, existing opportunities for Data use in the public interest and cost;
 - e. Establish processes for publishing Data and Data Sets to the Open Data portal, including processes for ensuring that Data and Data Sets reviewed for use-appropriate formats, quality, timeliness and exclusion of protected and sensitive information.
 - f. Develop and oversee a routinely updated, public timeline for new Data and Data Set publication; and
 - g. Ensure that publishable Data and Data Sets are available for bulk download.
2. In order to increase and improve use of the City's Open Data and Data Sets, the Media Relations Division will actively encourage department and public participation through providing regular opportunities for feedback and collaboration.

G. Legalities.

1. Data or Data Sets made available on the website are provided for informational purposes only. The City does not warrant the completeness, accuracy, content or fitness for any particular purpose or use of any Data or Data Set made accessible on the website, nor

are any such warranties to be implied or inferred with respect to any such Data or Data Sets.

2. The City shall not be liable for any deficiencies in the completeness, accuracy, content or fitness for any particular purpose or use of any Data or Data Set, or application utilizing any such Data or Data Set, provided by the City or any third party.
3. These provisions shall not create any private rights, or any private right of action to enforce its provisions. Failure to comply with this Open Data provision shall not result in any liability on the part of the City or its employees.
4. No user shall have intellectual property rights or proprietary interests in the Open Data or Data Sets, including without limitation, any written materials, logos, trademarks, trade names, copyrights, patent applications, patents, know-how, trade secrets or moral rights. No use of this Open Data or Data Sets shall be deemed to constitute a partnership or joint venture between the user and the City, or between a third party and the City.

H. Report and Review.

1. The City will publish an Open Data Report during the fourth quarter of each year.
2. During the review and reporting period, the Data Governance Committee should also make suggestions for improving the City's Open Data management processes in order to ensure that the City continues to move towards the achievement of established goals.

11.5 Social Media.

- A. Overview. City-authorized social media tools are to be used to serve the interests of the City and its constituents. Social media allows the City to disseminate information to the public in electronic forums, improving responsiveness and reaching different populations. These provisions ensure that the City delivers an authorized and consistent message. (Notwithstanding the value and flexibility of social media, the City of Topeka website remains the City's primary Internet presence and an integral part of information distribution and sharing.)

The primary purpose of the City's Social Media is to deliver factual information to the public and to promote city services and events. The secondary purpose is to receive feedback from the public about existing or proposed City services and events. It is not the intent of the City to discuss wide-ranging City concerns or to resolve grievances through Social Media, as engaging in these types of discussions via Social Media will hinder the City's goals. The City's Social Media sites are considered a limited public forum.

These provisions also establish guidelines for the personal use of social media by employees both on and off duty.

B. Definitions.

1. *Authorized Account* -- A Social Media account created, registered, monitored and maintained in accordance with this Section 11.5. An Authorized Account is an official communication channel of the City.
2. *Authorized Social Media User* or *Authorized User* -- Any City employee, contractor, consultant or vendor who has been approved for the use, administration, management, monitoring and/or retention of Social Media, Social Media tools, websites and/or Social Media content in the name of or on behalf of the City or any City department.
3. *Personal Account* -- A Social Media account created by a City employee that is not intended to be used for City business or official communication.
4. *Social Media* -- Internet and application-based tools that facilitate interactive communication, participation and collaboration. Examples of Social Media include Blogger, Facebook, Flickr, Foursquare, LinkedIn, Meetup.com, Second Life, Tumblr, Twitter, Wikipedia, YouTube and Yelp, and the interactive tools and functions they provide to users.
5. *Social Media Content* or *Content* -- Includes any documents, photographs, graphics and other information (including links to such content) that are created, posted, distributed or transmitted using Social Media.
6. *Unauthorized Account* -- A Social Media account that represents itself as an Authorized Account, but that has not been created, registered, monitored or maintained in accordance with this Section 11.5.

C. Authorized Accounts.

1. Unauthorized Accounts Prohibited. Because the City needs to communicate a consistent factual message to the public, Unauthorized Accounts are absolutely prohibited.
2. Property of City. Authorized Accounts are the property of the City, including, without limitation, the account name, user ID, password, graphics and all Social Media Content.
3. Administration and Oversight. Authorized Accounts are administered by the Media Relations Division Director (MRDD) or departmental Public Information Officer (PIO), where applicable,

and are to be used for City business purposes, including promotion of City interests, public outreach and emergency communications.

4. Personal Use Prohibited. Employees are prohibited from using Authorized Accounts for personal use.
5. Access to Accounts. Only Authorized Users performing City business may access Authorized Accounts. If an Authorized User leaves employment or is otherwise no longer authorized, the MRDD or PIO must immediately change the user names and/or passwords of relevant accounts. Authorized Users may not share passwords or account information except with other Authorized Users of that account.
6. Account Creation and Terms of Use.
 - a. An Authorized Account must first be approved by the Department Director and MRDD. The appropriate Social Media site, tool or application should be selected considering business objectives and the desired audience. For blogs, City Manager approval is also required.
 - b. If approved, the MRDD or PIO will create the Authorized Account. The MRDD or PIO will specify at least one employee in addition to himself or herself who will have administrative rights to said account.
 - c. The home page of each Authorized Account shall bear an emblem of the City of Topeka, contain a link to the City of Topeka website and state that:
 - i. The account is authorized by the City of Topeka.
 - ii. Comments and posts are monitored, may be subject to public records law and may be disclosed to third parties.
 - iii. The City reserves the right to remove any posted content, including but not limited to:
 - Content that contains obscene or profane language
 - Content that is sexual in nature
 - Content that threatens or defames any person or organization
 - Content that incites violence or references killing or harming anyone
 - Content that promotes illegal activity
 - Content that promotes or perpetuates discrimination on the basis of race, religion, creed,

color, sex, disability, familial status, national origin or ancestry, age, sexual orientation or gender identity

- Content that contains confidential information or information that may compromise the safety or security of any person
- Content that promotes commercial services or products
- Content that is off-topic or unrelated to the specific post involved
- Content that is repetitive or duplicative

Six Strikes: Three violations of these content guidelines may result in a thirty (30)-day ban. An additional three violations after a thirty (30)-day ban may result in a permanent ban.

7. Standards for Use, Monitoring and Maintenance.

- a. An Authorized User should post with the intent to provide factual information about City business, events and services. Content discovered to be inaccurate should be corrected as soon as practicable.
- b. The City's Personnel Manual applies to Authorized Users when engaged in City business.
- c. The following uses are prohibited:
 - i. Posting personal opinions or content as described in subsection C 6 (c) (iii) above, except that commercial content related to City business or for the promotion of City-sponsored events is allowed.
 - ii. Reposting or responding to outside content by, for instance, "liking," "linking," "sharing," or "re-tweeting," without first ensuring that such outside content also complies with this provision.
 - iii. Engaging in any activity that is illegal under local, state, federal or international law.
 - iv. Effecting or otherwise creating Internet and other security breaches, including but not limited to, sharing data that is restricted from public disclosure.
 - v. Releasing sensitive or confidential City information, or breaching privacy protection laws, e.g., HIPAA.
- d. An Authorized User shall monitor and review all public comments or posts to an Authorized Account. Questions and

comments shall be responded to in a timely fashion, when a response is needed or appropriate. Comments or posts that violate the content guidelines above should be referred to the MRDD for possible deletion and application of the Six Strikes rule.

- e. An Authorized User shall keep accounts current and active. When an Authorized Account is no longer necessary or useful for City business purposes, said account should be closed and the page deleted. The MRDD or PIO shall be notified when an Authorized Account is closed.

D. Personal Accounts.

1. The City does not limit otherwise protected First Amendment speech of City employees, including controversial, critical or political speech. However, speech that significantly harms the City's ability to provide public services may result in discipline, up to and including termination. This applies even for Personal Accounts used outside of working hours.
2. An employee who is using a Personal Account shall not identify him or herself as, or mislead people to believe he/she is an official City source of information. To this end, an employee is prohibited from using a logo or emblem of the City, a City e-mail address, account name, login and/or password for, or in conjunction with, a Personal Account. When an employee clearly identifies his/her relationship with the City and/or discusses his/her work on a Personal Account, the employee should also make clear that he/she is speaking on his/her own behalf and not on behalf of the City.
3. An employee may access and use Personal Accounts during work in a reasonable, limited and incidental way; *provided that* this privilege does not interfere with his/her job duties.
4. An employee who accesses a Personal Account from City-owned, City-leased or City-provided technology **has no right to privacy** in any information created, stored, transmitted, accessed or viewed from that technology. The City may review, read or otherwise monitor all Internet activity and websites that are accessed.

- E. Disciplinary Action. Anyone found to have violated these provisions may be subject to disciplinary action, up to and including termination, and/or criminal prosecution, if appropriate.

11.6 Media Relations; Release of Public Information and Records.

- A. Consistent, Professional Approach. This Section 11.6 will provide guidelines for dealing with the media and open records requests in a consistent and professional manner.

- B. Official City Comment. Only the Topeka City Manager, the Deputy City Manager, Department Directors, Media Relations Division Director (MRDD), Department Public Information Officers (PIOs), or specifically-designated individuals are authorized to make any official comment to the media on behalf of the City.
- C. Preparation of Response. Any employee who is not authorized to officially speak to the media on behalf of the City shall contact his/her immediate supervisor and/or the Department Director/MRDD, to assist with preparation of a proper response.
- D. Open Records Requests. All Open Records Requests from the media must be submitted to the City Clerk's Office. The MRDD or Department PIOs should be made aware of any Open Records Request submitted by the media. All such requests will be forwarded through the Legal Department to Department Directors, or specifically-designated individuals. The departments will respond to these requests through the Legal Department, within the timeframe established by the Legal staff member. Any deviation from the above process must be approved by an appropriate the Legal staff member.
- E. Fees. The media shall be charged the standard Open Records Request fees for photocopying, postage, staff time, etc.
- F. Press Releases. Press Releases shall be posted on the news page of the City's website. Depending upon the underlying facts and circumstances involved, information about critical incidents may be covered by an exemption to KORA and not posted.
- G. Elected Officials. Elected officials are not bound by these provisions.

Section 12

Administrative and Financial Matters

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12.1 Fleet Replacement.

Effective fleet management is essential to providing City staff with safe, reliable, and well-maintained vehicles and equipment accompanied by financial best practices. In concert with Section 12.9 below, “Capital Assets,” the primary purpose of this Section 12.1 is to provide for fleet replacement guided by a Vehicle and Equipment Replacement Program (VERP). Fleet assets are defined as rolling stock and include the initial complement of accessories required to perform its intended function. These include non-licensed heavy equipment and attachments valued at Five Thousand Dollars (\$5,000.00) or more. The VERP focuses on asset lifecycle management and is driven by data analytics, including business need, acquisition cost, maintenance cost, maintenance history, and asset utilization. The VERP is intended to provide standardized and industry best practices to ensure vehicle and equipment replacement at the end of the useful lifecycle of an asset. Oversight of the VERP is administered by the Fleet Advisory Committee (FAC). This Section 12.1 establishes the FAC. In the absences of any FAC member, the remaining members will have the authority to make decisions in their absence.

A. Roles and Responsibilities.

1. Members of the FAC will include the Fleet Manager, Purchasing Manager, Budget Manager, Director of Public Works, and representatives from the Fire Department, Police Department, Utilities Department and Neighborhood Relations Department. The Fleet Manager will chair the FAC.
2. Each department responsible for acquisition and replacement of vehicles will appoint a designee to be the primary contact between the FAC and their department and/or division. Each designee will request asset acquisition, replacement, or disposal utilizing the guidelines set forth by the FAC and this Personnel Manual.
3. The FAC will consider and make a determination of departmental requests to acquire, replace, or dispose of assets upon receipt of the Fleet Manager’s analysis.

4. Any modifications to current assets that existed prior to the establishment of the FAC including, but not limited to, the replacement schedule or specification of the asset must be submitted to the FAC in accordance with subsection A 2 and 3 above.

B. Annual Vehicle and Equipment Inventory.

1. By the start of the 4th quarter of each year, Fleet Services will deliver a vehicle inventory report from the Fleet Asset Management system to each department's designee. Vehicles and equipment will need to be verified by the department for accuracy. Verification between the Capital Asset report and the Fleet Asset Management report shall be sent to the Fleet Manager for corrections to be completed in the Fleet Asset Management system.
2. By November 12th of each year, all departments will have the inventory of vehicles and equipment completed and returned to the Fleet Manager for review.
3. By December 5th of each year, the Fleet Manager and each department shall verify the accuracy of the inventory. The final inventory shall include: asset number; description of asset (make, model, and year); division or program the asset is assigned; account number and unit for billable activities including repairs and fuel; and current mileage or hours of operation.
4. By December 15th of each year, Finance and Fleet Services shall finalize the City-wide fleet asset inventory and distribute it to user departments.

C. Acquisition of Fleet Assets.

1. All requests for new or replacement assets must be submitted by the department designee to the Fleet Manager, who will review the request and submit it to the FAC for consideration. All requests for new or replacement assets will follow the review and approval process as described in subsection A 2 and 3 above.
2. All requests for new assets must include:
 - a. A business case including the estimated service level impact of the new asset to the department's operation.
 - b. An estimated acquisition price as provided by the division.
3. Evaluation criteria utilized for new asset consideration will include, at a minimum:
 - a. Does the business case present a solid return on investment in terms of service delivery or process improvement?

- b. Are there alternatives to ownership that are cost advantageous including, but not limited to, the use of rental equipment or personal vehicles?
 - c. Are there process enhancements that could reduce or eliminate the need for the asset?
 - d. Are there options to contract for the service?
 - e. Is there a suitable asset currently available that could be utilized?
 - 4. Evaluation criteria utilized for replacement asset consideration will include, at a minimum:
 - a. Fleet recommended life cycle (years, miles, hours).
 - b. New purchase price.
 - c. Year to date and life to date expenses (this information provided by Fleet Services).
 - d. Usage (Miles or Hours) for the last three years. Does it meet the utilization guidelines?
 - 5. Emergency Replacement of Assets:
 - a. Fleet recommended life cycle of current asset that needs replaced.
 - b. An explanation of why the asset needs to be replaced.
 - c. Usage (Miles or Hours) for the last three years.
 - d. The FAC will discuss and make recommendations within two weeks of receiving the request.
 - 6. Capital Improvement Plan Assets: All assets approved in the CIP will not require duplicate approval by the FAC; however, the plan will be updated annually and provided to the FAC.
 - 7. Additional Funding Becomes Available: In the event additional funding becomes available for asset replacements by September 30, the departments shall submit a list of desired assets to be purchased. In addition to following subsection A 2 and 3 above, the department shall include how they will fund these acquisitions.
- D. Underutilized Fleet Assets. Underutilized assets will be candidates for elimination from the fleet. Underutilized assets will be identified based on usage thresholds developed by the FAC. The Fleet Manager shall identify underutilized assets and make a recommendation to the FAC for

disposition. The FAC will consider departmental requests in comparison with the Fleet Manager's analysis to make a determination of assets to be eliminated.

E. Disposition of Fleet Assets.

1. Assets approved for replacement will be surrendered to the Fleet Manager at the time the new vehicle or equipment is placed into service. Any exceptions must be approved by the FAC.
2. The Fleet Manager may elect to trade, sell, or reallocate surrendered assets.
 - a. Reallocation decisions will include a consideration of the overall size of the fleet, department service demands, maintenance capacity, and cost of retaining the asset.
 - b. Assets will be sold as surplus property and the proceeds will be credited to the selling department's fund. Assets may be traded in to reduce the cost of the new asset.
3. Specialized and seasonal use vehicles and equipment will be excluded from the underutilized requirements. Departments will be required to explain why the asset should be considered specialized or a seasonal asset. The FAC will determine an asset is a seasonal or specialty asset.

F. Asset Replacement and Disposal Review Procedures.

1. By January 15th of each year, the Fleet Manager shall annually identify assets that are candidates for replacement or elimination from the fleet as determined by criteria established in this policy. The annual review shall include a five-year analysis of the fleet and replacement plan to identify and mitigate spikes in replacement demands.
2. By March 1st of each year, the FAC will confer with departments to review the department's five-year fleet asset replacement and elimination plan. This will include discussion of requests for additions to the fleet and the identification of assets for replacement or disposal. The FAC shall make all recommendations for fleet additions, replacements or disposal by April 1st of each year in order to allow for consideration during the next budget preparation cycle.
3. The FAC shall make final determination regarding the purchase, replacement, or elimination of all fleet assets by May 1st of each year.
3. By October 1st of each year, the Deputy Director of Administrative and Financial Services and the Performance and Budget Manager will examine the fiscal impact of the five-year asset replacement and elimination plan.

5. By December 1st of each year, Finance will provide departments with a list of replacement assets.
 6. By the March 31st, of the following year, Departments shall complete a vehicle requisition in Lawson with the approval of the Fleet Manager, Purchasing Manager and Budget Manager. The requisition shall identify the vehicle or equipment proposed for replacement by year, model, mileage/hours and asset number. All asset specifications and any accessory equipment to be purchased must be included in the requisition.
 7. All vehicle and equipment replacements are considered proposed until the next year's budget is formally approved and adopted by the Governing Body in August of each year.
- G. Asset Pool. A pool of assets will be administered by Fleet Services for short term usage. The requirements for the pool will be reviewed annually by Fleet Services to determine the number and type of assets required for short term usage based on annual usage and maintenance cost. They will be loaned or rented to departments on an as needed basis. The department will be charged Twenty-five dollars (\$25.00) per day for the period of time the vehicle/equipment is used. This charge does not apply to departments that currently pay Fleet Fees.
- H. Expected Useful Life Schedule. Replacement cycles will vary for different asset classifications. Fleet Services will establish an expected replacement cycle for each asset classification, in coordination with customer consultations, industry knowledge, and other information. The expected replacement lifecycle has two primary functions. First, the expected replacement cycle will determine annual replacement costs that should be budgeted for an asset. This budget is informational for Departments unless the asset is part of the fleet replacement fund. Second, the expected replacement cycle is one factor

Fleet Services uses in determining an assets eligibility for replacement. Fleet Services will maintain a list of asset classifications and expected replacement cycle. The list will be reviewed and updated annually.

12.2 Grant Management.

A grant is the award of funds by a Federal or State agency or by a private entity for the sole purposes of accomplishing a specific project, which is deemed to have merit by the grantor. The activities of the grant will be carried out in accordance with the approved proposal and ensuing grant agreement. Generally the grant will detail how the funds are to be expended as well as what period of time the grant award covers.

- A. Roles and Responsibilities.

1. Grant Coordinator. The Senior Grants Program Administrator will coordinate all City grants with all departments and divisions. The Program Administrator will write, review and prepare related proposals, reports and educational materials and will coordinate their distribution. The Coordinator will also monitor awarded projects and work with the Administrative and Financial Services Department and grant managers within departments to prepare budget projections, financial statements, reports and complex analyses, as necessary. Responsibilities also include assisting the Administrative and Financial Services Department to ensure that grant managers maintain accurate and adequate documentation and comply with grant requirements, including reporting requirements.
2. Grant Manager. The Grant Manager is the individual responsible for the administration of the project as stated in the grant proposal. The Grant Manager should be listed on the grant application as the primary contact when there are co-grantees.
3. Grant Team. The Grant Team will be responsible for the identification of grant funds that would benefit the City of Topeka. In addition, the Grant Team will assist those seeking grant funds with the drafting of grant proposals and in performing the role of intermediary with granting agencies.
4. Grant Summary Notification. The Grant Manager provides a written summary of the grant they are applying for to the appropriate Department Director and Senior Grant Program Administrator for review and approval. The notification should include the grantor, potential award amount, matching requirements and a brief summary of the grant proposal. This allows the Department Director and other identified city officials to be notified of the proposed grant application prior to its submission. Once approval is received, the Grant Manager can proceed with the application process. The grant summary shall accompany the grant application and the Administrative Action Form to the designated divisions listed at the bottom of the form.
5. Administrative Action Form. The Administrative Action Form, located on the intranet grants portal, is completed once the grant application is complete and ready for signature and submission to the grantor. The instructions for the Administration Action Form should be followed for process and implementation.

Note: Only the City Manager can sign grant applications.

B. Procedures.

1. Solicitation of Grant Funds. The minimum dollar amount for all solicitation of grant funds from both Federal/State government agencies and private agencies is established at one thousand five

hundred dollars (\$1,500.00). Amounts under this minimum will be considered only if there are little to no administrative tasks (e.g. financial/project reporting, maintaining receipts, vouchers, etc.) imposed on the City of Topeka by the grantor.

2. Grant Applications.

- a. All departments and divisions may make application for any grants that contribute to the overall mission and goals of the City of Topeka. The City of Topeka is the Grantee, not the specific department or division. All grant applications must have the approval of the appropriate Department Director. Prior to submitting any grant application to a granting entity, the Grant Manager must provide written notification to their Department Director and the Senior Grants Program Administrator, and complete the Administrative Action Form to be circulated for administrative review. The Grant Manager should allow two weeks for the review process, if possible.
- b. Grant Managers shall report accurate and factual data on all applications that are consistent with the City of Topeka's reports and records. Grant Managers shall contact the responsible departments or divisions responsible for the accuracy of detailed information and financial and statistical data prior to submitting the grant (e.g.) the Comprehensive Annual Financial Report (CAFR).
- c. The City Manager is the only official authorized to sign grant applications and any associated contracts and agreements on behalf of the City. If the grant is to be submitted electronically then the City Manager shall be listed as the authorizing official.

Note: Even if a grant does not require the City Manager's signature, the Grant Manager must complete the Administrative Action Form and follow the same process, unless special permission is given to submit the application by the City Manager.

3. Matching, Shared and/or Extended Funds.

- a. If the Grant Manager seeks a grant that requires the City to match, share, or extend funding of a program, the Grant Manager must obtain approval from the City Manager. The Grant Manager shall notify the Senior Grants Program Administrator who will coordinate with necessary parties to discuss the fiscal requirements.
- b. If the governing body approved the project or program through the Budget, Capital Improvements Program, or the Consolidated Plan process, then the project or program is considered to have required approval.

4. Notification of Grants Award. The Grant Manager will provide written notification to the Senior Grants Program Administrator and corresponding departments of whether the grant has been awarded or denied. If the grant has been awarded, the grant manager will work with the Administrative and Financial Services Department to establish a project number for the grant, and set up the appropriate budget, income, and expenditure accounts in the City's accounting system. The Administrative and Financial Services Department will then provide written notification to the Grant Manager indicating the project and account numbers and names.
5. Receipt of Grant Funds.
 - a. Granting agencies should be notified to send all funds and financial data inquiries to the attention of the Administrative and Financial Services Department. The Grant Manager shall notify the Administrative and Financial Services Department of the expected amount and receipt date of all funds, together with the applicable grant project number.
 - b. All methods of payment should be made payable to the "*City of Topeka*" and not to City Departments or employees.
 - i. Checks -- Administrative and Financial Services Department will deposit the funds in the appropriate account and retain a copy of the check in the grant records.
 - ii. Wire Transfers or Electronic Transmissions (Preferred Methods) -- The Grant Manager shall notify the Chief Accounting Officer of grants for which funds will be forwarded via wire transfer or electronic transmissions. The Chief Accounting Officer will provide the grantor with appropriate data to effect such wire transfers or electronic transmissions. The Grant Manager shall provide the Administrative and Financial Services Department with the appropriate project number for the grant receiving the funds. Administrative and Financial Services Department will retain a copy of the wire transfers or electronic transmissions data in the grant records.
6. Expenditures. Requests for goods and services should be itemized on a requisition and forwarded to Contracts and Procurement Division for the assignment of a purchase order number, or goods and services may be purchased on a purchasing card ("p-card"). Payment of expenditures and wages shall be consistent with current City accounts payable and payroll processes and procedures, using the assigned project number. Copies of purchase orders, p-card reports and other accounting records will be retained by the Grant Manager to include in the grant records. All expenditures from grant

proceeds shall be made in accordance with the covenants and requirements of the grant. Federal grant proceeds have special requirements and as such, must strictly adhere to the conditions and requirements set forth in the City's Procurement Manual. It is the applicable department's responsibility to ensure that the City of Topeka is in compliance with the administration, accounting, reconciliation and reporting requirements for grants received.

7. Records Retention. All grant financial records, supporting documentation and all other records pertinent to the grant shall be retained by the City of Topeka for a period of five (5) years following the submission of the final report to the grantor, or for such longer period of time as may be required in the grant. A copy of the grant agreement and the final report to the grantor shall be filed with the City Clerk's Office.

12.3 Scrap Materials.

City-owned scrap materials have value to the City either for cash paid by a scrap dealer or for beneficial reuse in other projects or applications. Proper accountability must be maintained at all times for scrap materials. Commercially available means of sale shall be used if the scrap materials cannot be reused. All proceeds from the sale of scrap materials shall be accounted for by the Administrative and Financial Services Department and deposited to the appropriate fund. Surplus/Fixed Assets shall be disposed of in accordance with the City's Surplus Fixed Asset Procedures, as maintained by the Contracts and Procurement Division pursuant to Topeka Municipal Code (TMC) 3.30.290.

A. Definition and Examples.

1. *Scrap Materials* -- Any material purchased, received, or accepted for maintenance by the City that has monetary and/or construction value and is capable of being sold on the open scrap market, including, but is not limited to: aluminum, brass, cast iron, copper, lead, magnesium, plastic, steel, stainless steel, wood, etc.
2. Products that contain scrap materials include, but are not limited to: radiators, catalytic converters, heater cores, boilers, HVAC parts and pieces, plumbing materials, water and sewer lines, water meters, water service lines, valves, hydrants, steel grates and plates, wood or lumber, and plastics.

B. Procedure.

1. Sale or disposal of scrap materials or salvage/surplus items.
 - a. For large volumes where the estimated proceeds will exceed five thousand dollars (\$5,000.00), the type and quantity of scrap material shall be made known to the Contracts and Procurement Division for sale at public online auction.

- b. For disposal of scrap materials valued at less than five thousand dollars (\$5,000.00), employees shall contact at least three local vendors and obtain prices for the type of materials to be sold (since commodity prices change frequently). Scrap materials valued at less than five thousand dollars (\$5,000.00) may also be sold via public online auction.
 - c. Scrap materials shall be sold to the highest bidder.
 - d. Payment for scrap materials by the vendor shall be made only by check or electronic fund transfer (EFT) made payable to the City of Topeka. The employee shall not accept cash payment for any scrap materials. For scrap materials sold at public online auction, the online auction provider will collect the payment and auction fees from the buyer, and will remit payment to the City via EFT.
 - e. All payments shall be remitted immediately to the Administrative and Financial Services Department in accordance with Section 12.8 "Revenue Handling."
 - f. The applicable department/office/division of the City will determine whether to transport the scrap materials or have the designated vendor provide such transport. If vendor transportation is selected, vendor transportation fees shall be included in the price evaluation to determine the highest bidder. For scrap materials sold at public online auction, the buyer is responsible for pickup, shipping or transportation.
 - g. The employee delivering the scrap materials to the vendor shall obtain a weight ticket that lists the total weight and type of material. A copy of the ticket shall be submitted to the employee's supervisor, who will forward a copy to the Administrative and Financial Services Department. No weight ticket will be required if transport is provided by the vendor.
2. Salvage of materials. Scrap materials to be salvaged shall be recorded in Cityworks, if applicable, and returned to a City storage area, secured and inventoried. To the extent that it is cost effective to do so, Scrap Materials shall be sorted by material type.
3. Responsibilities.
- a. No City employee, or agent thereof, may personally possess and/or sell for personal gain any scrap materials or salvage/surplus items for any reason unless that individual purchased the same through public bid or auction.

- b. Violations may result in discipline, up to, and including, termination; and criminal prosecution as applicable.

12.4 Flags and Banners Protocol.

A. Selection of Flags to be Displayed on City Property.

1. The City has the authority to control the speech conveyed on all City property and, as such, the City Manager is responsible for determining what flags and other banners may be displayed on City property; provided, however, that the content on the flag or banner should be limited to matters of City interest rather than matters of a private or commercial nature.
2. The United States, State of Kansas and City of Topeka flags may be displayed at all City facilities. If an individual or group wants to display a flag other than these on City property, a request must be submitted seeking permission from the City Manager.
3. The request shall address the following issues:
 - a. Whether the display would closely relate only to the business of the City, including that of City Departments, boards or agencies, or other public agencies such as public schools, state or federal governmental agencies.
 - b. Whether the display would promulgate events or activities in which the City is a co-sponsor, organizer or partner.
 - c. Whether the display would violate the establishment clauses of the Kansas State or Federal Constitution.
 - d. Whether the message displayed would be obscene or otherwise bereft of constitutional protection.
 - e. The duration of time that the flag or banner will be displayed.
 - f. The specific location or designated City facility at which the display is desired.

B. Decision to Fly Flags at Half-Staff; Etiquette and Protocol.

1. The City shall adhere to all Presidential and Kansas Gubernatorial Proclamations and Executive Orders. The City, when directed, shall fly the United States flag at half-staff in accordance with the provisions outlined in the corresponding Proclamation or Executive Order.
2. A flag flown at half-staff shall be in accordance with the United States flag etiquette guidelines. When the United States flag is flown at half-

staff, the State and City flags should be removed or flown at half-staff as well. At no time shall any other flag be flown above the United States flag.

3. The Media Relations Division Director shall be the designated point of contact for official notifications. No City employee shall fly a flag at half-staff unless specifically authorized by the Media Relations Division Director.

- C. Right to Remove Flags or Banners. The City reserves the right to remove at any time and in its sole discretion, any flag or banner displayed at a City facility. The City Manager has the sole authority to make such decisions, which shall not be subject to the grievance procedure.

12.5 Organizational Sustainability.

The City strives to cultivate an organization that promotes and encourages environmental conservation, green infrastructure, energy efficiency, and sustainability practices in an effort to be an environmentally conscious, healthier, and more resilient city government and community. The City is resolved to balance its environment, economy, and society in a responsible manner – in a way that meets existing needs and levels of service, while at the same time ensuring future needs and levels of service. This section provides guidance for creating, maintaining, and expanding sustainable practices and executing subsequent decisions that achieve the City’s objective.

- A. Sustainability Focus Areas. The term “sustainability” is a continuous course of actions leading to a harmonious alignment of economic development, social development, environmental protection, and culture. Sustainable practices are derived from both daily and long-term actionable goals and objectives based on best practices which consider this alignment. Citywide and departmental policies and operating procedures will define goals and objectives ensuring today’s efforts address these four pillars in present and future City operations. The City has identified 5 key areas of concentration. These areas are in alliance with the STAR Communities Initiative (www.starcommunities.org), which is a framework for community-level sustainability goals, objectives and evaluation procedures. Goals and objectives will be achieved through citywide initiatives and departmental directives addressed in stakeholder policies and procedures. Five key areas are listed below:

1. Sustainable Facilities. Build, maintain and operate sustainable facilities. Sustainable facilities are those built, maintained, and operated in a manner that seeks efficiency in energy, water, and materials use and reduces harm to human health and the environment. They include occupied buildings, treatment plants, and other facilities such as water storage and pumping stations. Examples of sustainable practices include installing low-flow water fixtures, utilizing green infrastructure and spaces, planting native

plants, adhering to preventative maintenance plans, and creating shared common spaces for breaks or copy rooms.

2. Sustainable Purchasing. Develop and implement sustainable purchasing practices. Sustainable purchasing practices include consideration the total lifecycle cost of procuring consumable materials, equipment, and various products. Evaluation should consider criteria that include economic cost and environmental impact over the product's lifetime. Examples of sustainable practices include requiring minimum energy star ratings on products and equipment, locally sourcing products, providing healthier options in vending machines, purchasing natural cleaners and post-consumer products.
3. Vehicle Carbon Footprint. Develop process and practices to reduce carbon footprint related to city vehicles. Cars, trucks, heavy equipment, and specialized equipment are essential to City operations and services, but they create considerable greenhouse gas emissions. Examples of sustainable practices include utilizing routing optimization software, adhering to preventative maintenance plans, and changing driver behavior.
4. Waste Reduction. Prevent waste by reducing consumption, reusing, and recycling. The City should consider the entire lifecycle of a product. Examples of sustainable practices include providing recycling bins, using duplex printing, providing digital documents, and innovating with paperless workflows.
5. Community Sustainability. Encourage staff, consultants, and employees to create and maintain sustainable practices throughout the community. Examples include developing practices related to rain and low irrigation gardens, native plant gardening, walking/telecommuting to meetings, E-cycling events, ambient light and noise, promoting healthy lifestyles, supporting access to healthful and sustainable food sources, participating in events, and others as seen in the STAR Communities objectives.

B. Administration.

1. The City Manager will designate a Sustainability Coordinator for the City of Topeka. The Coordinator will be responsible for coordinating, consulting, educating and distributing information to the City departments concerning sustainability. The Coordinator may also participate in community activities on behalf of the City.
2. The Sustainability Coordinator will implement and/or participate in the development of citywide policies and operating procedures that promote sustainability.

3. Department Directors will appoint a sustainability liaison for their department. Each liaison will participate in a Sustainability Team lead by the Sustainability Coordinator. This team, along with the Department Director, will be responsible for implementing these provisions, defining departmental specific goals and objectives, as well as subsequent departmental policies and operating procedures within their department and throughout the City utilizing community-level best practices.
 4. The Sustainability Coordinator in coordination with the Sustainability Team will develop metrics for the organization based on outcome of the process described in this Section. The Sustainability Coordinator will provide metrics and related analytics on the City's Data Portals to the Finance Department. The Coordinator will report annual results from the STAR Community Rating System including comparisons with other organizations to the City Manager prior to annual operating budget process. Report information will be used to review levels of service for sustainability and how efforts have achieved goals and objectives.
- C. Departments and Liaisons.
1. Each department, upon development and/or review of objectives, policies and procedures, will address the five areas of concentration for implementation, change, or no longer applicable:
 - a. What practices will be addressed;
 - b. Definition of both short and long terms goals;
 - c. Identification of objectives and how they will be measured;
 - d. How these practices will be managed, who must comply, and accountability.
 2. Liaisons will be responsible for providing guidance on the development of sustainable practices for each department.
 3. Liaisons will be accountable for ensuring practices are implemented, objectives are measured, and goals are evaluated, in accordance with this Section.

12.6 Food and Beverage.

City Manager and/or Departments Directors may authorize food and beverages purchased with City funds, i.e., in conjunction with City business and/or employee functions. The following provisions provide the guidance needed to ensure that City funds are uniformly and appropriately used for providing food and beverages.

- A. Paid from Existing Budget. All food and beverage expenditures shall be paid from each department's existing budget. The Department Director may authorize the use of departmental funds to provide food and beverages for employees as it is reasonable and appropriate. This can include, but are not limited to, employee recognition and/or retirement, coffee and other beverages for shared office space, business meetings or workshops, to support employee morale or safety, any identified City programs or City-wide employee events.
- B. Specific exemptions or additions to this policy for use of City Funds for food and beverages include:
 - 1. Travel Expenses. Food purchases can be made by an employee who is on authorized work-related travel in accordance with the corresponding provisions contained in this Personnel Manual.
 - 2. Hosting Groups and Guests. The City authorizes paying for expenses such as meals and beverages for official guests of the City. An official guest might include recruitment candidates, visiting dignitaries, business colleagues or consultants.
 - 3. Alcoholic Beverages. No City funds shall be expended for alcoholic beverages.
 - 4. Abuse of Policy: If a Department is determined to have used City funds for food and beverage in an inappropriate or irresponsible manner, the City Manager can revoke that Department's ability to use their budget for those food and beverage purchases.

12.7 Procurement Cards.

The purpose of these provisions is to communicate procedures associated with the use of the City of Topeka Purchasing Card, (hereinafter "P-Card"), which will enable P-Card holders to more quickly and efficiently purchase goods and services valued at less than two thousand dollars (\$2,000.00).

- A. Definitions.
 - 1. Approver: Individual different from both the Cardholder and the Reconciler; the Cardholder's supervisor or upper management position in the department responsible for taking the action of *O-Close* for the charges in Lawson after validating comments and accounting units are accurately approved by the Reconciler.
 - 2. Cardholder: An employee to whom a Commercial Card is issued for making designated business purchases/payments on behalf of his or her organization.
 - 3. Itemized Receipt: Includes but not limited vendor number, invoice number, statement number, dates, item number and description of the good or service, the individual and division that requested the purchase, and any other relevant information for tracking and

reconciling purposes; upon remittance of itemized receipts, documentation must include the accounting unit and to which fund expenses should be charged.

4. P-Card: A charge card (payment method) used for business purchases of goods and services.
 5. P-Card Administrator: Contracts and Procurement employee; a common role responsible for various administrative tasks (i.e. ongoing operations) in a typical P-Card program, including card issuance, account maintenance, card cancellation, and reporting.
 6. P-Card Coordinator: Individual in a division, different from the Cardholder; responsible for tracking and managing P-Cards, and assisting Cardholders, Reconcilers, and the P-Card Administrator.
 7. Private Account: Shopping account intended for personal purchases of goods or services intended for personal use that are not related to City operations. Accounts include, but are not limited to, online, in store, over the phone, etc. purchases.
 8. Reconciler: Individual different from the Cardholder responsible for collecting receipts from the Cardholder and taking the actions of *A-Approve*, *U-Dispute*, or *R-Reject* charges in Lawson while matching itemized receipts to the weekly statement provided from the financial institution website each week. The reconciliation process occurs each week.
 9. Reconcile or Reconciliation: Process of reviewing and comparing card transactions to internal records of orders/payments and receipts, including resolving discrepancies and validating or allocating transactions to appropriate accounting units and funds.
- B. Must Seek Fair and Reasonable Prices. All purchases made with the P-Card must be on behalf of the City of Topeka. Purchasing on behalf of the City requires careful attention on the part of the purchaser to obtaining fair and reasonable prices while spreading purchases among many suppliers, including small, disadvantaged and women-owned businesses adhering to a strict ethical behavior.
- C. Dollar Limits. Individual user profiles are established for each employee (hereinafter referred to as “Cardholder”) for the P-Card program. Under the account cycle controls, dollar limits are established for each Cardholder based on the nature of the work performed and as stipulated by the Department Director:
1. Total cycle dollar limit per month cannot exceed ten thousand dollars (\$10,000.00) with the exception of the Buyers in Contracts and Procurement. **Note:** The total cycle dollar limit per month is set per

Cardholder and will not necessarily have a ten thousand dollars (\$10,000.00) maximum limit.

2. Maximum number of daily transactions allowed per Cardholder is ten (10).
3. Maximum dollar amount per transaction cannot exceed two thousand dollars (\$2,000.00), with the exception of the Buyers in Contracts and Procurement. **Note:** The maximum dollar amount per transaction is set per individual cardholder and will not necessarily have the maximum two thousand dollars (\$2,000.00) per transaction limit.

D. Small Purchases and Travel. Cardholders shall use a P-Card for small dollar purchases and for travel expenditures. When using the P-Card for travel, the employee is limited to the total cycle dollars available for the period. This includes all small dollar purchases made by the Cardholder within the billing period. Most hotels bill within the maximum dollar amount per transaction parameters; i.e., each night's accommodations are sometimes billed as separate transactions.

E. Misuse; Investigation, Discipline. Misuse of the P-Card is a violation of these provisions. The Administrative and Financial Services Department may suspend, deactivate or revoke a P-Card at any time it is deemed in the best interest of the City, including during an investigation of possible misuse. Misuse also includes the failure to provide itemized receipts for purchases. Employees who violate these provisions will be subject to discipline in accordance with Section 14 of this Personnel Manual and/or any applicable bargaining unit agreements. The following chart applies for instances of misuse that are not serious enough to constitute just cause for immediate suspension or termination based on specific circumstances.

1 st Misuse	Documented verbal counseling and resign the Cardholder Agreement.
2 nd Misuse	Written counseling and P-Card privilege revoked for up to six (6) months.
3 rd Misuse	P-Card privileges permanently revoked and/or otherwise determined by the P-Card Administrator, Department Director and the Director of Human Resources.
Theft (personal purchases)	Termination of employment will be determined by the Director of Human Resource.

F. Obtaining a P-Card. Cardholders will be required to receive training by the Contracts and Procurement P-Card Administrator and sign a Cardholder Agreement which indicates that the employee fully understands and agrees to abide by the applicable uses and provisions of a City P-Card.

G. Limitations. The Cardholder's name will be embossed on a unique City of Topeka P-Card that is designed to prevent confusion with personal credit cards. Use of the P-Card is conditional on the Cardholder's careful adherence to the following limitations:

1. All purchases must be made by the Cardholder. No supervisor of any Cardholder, no member of the Cardholder's staff or family, etc. may use his/her assigned P-card.
2. The P-Card **must not** be used for personal purchases, including those which are subsequently reimbursed by the Cardholder, i.e., airfare or other travel expenses for non-City employees. The Cardholder must protect the security of the P-Card and the P-Card number.
3. Cardholder information should never be maintained or saved for future use on any private account, internet site or otherwise.
4. The Cardholder must not exceed the established transaction limit or monthly cycle limit. The transaction limit is determined by the department/division during the application and approval process. A written request to increase a Cardholder's transaction limit must be forwarded by the Department Director to the P-Card Administrator.
5. The Cardholder must not split purchases to circumvent transaction limits or competitive bidding thresholds.
6. The Cardholder must not pool cards of multiple Cardholders to circumvent transaction limits or competitive bidding thresholds.
7. The Cardholder must not accept any gift or gratuity from any source when it is offered or appears to be offered to influence decisions regarding P-Card purchases.
8. Conference and seminar registration fees may be charged on a P-Card, provided, however, that the name of the employee, the purpose of trip, the travel dates and the destination are included in the supporting documentation and in the comments section in Lawson PD20 when approving transactions.
9. If a Cardholder has questions about the limitations on P-Card usage, the cardholder should contact the P-Card Coordinator for his/her department/division and the Contracts and Procurement P-Card Administrator prior to proceeding with the transaction.
10. Any and all rebates or special offers to the Cardholder must be designated to the City and used on another purchase for the City. At no time will a rebate personally benefit an employee or Cardholder.

11. Cardholders are prohibited from obtaining cash advances.
- H. Using the P-Card. The P-Card may be used for transactions over-the-counter, by mail, via telephone or via the Internet. The Cardholder is required to account for all transactions made using his/her assigned P-Card. This includes maintaining original, detailed receipts (printed confirmations of Internet transactions) and reconciliation of all transactions to the Lawson weekly download.
- I. Required Procedures.
1. Planning/Conducting a Transaction; Generally.
 - a. Know the limitations of the P-Card.
 - b. Review the prohibited purchases listed on the Cardholder Agreement.
 - c. Fair treatment to all suppliers and ensure that the price to be paid is fair and reasonable by checking the market on a regular basis.
 - d. Ensure that the best price has been obtained, all aspects of the transaction are fully understood and inquire the availability of discounts, quantity breaks, cost of delivery and packaging, etc.
 - e. Retain supporting documentation for each P-Card transaction showing the purchase detail, including total amount charged by item, and supporting the business purpose of the purchase. This documentation should include information that is specific and sufficient enough to ensure that the transaction was a valid business-related purchase, delivered (under virtually all circumstances) to a City location and related to the City's operating needs.

If a merchant cannot produce documentation the P-Card Missing Receipt Form shall be completed. This form is located on the City's Intranet site under Contracts & Procurement P-Card documents.
 - f. Transactions are classified as either commodities or services. Commodities are acquisitions of tangible goods. All non-tangible purchases are deemed to be the purchase of services. Services may fall under the Federal Guidelines for 1099 Reporting. The providing financial institution is responsible for all 1099 reporting.

2. Over-the-Counter Transactions.
 - a. Select items to be purchased and present such items, along with the P-Card, to the supplier.
 - b. Advise the supplier that the purchase is non-taxable by providing the City's tax exemption certificate issued by the State of Kansas. The City's tax exempt form is available from the Contracts and Procurement Division or printed at the top of the P-Card. It is the Cardholder's responsibility to act as an agent of the City to ensure the proper use of the City's sales tax exempt number.
 - c. Verify that the dollar amount is correct, sales tax has not been included and sign the sales ticket.
 - d. Retain a copy of the detailed, signed sales ticket, as well as all related invoices and receipts, for reconciliation and filing.
 - e. If a purchase is denied, it may be that the dollar amount of the transaction exceeds the transaction or cycle limit on the P-Card, or that the Cardholder's P-Card is not authorized for the transaction code that applies to the purchase being made.
3. Mail, Telephone and Internet Transactions. P-Card purchases from internet sites (i.e. Amazon, Sam's Club, etc.) should be established as tax exempt, if possible.
 - a. Sam's Club Purchases shall be completed by a P-Card Administrator in Contracts and Procurement.
 - b. Amazon purchases shall be completed through the Amazon Business account by a qualified Cardholder under their account, as established by a P-Card Administrator in Contracts and Procurement; unless otherwise determined by the Division Director of Contracts and Procurement.
 - c. Provide your name, P-Card number and expiration date on the account, as well as the appropriate shipping address. In some instances, merchants will require the Cardholder to furnish the three-digit security code located on the back of the P-Card.
 - d. Advise the supplier that the purchase is non-taxable. Furnish a copy of the City's tax exemption certificate.
 - e. Determine the best method of shipping and provide instructions to the supplier.

- f. Request that the supplier mark on the sales invoice, Terms of Sale: “FOB Destination” or “FOB Origin” if the City is paying the freight on a collect basis. FOB is a shipping term meaning “free on board”; this will make the supplier accountable for any loss or damage while the item is being transported.
 - g. If you must accept FOB terms other than “FOB Destination” Prepaid and Allowed; “FOB Destination” Prepaid and Added; or “FOB Origin”, and loss or damage occurs during shipping, the City Cardholder must resolve the issue with the freight carrier and may incur the additional costs.
 - h. If possible, instruct the supplier to write the Cardholder’s name and the term “P-Card” on all shipping documents.
 - i. When goods are received, retain all sales receipts and packing slips to aid in reconciliation.
 - j. Payment through electronic payment services (i.e., PayPal) should be reviewed more carefully. Note: There have been documented cases of credit card fraud through the use of these payment services, so double check any payments to vendors who use electronic payment services to process payments, rather than the normal credit card vendor that takes credit card payments directly.
 - k. Never provide your card number to any person or entity making the request when you did not initiate the transaction.
 - l. Never respond to unsolicited offers.
- J. Returns, Damaged Goods and Credit. If the Cardholder determines that the material is damaged, substandard or incorrect, the Cardholder must notify the supplier that the item needs to be returned and:
- 1. Request an address for returned shipping as well as a return authorization number.
 - 2. Request that the supplier process a credit to the Cardholder’s P-Card.
 - 3. Record the dispute to the original transaction. This reference will be used during the reconciliation process to identify that those goods have been returned for credit.
 - 4. Ensure that the credit appears on a following periodic report from the P-Card provider bank. If the credit does not appear, notify the supplier, the Division’s P-Card Coordinator and the Contracts and Procurement’s P-Card Administrator.

Note: If the goods were purchased locally, the Cardholder may return the merchandise in person and have the supplier provide a credit receipt in compliance with the above referenced instructions should be followed for record retention and reconciliation.

K. Resolving Disputes with Suppliers.

1. If the Cardholder is charged for an item incorrectly, he/she must contact the supplier and attempt to resolve the problem. The Cardholder must document any communication that occurs, including the dates, the person(s) involved and a brief description of the problem.
2. If the Cardholder is unable to resolve the dispute with the supplier, the Cardholder must complete the relevant P-Card Dispute Form from the providing financial institution, fax it to the providing financial institution, send a copy to the Contract and Procurement's P-Card Administrator and to the Division's P-Card Coordinator, who will maintain a file for all of the Division's dispute forms. The dispute form is located on the City's Intranet page.
3. If the statement does not appear to be correct, the Cardholder must notify the Contracts and Procurement P-Card Administrator, his/her Division's P-Card Coordinator and contact the supplier for a status of the resolution.

L. Approving the Weekly Statement. Reconcilers must first, *A-Approve*, *U-Dispute* or *R-Reject* each of their Cardholders' charges in Lawson; and second, each Cardholder's Approver must *O-Close* each transaction to validate and authenticate all P-Card transactions are in accordance with these provisions.

1. Reconciliation of the P-Card transactions downloaded from the provider bank into Lawson must be approved and closed within seven (7) days from the weekly statement date.
2. Each P-Card Reconciler, or Approver, has a personal obligation to question and report purchases that do not appear to be in the best interest of the City. This is not an easy task for many, because of the reporting relationships involved in most cases and the potential for retribution in extreme circumstances. Not reporting such situations is a violation of this Personnel Manual.
3. If you are an Approver, be sure to personally O-Close and document your closing of P-Card purchases. Do not informally delegate the closing responsibility to another person. In addition, be sure to verify each purchase before authorizing closing. Remember that the Approver is accountable for any unauthorized P-Card purchases that are closed and, as such, is subject to discipline for misuse.

- M. Administration.
1. The P-Card Administrator, Division Director of Contracts & Procurement, Finance Manager and/or the Director of Administrative and Financial Services have the authority to suspend, deactivate or revoke P-Cards from Cardholders who do not approve and close their accounts in accordance with these provisions.
 2. The Department of Administrative and Financial Services will conduct random audits of P-Card transactions.
- N. Accounting for Lost or Stolen P-Cards. If a P-Card has been lost, stolen or a Cardholder's account number has been compromised in a fraudulent manner, the Cardholder must notify the P-Card provider financial institute, the P-Card Administrator and his/her Division's P-Card Coordinator immediately. If stolen, the Cardholder must also contact the Police Department to file a theft report.
- O. Changing Cardholder Information and Usage. If the Cardholder changes his/her name, business address or default charge account, moves to another Division within the City or terminates employment with the City, he/she must notify the Division's P-Card Coordinator immediately. Upon termination, the Cardholder's P-Card shall be returned to the Coordinator.
- P. Assistance. If Cardholders, Coordinators, Reconcilers, or Approvers have questions, concerns, or changes of information concerning the Cardholder's profile or usage, they should contact the Contracts and Procurement's P-Card Administrator.

12.8 Revenue Handling.

- A. Definitions.
1. *Dual Control* -- Where two Revenue Handlers have responsibility for funds. The underlying theory is that the two Revenue Handlers can vouch for each other's action. One type of Dual Control is demonstrated when a safe requires two combinations or a combination and a key to open. When the combinations or combination and key are assigned to two Revenue Handlers, access requires Dual Control. In this circumstance, a vault or safe could not be opened without two people being present.
 2. *Loss* -- A Revenue Handler obtains physical custody of money and then, due to negligence, theft, misfeasance or natural disaster (e.g. fire, flood, tornado, etc.), cannot deposit that money with the Chief Fiscal Officer. Leaving City money unattended and not properly safeguarded is an example of a Revenue Handler's negligence that could result in a Loss.

3. *Revenue* -- Applies to currency, coin, check, money order, credit card, electronic funds and other negotiable instruments payable in money to the City.
4. *Revenue Handler* -- Any employee whose position includes the responsibility for receiving, transmitting, safeguarding and/or depositing City funds, whether cash, check or credit card.
5. *Revenue Handling* -- The receiving, transmitting, safeguarding and depositing of all funds received by the City, whether cash, check or credit card.
6. *Revenue Overage (or Overage)* -- Occurs when too much money is collected and the excess cannot immediately be returned to the customer.
7. *Revenue Shortage (or Shortage)* -- Occurs when an unintentional collection error is made - e.g., does not obtain physical custody of money or a change-making error occurs.
8. *Segregation of Duties* -- No single person handles a transaction from beginning to end. If possible, different people within a Revenue Handling operation should perform the following four basic functional categories:
 - a. Authorization or approval of transactions.
 - b. Recording of transactions.
 - c. Custody of funds.
 - d. Monitoring to ensure compliance with control procedures.

If only one person performs two or more of these functions, there is no independent check for mistakes; and errors and/or irregularities are very likely to go undiscovered for long periods. It is not practical for the City to maintain strict Segregation of Duties due to limited staff size. Other control measures used to assist in this area should include a rotation of duties between personnel and stricter supervision to include special spot-checking of a Revenue Handler's work.

9. *Single Control* -- When a Revenue Handler is solely responsible for funds. Since only one person has access to the funds, that one individual can be held accountable in the event of a Loss. If funds are under Single Control, they must not be accessible to others. Therefore, if a safe accessed by multiple Revenue Handlers is used for overnight storage of funds under Single Control, those funds must be secured separately within the safe. This ensures that

Revenue Handlers with access to the safe do not also have access to the Single-Controlled funds.

- B. Overview. All employees engaged in any activity related to payments to and from the City must adhere to a system of internal controls that safeguard City funds and safeguard against duplicate or improper payments. Controls must promote accuracy and reliability in accounting and operating records, promote the efficiency of operations and allow for the Segregation of Duties to ensure no one person performs all tasks. In addition, internal controls are in place to utilize procedural controls that govern the flow of transactions through a system. Effective revenue handling management principles employ the use of industry-approved best practices, as well as the implementation of sound internal controls. Utilization of the following will aid in the achievement of this common goal:
1. The organization's structure should provide for the segregation of functional responsibilities, such as invoicing, receipt of payments, record keeping, etc.
 2. No duplicate invoice number is allowed to be entered into the Financial System. The financial system is coded to prevent any duplicate invoice number being entered to the same vendor. If a duplicate invoice number is presented to Accounts payable, the vendor will be notified that it cannot be entered or paid. All items on order must be received, approved and entered into the system by different staff to maintain segregation of duties and prevent duplicate payments.
 3. The work environment must be conducive to safeguarding money. This includes proper office layout with counters, safes, cash boxes, cash registers/terminals, camera and video monitors, alarm buttons, etc.
 4. Employees must be qualified and trained in proper Revenue Handling techniques.
 5. There must be sufficient staff to permit Segregation of Duties.
 6. Limited access should be given to Revenue Handlers.
 7. Sound practices and procedures must be established and followed at all times in the performance of department functions.
 8. Where a work unit is not large enough to allow for proper Segregation of Duties, or if the work environment does not permit the optimal physical facilities, management oversight must be increased.

C. Responsibilities.

1. The Chief Fiscal Officer is authorized to promulgate rules for establishing procedures for the receipt, handling and deposit by City employees of City Revenue into the City Treasury; for the method of documentation on all transactions; for reporting; for inspection of departmental revenue records, including overages or shortages; for inspection of departmental practices and procedures in handling City Revenue; and for contracting with agents to collect City Revenue, including their collection procedures.
2. The resources of the City are assets held in trust for its taxpayers. Every employee, from a front-line Revenue Handler to a Department Director, is responsible to protect the assets of the City. A clear responsibility lies with management to install and maintain a Revenue Handling control system that will prevent, detect and deter fraud and Losses.
3. Department Directors are responsible for:
 - a. Ensuring the safeguarding of City funds.
 - b. Collaborating with the Chief Fiscal Officer to establish and maintain a system of procedures, documentation and reporting for all areas of their department's Revenue Handling operation(s).
 - c. Ensuring that procedures are in place within their departments in order to comply with these provisions.
 - d. Assuming accountability for exceptions to, and deviations from, these provisions.
 - e. Notifying the Chief Fiscal Officer immediately upon discovery of a Loss. Written notice shall be given no later than twenty-four (24) hours after discovery.
 - f. Allowing the Chief Fiscal Officer or designee to make on-site inspections and observe the processing of City Revenue, and to make inspections of departmental collection records.
4. Revenue Handlers are responsible for:
 - a. Using due diligence in handling City Revenue so that reasonable protection is provided to those assets at all times by counting money and storing it in a secure place (preferably a safe) until money is given to the Administrative and Financial Services Department.
 - b. Complying with rules promulgated by the Chief Fiscal Officer for handling and processing of City Revenue and the

documentation and dissemination of records, as well as compliance with internal departmental procedures.

- c. Notifying Department Director and the Chief Fiscal Officer of any instance that is deemed to be a serious failure to give proper care to City Revenue, securities or other valuables, whether or not such failure has resulted in a Loss. If Loss is discovered, written notice shall be given to the Department Director and Chief Fiscal Officer no later than twenty-four (24) hours after discovery.
- d. Notifying Department Director and the Chief Fiscal Officer of any instance where a City employee has knowledge or suspicion of a misuse of funds or a dishonest act by another City employee.

D. Control Standards.

- 1. Receiving and processing funds. Procedures must be in place, which will ensure that all payments received are processed and that any payment may be traced from initial receipt to final disposition. Each Revenue Handling operation will include the following controls, unless otherwise approved in writing by the Chief Fiscal Officer.
 - a. Strict control must be maintained over all receipt documents, both issued and unused.
 - b. Pre-numbered and sequentially-numbered receipts must be used, either manual or cash register generated, for all money received.
 - c. Duplicate receipts must be used, at a minimum, when manual receipts are issued to allow for a customer copy, a Revenue Handler copy and a copy that will remain in the manual receipt book.
 - d. The mode of payment must be indicated on manual receipt forms, e.g., cash, personal check, money order or other.
 - e. Receipts must be signed or initialed by the person issuing the receipt. Receipts generated by a cash register should also indicate the person issuing.
 - f. Customers must be encouraged to obtain receipts for their payments.
 - g. A separate revenue box/drawer/register must be provided for each Revenue Handler. Funds accepted by any Revenue Handler must be under Single Control of the Revenue Handler. Shared drawers or registers accessed by more than

one individual are not acceptable. Revenue Handlers must have sole access to City revenues collected in the performance of their duties.

- h. Strict control must be maintained over the access to funds. Never leave cash or checks unsecured.
- i. A restrictive endorsement must be placed on checks as soon as they are received.
- j. Personal and two-party checks will not be cashed, nor will loans be made to employees, from any change fund. The Administrative and Financial Services Department will cash travel reimbursement checks (up to a maximum of seventy-five dollars (\$75.00) and process change orders, provided funds are available.
- k. Departmental policy must set the amount of revenue, which any one Revenue Handler may hold. When funds at a Revenue Handler's workstation exceed this amount, an additional deposit or transfer of funds to a safe must be made.
- l. In an environment where a cash register is used, the Revenue Handling supervisor must understand the register capabilities and limitations. Cash registers must be in good repair with all mechanical controls fully functional.
- m. Proper management of mail collection is particularly important, because the person making the payment is not present, and no receipt is issued at the time of collection. Until control over the receipt of mail payments is established, mail processing should be performed under Dual Control.
 - i. Mail must be opened daily with an independent listing made of payments received.
 - ii. Mail must be worked independently of over-the-counter receipts.
 - iii. Checks must be restrictively endorsed immediately upon opening.
 - iv. Final deposits of mail payments must be reconciled with an independent listing made of mail payments received.
 - v. Procedures must be established to prescribe how payments that cannot be accounted for upon receipt will be handled, e.g, a utility payment received without

an accompanying utility bill or a parking fine paid without an accompanying ticket.

2. Safeguarding funds. Strict control must be maintained over the access to funds at all times. Dual Control over the processing and storage of all Revenue funds must be used, when and where practical. Access to vaults and safes shall be limited and controlled.
 - a. Revenue Handlers must be provided secure work areas. When Single Control over Revenue is expected, each individual must be provided space, equipment and supplies to achieve Single Control.
 - b. Secured areas must be provided for Revenue reconciliation and deposit preparation. Only authorized individuals will be allowed in Revenue Handling areas.
 - c. Revenue funds are to be collected and stored in locked boxes or drawers. The locked box or drawer is to be kept in a secure area, where only the Revenue Handler and the Department Director or their designee(s) has a key and access to the funds. No funds are to be left unattended and unsecured.
 - d. Provisions should be made in departments where more than one Revenue fund exists to secure all funds that are not being utilized or during non-business hours; all funds are required to be stored in a locked vault or safe. Only the Revenue Handler, Department Director or their designee(s) should have access to an employee's Revenue fund in the event of his/her absence.
 - e. Vaults and safes must be positioned so that they are not visible to the general public. Combinations to vaults and safes must be assigned to the smallest number of individuals practicable, given the business needs of the work unit.
 - f. Vault or safe combinations must never be written down in the Revenue Handling area. Safe combinations held by individuals who serve as back up to the everyday users of the safe, who may need to write down the combination, must keep the combination offsite or on their person. When an individual who knows the vault or safe combination leaves City employment, the safe combination must be changed.
 - g. Revenue Handlers are to be in sole possession of their revenue drawer or box key. Duplicate keys will be placed in a locked key box under Dual Control. It is the Revenue Handler's responsibility to immediately notify their supervisor in the event a key is lost. No replacement key shall be made, but

rather the lock on the revenue receptacle in question is to be promptly replaced.

- E. Transferring and/or Transporting Funds. Revenue counts and reconciliations must be witnessed whenever City funds change hands. Whether transferring funds between Revenue Handlers within a work unit or transporting funds between locations, individual accountability can only be maintained by protecting the chain of custody.
1. All transports of Revenue between locations will be made in locked transport bags. Couriers must not have keys to the transport bags. Only the sending and receiving units will have keys.
 2. A Revenue count, reconciliation and receipt will be issued whenever City funds change hands. When dealing with a large amount of Revenue, it may not be feasible for the courier to remain while the Revenue is counted and reconciled by the receiving custodian. In that instance, the Revenue count and reconciliation will be completed and a receipt sent via interoffice mail or given to the courier during his/her next visit.
 3. The transfer of funds between locations or units must be performed under appropriate security. Regular deposits will be transported to the bank by armored car, where feasible.
- F. Reconciling and Depositing Funds.
1. All funds must be deposited daily or when feasible; but not less than weekly in accordance with the Topeka Municipal Code Section 3.05.010.
 2. In an environment where a cash register is used, the Revenue Handler's supervisor must maintain in his/her possession, and be responsible for, the key used to produce a cash register "Z" tape required to close out the register.
 3. Someone in the accounting function, in addition to the Revenue Handler's supervisor, must ensure that the full "Z" tape sequence is accounted for in Revenue Handling environments where cash registers are used. Cash register "Z" tapes are sequentially numbered and maintain a running total of all transactions on the cash register. An unaccounted for "Z" tape may indicate a missing deposit.
 4. Each Revenue Handler must reconcile on a daily basis. A formal reconciliation must be prepared by the Revenue Handler and then approved by a supervisor. A supervisor's review must confirm that the amount of Revenue indicated on the reconciliation is accurate. Furthermore, the supervisor must ensure that the total receipt documents equal the Revenue totals and must account for all sequentially numbered receipts. Finally, the supervisor must review and approve voided transactions.

5. The Revenue Handling and accounts receivable functions must be separated.
 6. Independent of the Revenue Handling operation, the Administrative and Financial Services Department will prepare, at least monthly, a reconciliation of bank accounts within fifteen (15) days following the end of the month. A list of reconciling items may be provided, upon request, to Department Directors for their review.
 7. A periodic reconciliation must be performed by departments between what is received and what is accounted for on the subsidiary accounting system, such as accounts receivable, independent of the Revenue Handling operation.
- G. Returned Checks.
1. All returned checks will be charged a return check fee as determined by the Administrative and Financial Services Department. The fee is applicable when a customer, taxpayer or employee's check for payment of fees, fines, court costs, taxes, utility or other charges has been dishonored by the maker's bank and returned to the City. The fee, plus the base amount of the check, will be payable to the City by means of cash, money order or cashier's check.
 2. If a customer, taxpayer or employee fails to honor the returned check within ten days, the check will be turned over for collection or criminal sanctions, depending on which option is applicable.
- H. Training. All individuals required to handle City funds must be appropriately trained in the proper conduct of their assigned duties. The City will provide basic Revenue Handling training to all individuals who handle funds. Individual departments are responsible for ensuring that applicable personnel provisions, policies, rules and regulations are adhered to.
- I. Written Robbery Procedures. Each area handling Revenue must have written procedures for use should a robbery occur. Revenue Handlers must be instructed on how to act during and after a robbery to ensure their safety and that of co-workers. This information is detailed in the Revenue Handling Procedures Manual. Each department is encouraged to consult with the Topeka Police Department on its specific needs, if and as necessary.
- J. Record Retention. Revenue collection sites are required to retain records pertaining to Revenue Handling for five calendar years.

12.9 Capital Assets.

A. Overview.

1. Definition; Examples. Capital Assets are the largest assets of a local government. Capital Assets are tangible and intangible assets acquired for use in operations that will benefit the local government for more than a single fiscal period. Typical examples of Capital Assets include: land, land improvements, construction-in-progress, infrastructure/improvements, buildings, furniture, motor vehicles, heavy equipment and software. As a general rule, local governments should report only those Capital Assets that they own. For capital leases, although title to the financed asset does not pass to the lessee until the end of the lease term, the lessee assumes the risk of ownership. Therefore, it is reported as Property under Capital Lease.
2. Reporting; Historical Cost. Capital Assets should be reported at their historical cost, which can include: (i) all charges to place the asset in its intended location (for example, freight); (ii) all charges to place the asset in its intended condition for use (for example, installation or site preparation); and (iii) subsequent additions or improvements that enhance a Capital Asset's functionality or extend its expected useful life. Expenditures for repairs are generally not included in historical cost. If historical cost information is not available, estimated historical cost may be used. Donated Capital Assets should be reported at their estimated fair market value on the date the donation is made. Typical donated Capital Assets include land, buildings, furniture, fixtures, and equipment.
3. Capitalization Threshold. As a practical matter, not all items that meet the definition of a Capital Asset should be capitalized for reporting purposes. The City has established a dollar value or capitalization threshold that Capital Assets must exceed if they are to be capitalized. Assets that fall under the capitalization threshold, but should continue to be tracked, are defined as "Attractive Assets" and subject to the provisions of subsection B 15 below.
4. Responsibility. The primary responsibility for debt financing recommendations rests with the Administrative and Financial Services Director. In developing such recommendations, the Director shall be assisted by City staff, including other members of the Department. The responsibilities of City staff shall include ensuring adherence to these provisions.

B. Generally.

1. Budgeting/Project Budgeting. Budget/Project budgets may include funds for aspects of a project that should not be capitalized. In the accounting system, the decision about whether to "capitalize" a particular expenditure – that is, treat it as an expenditure that creates or adds to a Capital Asset – must follow the criteria set out in this Section; regardless of whether capital funding sources were used to build or purchase the asset. The exception is for grant-funded

projects, where the requirements of a particular grant may supersede such criteria.

2. Capital Assets vs Attractive Assets. For attractive (theft sensitive) assets, there is no need to estimate or summarize the asset value for financing reporting. There is only a need for procedures to be in place to ensure the safekeeping of such assets and their availability for City use.
3. Depreciation of Assets. With the exception of land, which has inexhaustible useful life, Capital Assets have limited useful lives and systematically decrease in value while used in operations. The City uses the straight-line method of depreciating its Capital Assets. Construction in Progress is not depreciated. When the project is completed it is removed from Construction in Progress and recorded under its appropriate Capital Asset category, where it is then depreciated according to its estimated useful life.
4. Resolution No. 8818 City of Topeka Policy for Debt Management. Capital acquisitions, improvements, equipment and projects are categorized into either “pay-as-you-go” or “debt financing” classifications. The City shall evaluate each project to determine the most affordable and/or advantageous method of financing with consideration for the following principles. In general, pay-as-you-go capital projects shall be characterized by a cost of no more than one hundred twenty-five thousand dollars (\$125,000.00), an asset life of no more than five years or an improvement that is expected to extend the useful life of an existing Capital Asset by no more than five years. Debt financing capital projects shall generally be restricted to major, non-recurring capital expenditures for assets or asset improvements costing in excess of one hundred twenty-five thousand dollars (\$125,000.00) and having an expected useful life in excess of five years.
5. Trade-In. In the event one asset is traded-in for the purchase of a “new” asset, the “new” asset shall be recorded in the accounting system at an amount equal to the remaining book value of the asset surrendered, plus any additional monetary consideration provided to the seller.
6. Generally Accepted Accounting Principles (GAAP). The City shall adhere to GAAP in accounting for Capital Assets.
7. Capital Asset Threshold Minimum. The Governing Body through the Capital Improvement Plan development process established a Capital Asset threshold minimum of five thousand dollars (\$5,000.00) and an estimated useful life of two years. The Administrative and Financial Services Department has provided the

following table that provides a capitalization threshold and estimated useful life for each category of Capital Assets:

Asset Category	Examples	Dollar Threshold	Est. Useful Life
Land	<ul style="list-style-type: none"> • Property Parcels • Right of Way • Easements 	Capitalize All	Indefinite
Land Improvements	<ul style="list-style-type: none"> • Walkways • Parking Lots • Landscaping 	\$25,000	10-25
Building & Improvements	<ul style="list-style-type: none"> • Structure(s) • Major Refurbishment & Renovation 	\$25,000	20
Office Furniture & Equipment	<ul style="list-style-type: none"> • Office Furnishing • Office Equipment • Copy Machine 	\$5,000	5-10
Motor Vehicles	<ul style="list-style-type: none"> • Vehicle/Accessories 	\$5,000	5
Machinery & Equipment	<ul style="list-style-type: none"> • Heavy Equipment • Shop Equipment/Tools • Law Enforcement Equip • Medical Equipment • Recreation Equipment 	\$5,000	5-10
Infrastructure	<ul style="list-style-type: none"> • Bridges • Roadways • Sidewalks • Utility Lines • Bike Paths 	\$25,000	10-50
Intangible Assets	<ul style="list-style-type: none"> • Internally developed software 	\$25,000	10
Grant-funded equipment or improvements	<ul style="list-style-type: none"> • Any asset funded or partially funded by federal or state 	If grant requirements do not specify criteria, use the thresholds above	If grant requirements do not specify criteria, use the thresholds above

8. Types of Assets Capitalized.

- a. *Purchased Capital Assets* are purchased in new condition, and/or custom specified. Each individual item must meet the minimum threshold amount for its particular asset category. In addition to the equipment cost, the City may also incur ancillary charges necessary in placing the asset into service. These costs should be added to the equipment cost when calculating the total original cost for the Capital Asset. The piece of equipment alone may not have met the threshold cost

to be considered capital, but may meet the threshold after including ancillary costs. If the asset meets the criteria for capital, both the equipment and ancillary charges should be coded to capital line items. There are generally three phases to a purchased Capital Asset, detailed below:

- i. *Preliminary – Expensed (treated as non-capital)*
 - Conceptual formulation of alternatives
 - Evaluation of alternatives
 - Determination of existence of needed technologies
 - Studies, assessments, and comprehensive plans
 - Final selection of alternatives
 - General administrative and overhead
 - ii. *Purchased and installation phase – Capitalized (only if committed to project)*
 - Cost of asset (equipment, building, land)
 - Ancillary charges necessary in placing the asset into service such as transportation, insurance, shipping/freight, installation, modifications, accessories, professional services, licensing/permitting
 - For completed land and building purchases – appraisals/surveys
 - Travel costs incurred by employees in their duties directly associated with installation
 - External direct cost of materials and service (third party fees for services)
 - Payroll and payroll-related costs of employees directly associated with or devoting time to this phase of the project
 - iii. *Post-implementation phases (after testing, when assets go into actual operational use) – Expensed (treated as non-capital)*
 - End user training
 - General maintenance
- b. *Constructed Capital Assets* include project costs from the time the City legally commits to a project, until the project is accepted for maintenance. A project is considered to be “committed” if money is budgeted either for specific types of improvements or for improvements at a particular site. All costs related to the construction of an asset must be capitalized and the thresholds apply to the total cost after completion of the project. These costs generally include amounts paid for contract work (for work done by outside contractors), materials and supplies furnished by the City,

labor of City employees and project management costs. Some costs will be direct costs and readily assignable, while some will be indirect costs that should be allocated to the benefited assets in a reasonable manner.

Costs incurred during construction must be reported as Construction-in-Progress if construction has not been completed by year-end. Once completed, the Construction in Progress asset is reclassified as Building, Improvements Other Than Buildings, Infrastructure or Machinery and Equipment.

There are generally three phases to a constructed Capital Asset, detailed below:

- i. *Preliminary/feasibility phase – Expensed (treated as non-capital)*
 - Conceptual formulation of alternatives
 - Evaluation of alternatives
 - Determination of existence of needed technologies
 - Studies, assessments, comprehensive plans
 - Final selection of alternatives
 - General administrative and overhead
- ii. *Project phase – Capitalized (only if committed to project)*
 - Architectural and engineering
 - Right-of-Ways and/or Easements – appraisals, acquisition, and relocation
 - Site preparation
 - Survey, plan specifications
 - Bid process
 - Construction contract, required testing related to construction, engineering and inspection
 - Ancillary charges necessary in placing the asset into service such as transportation, insurance, shipping/freight, installation, modifications, accessories, professional services, licensing/permitting
 - Travel costs incurred by employees in their duties directly associated with project
 - Payroll and payroll-related costs of employees directly associated with or devoting time to this phase of the project
 - Capitalized interest if applicable
- iii. *Post-implementation phases (after testing) – Expensed (treated as non-capital)*

- End user training
 - Future licensing/permitting
 - General maintenance
- c. *Infrastructure* is a subset of Constructed Capital Projects. New infrastructure includes development, construction, improvements, restoration and rehabilitation. Infrastructure assets are often linear and continuous in nature. Some examples of infrastructure assets are roads, bridges, curbs, gutters, streets, sidewalks, water lines, sewer lines and drainage systems. The City capitalizes street resurfacing because it is performed at or beyond the end of the original life of the street surface and adds to the life of the street.
- d. *Betterments/Improvements* to Existing Capital Assets provide substantial additional future benefits to an existing asset and meet the following two tests:
- i. The incremental cost of the upgrade must exceed the appropriate cost threshold.
 - ii. The impact on the original asset must be an enhancement to the asset or preserve the asset. “Enhancement” costs add new capacity or functionality to the existing Capital Asset. Examples of enhancements include creating a new lane of roadway or re-channeling an intersection to increase traffic flow. Enhancements meeting the cost threshold are capitalized. “Preservation” costs extend the useful life of a Capital Asset beyond its original life. If these costs exceed the cost threshold, they are treated as capital cost. Note that land is a type of asset that never has preservation costs. The characteristics of land can be changed or preserved through capital investment, but the land itself will always have an indefinite life.
- e. *Maintenance and routine repair costs* are costs that allow an asset to realize its original function and life. Maintenance and routine repair costs are treated as non-capital and expensed as an operating cost when they are incurred. Major repair should be capitalized if they result in betterments/improvements. The difficulty arises in the case of capital outlays that are partly replacements and partly betterments/improvements. To the extent that the project replaces the “old” part of the Capital Asset, outlays should not be capitalized (unless the “old” part can be identified and removed from the cost of the asset); and to the extent that the project is betterment/improvement outlays should be capitalized. When the distinction between replacement and

betterment/improvement is not easily determinable, the cost of the entire project should be expensed.

- f. *Intangible Assets* include computer software. The City will capitalize the purchase or development of centralized computer software with costs of twenty-five thousand dollars (\$25,000.00) or greater and has an estimated useful life of more than one year. Software development generally involves three phases detailed below.
- i. *Preliminary project phase – Expensed (treated as non-capital)*
 - Needs assessment
 - Conceptual formulation of alternatives
 - Evaluation of alternatives
 - Determination of existence of needed technologies
 - Final selection of alternatives
 - Data conversion (data is not capital)
 - General administrative and overhead
 - ii. *Application development phase – Capitalized (only if committed to project)*
 - Design of selected software
 - Travel costs incurred by employees in their duties directly associated with development
 - External direct cost of materials and service (third party fees for services)
 - Costs to obtain software from third parties
 - Software configuration and software interfaces
 - Coding
 - Payroll and payroll-related costs of employees directly associated with or devoting time in coding, installing or testing
 - Testing, including parallel processing phase
 - Initial licensing costs
 - iii. *Post-implementation phase (after testing, software is ready to be brought online and into use) – Expensed (treated as non-capital)*
 - End user training
 - Data conversion (data is not capital)
 - Future licensing costs
 - Application maintenance contracts and activities

Capitalization of software costs should begin when the preliminary project phase is complete and management commits to funding the software project with the intent to complete and use it to perform its planned functions.

Capitalization should cease no later than the time at which the substantial testing is complete and the software is ready for its intended purpose or rendered in service. Costs incurred during software development must be reported as Construction in Progress if development has not been completed by year-end. Once completed, the Construction in Progress asset is reclassified as Intangible Assets. Computer hardware purchases are not capitalized as part of software Capital Assets. If the cost of the computer hardware meets the Capital Asset cost threshold for Machinery and Equipment it will be capitalized individually, as a separate Capital Asset. If the cost does not meet the Capital Asset cost threshold, then it is expensed as non-capital and tracked as an Attractive Asset.

- g. *Donated Assets* are capitalized at the fair market value of the asset when the asset is received by the City. Contractor contributions of land or infrastructure are one type of donated asset. If it does not meet the threshold a determination will be made as to whether the asset is an Attractive Asset and then tracked accordingly. To ensure proper accounting, the following information shall be provided to the Administrative and Financial Services Department by the department receiving the donated asset:
 - i. The donation date (or estimated date of donation).
 - ii. A detailed description.
 - iii. The location of the asset.
 - iv. A description of the eligibility requirements that must be met before the City claims ownership, if applicable, including when such requirements are expected to be met.
 - v. Any unique identifying numbers (i.e. serial numbers, parcel numbers).
 - vi. The estimated fair market value of the asset on the date of the donation.
- h. *Capital Leases* are agreements that meet at least one of the following criteria per Governmental Accounting Standards Board (GASB) 34.
 - i. Ownership transfers to the lessee by the end of the lease term.

- ii. A bargain purchase option is available in the lease.
- iii. The lease term is equal to at least Seventy-five Percent (75%) of the estimated economic life of the leased asset.
- iv. The present value of the lease payments equals at least Ninety Percent (90%) of the fair value of the leased asset.

Leases that do not meet any one of the four criteria listed above are treated as an operating lease and the lease payments are recorded as rent. Capital leases are recorded at an amount equal to the present value of the minimum lease payments, but not to exceed the fair market value of the property.

- i. *Grant-Funded Assets* will be capitalized based on the criteria specified by each individual grant requirements. Depending on the terms of the agreements involved, the federal government could retain an equity interest in these assets. These assets are identified in the asset system as grant-funded for tracking purchases in the event of a sale, surplus, trade-in or disposition of the item.

9. Responsibility for Reporting Capital and Attractive Assets. Departments are *responsible for reporting all Capital and Attractive Assets acquired* by purchase, construction, donation or leases to the Administrative and Financial Services Department by completion of a fixed asset input form. The Administrative and Financial Services Department is responsible for the maintenance of an accurate Capital and Attractive Asset system based on the information provided. The asset system shall include the following information, if available, about a specific asset:

- a. Description
- b. Serial Number
- c. Model Number
- d. Asset Tag Number
- e. Funding Source
- f. Purchase Date
- g. Purchase Price
- h. Location

i. Estimated useful life

10. Transferring Assets between Departments. Transferring assets between Departments is allowed by mutual agreement of the departments. It is the responsibility of the transferring department to report all asset transfers to the Administrative and Financial Services Department to ensure proper record keeping. Other forms of reporting are required for the following Attractive Assets:

- a. Assets such as computers, tablets, laptops, iPads, desktops and desktop telephones shall not be transferred between departments, divisions or working groups without the knowledge of, and approval from, the Director of Information Technology. Once approval is received, the Information Technology Department is responsible for making the physical transfer of the asset between the department, division or work group. Failure to comply could cause issues related to network security, inventory reconciliation and risk management for insurance purposes.
- b. Assets such as City-issued cell phones, smart phones or any other wireless communication device shall not be transferred between departments, divisions or working groups without the knowledge and approval from the Director of Administrative and Financial Services and the Director of Information Technology. Failure to comply could cause issues related to network security, inventory reconciliation and risk management for insurance purposes, all which violate the City's Personnel Manual.

11. Disposition of Assets. Disposition of assets includes selling, donating, trading-in, surplus property sales, salvaging via sale of recyclable materials, junking (trash) or otherwise removing the asset from use. It is the responsibility of the City departments to report all assets disposition to the Administrative and Financial Services Department to ensure proper record keeping.

12. Annual Asset Inventory.

- a. In accordance with Topeka Municipal Code 3.30.260, the Department Director of each individual department shall be responsible for custody and control over all Fixed Assets acquired by the City for use within his/her respective department.
- b. The Administrative and Financial Services Department shall maintain records of all fixed assets owned by the City. The records shall include any pertinent information deemed appropriate. The Administrative and Financial Services

Department shall verify, or request verification from all departments or organizations of, all assets or asset records.

- i. The Administrative and Financial Services Department will conduct, on a quarterly basis, randomly-sampled physical audits of assets of selected departments.
 - ii. Prior to the annual audit, the Director of Administrative and Financial Services shall provide City departments with Capital Asset information.
- c. In accordance with Topeka Municipal Code 3.30.260(c), Department Directors shall conduct an annual review of their asset listing and, after such review, verify (in writing):
- i. Assets that need to be physically located;
 - ii. Missing assets (with an appropriate explanation – “missing,” “surplused,” “salvaged,” or “transferred”); Incorrect or incomplete information (with corrections noted);
 - iii. Assets not currently included on the inventory sheet, but nonetheless physically located within the department (added to the exception list); and
 - iv. Any other relevant information not reflected on the inventory sheet.

13. Missing or Stolen Assets; Reporting Requirement. Departments must *report missing or stolen assets as soon as discovered* to the Police Department and Administrative and Financial Services Department. If after 90 days the equipment has not been recovered, an Asset Disposition Form must be completed by the department owning the asset and sent to the Administrative and Financial Services Department.

14. Updating Capital Asset Information. Capital Asset Information *shall be updated on a regular basis* as information is received by the Administrative and Financial Services Department, and all files shall be updated at the time of the annual physical inventory and/or audit.

15. Attractive Assets. *Attractive (theft sensitive) Assets* are items that do not meet the minimum capitalization threshold and have a life expectancy of more than one year. These items require special attention because of their potential to be stolen. Examples of these items include, but are not limited to, computers, tablets, laptops, printers, scanners, fax machines, copiers, digital cameras, telephones, wireless communication devices and televisions.

Regardless of the initial acquisition cost, the City maintains accountability over these items.

- a. Responsibility of Department Directors. The respective departments shall keep a list of Attractive Assets for distribution and review. The Department Directors, or their designees, must review, update, delete and add new items to the list. If an item is deleted, the Department Director must note the reason and/or means of disposal.
- b. Department/Division Directors. As set out in Topeka Municipal Code Section 2.25.070, Department and Division Directors shall fully account for all City property prior to an employee's separation from the City. A review and update of the attractive assets shall be verified by a physical inventory at least once per year. The list shall be submitted to the Administrative and Financial Services Department for monitoring and reporting purposes, as well as the Human Resources Department to be placed in the employee's personnel file.
- c. Asset Identification. The Attractive Asset list will contain the serial number, model number or other identifying information as identified in the spreadsheet. Whenever feasible, each piece of property will be tagged or marked with the City's name. Such markings will be removed or obliterated only when the item is sold, scrapped or otherwise disposed of.
- d. Additions. The City may acquire property via purchase, construction, donation, or lease. Regardless of how it is acquired, when the property is received, the department should add it to the Attractive Asset list.
- e. Deletions. Items previously acquired will eventually be disposed of and, therefore, will need to be deleted from the department's list. Deletion may be required due to a sale, trade-in, scrapping or disappearance (lost or stolen). Only the Department Director with control over the item can trigger its removal from the list. Whenever an item has disappeared (lost or stolen) and all efforts have failed to recover it, the department that had control over the item prior to its disappearance shall file a police report.
- f. Donated Assets. Assets are sometimes donated to the City and should be added to the list of Attractive Assets if valued under the capitalization threshold.
- g. Periodic Review. The Administrative and Financial Services Department will audit the departmental Attractive Asset list on a periodic basis (no less than once every five years on a

rotating basis) to verify the reliability and completeness of the list.

12.10 Asset Management.

The City owns, operates and manages diverse assets to provide services effectively and efficiently to all of its customers and to establish livable and safe neighborhoods. To realize maximum value from assets, asset management activities need to be aligned with the strategic organizational priorities, state-of-the-practice initiatives and business frameworks. Employees in departments that own, operate and/or manage tangible assets, including both movable and immovable assets, will be responsible for managing the assets portfolio and being a responsible steward of such assets. Intangible assets (for example, patents and intellectual property rights) are not covered under this Section.

A. Strategic Alignment with the City's Vision, Mission and Strategic Priorities.
The City establishes strategic priorities and goals in line with organizational vision and mission. The development, implementation and management of the City's Asset Management System ("TAMS") will help accomplish these goals and priorities through:

1. Adopting best practices to maintain and improve condition of assets.
2. Providing cost effective and efficient services to customers to project the positive image of the City government.
3. Embedding customer needs and values in technical, financial and operational decision making processes to promote a service oriented culture in the City government.
4. Reducing lifecycle cost to maximize the public return on investment.
5. Defining long term asset management and financial strategies to improve and maintain the City's fiscal health.
6. Managing assets to minimize risks and optimize triple bottom line benefit (economic/financial, environmental and social) to all stakeholders to promote efficiency and effectiveness in the City's operations.

B. State-of-the-Practice Alignment with the Standards, Guidelines, and Organizational Initiatives.

1. To realize maximum value from assets, the TAMS will be aligned with the state-of-the-practice asset management standards and best practice guidelines.

2. The TAMS will be aligned with the sustainability goals of the organization.
 3. The TAMS will be aligned with organizational-wide initiatives including; organizational strategic planning, land use planning, infrastructure master planning, departmental business planning, tangible capital asset reporting, asset management information system planning, financial planning, investment planning and budget planning.
 4. The TAMS will be aligned with the federal and state laws, regulations and guidelines on asset management.
- C. Procedural/Business Alignment with the Asset Management Framework. This Section will ensure that the TAMS is developed, implemented and managed using:
1. The asset management framework defined and represented in the Appendix.
 2. The six step asset management system development approach.
- D. Organizational Commitments. To accomplish the asset management goals effectively and efficiently, management will make the following commitments:
1. Provide human, information, physical and financial resources to deliver asset management objectives effectively and efficiently.
 2. Adjust the asset management governance structure as part of the change management plan for smooth implementation of the TAMS.
 3. Ensure that the TAMS is developed, implemented, and continually improved in line with the state-of-the-practice standards, applicable federal and state regulations, best practice guidelines and manuals.
 4. Ensure changes/improvements are made in line with the change management plan to existing processes and technology.
 5. Provide the required human resources, assess their training needs and provide resources for their capacity development.
 6. Play a stewardship role in developing and implementing TAMS.
 7. Ensure that the TAMS development and implementation is in line with the asset management principles, business model, framework and approach.

8. Consider resiliency of assets as part of the asset management planning process when the City reaches maturity with regards to asset management.
9. Ensure to coordinate with the neighboring municipalities, county, state and federal government to accomplish integrated asset management planning of the City's assets that connects or interrelated to infrastructure systems of these agencies.

E. Asset Management Principles. The following guiding principles will be used to develop, implement, monitor, evaluate and improve the TAMS:

1. Customer focused—Promote better image of the City government and enhance public trust, affordable and acceptable Level of Service targets will be established for each asset group in consultation with community.
2. Systemic or service focused—View all assets in a broader service context considering their interrelationships and optimize the whole infrastructure system as opposed to optimizing an individual asset in isolation.
3. Optimal—Adopt best practices to ensure maximum value is realized from assets for the least cost.
4. Sustainable—Consider citywide sustainability initiatives in the asset management planning process to ensure assets and asset management activities are economically feasible, environmentally friendly and socially acceptable.
5. Holistic—Consider all assets across the organization and their combined impact of managing all aspects of the asset life cycle.
6. Systematic—Use a step-by-step, consistent and repeatable approach to manage assets, asset management activities and asset management information systems to ensure services are delivered effectively and efficiently.
7. Risk-based—Ensure that risk management is considered in the asset management planning process through balancing and optimizing the level of service, cost of service and risks.
8. Innovations—Improve effectiveness and efficiency of assets and asset management activities using innovative tools, building highly efficient assets (machinery and equipment/material), adopting best practices (processes) and deploying state-of-the-art applications (technology).

9. Integrated—Ensure that all assets, asset management activities and asset management information systems are well-integrated to improve efficiencies in work process and operations.

F. Roles and Responsibilities.

1. The Steering Committee is responsible for review of the asset management provisions every five (5) years and directing appropriate staff for updates to the plan. The Steering Committee will delegate responsibility to Department Directors to monitor and report organizational-wide progress of implementing the asset management provisions as well as improvement and refinement as necessary. The Steering Committee is accountable for the asset management and the development and implementation of TAMS. The City Manager is responsible to adoption, future updates and allocation of resources.
2. The Steering Committee is accountable and Project Committee and Focus Groups are responsible for the development, implementation, review, and continuous improvement of the strategic asset management plan, asset management plans, asset management implementations plan, asset management improvement plan, asset management strategies, asset management frameworks, asset management practices, processes, procedures and criteria to ensure suitability, adequacy and effectiveness of the TAMS.
3. The Steering Committee is committed to and makes recommendations subject to Governing Body approval to maintain organizational capacity required for effective asset management across the City.
4. The Steering Committee will delegate responsibility to Department Directors to play stewardship role and assign subject matter experts to act as Asset Management Champions in their respective department.
5. The Project Committee and Focus Groups will be responsible to identify and define acceptable level of service targets for each service area. The Steering Committee will delegate responsibility to Department Directors to review and recommend acceptable level of service targets for City Manager's approval. The City Manager will involve the Council in establishing the acceptable level of service targets for each asset category and provision of long term funding required to complete the projects identified in the asset management Plan/Capital Improvement Program.
6. The City Manager has overall responsibility for considering and incorporating asset management in all other corporate plans (e.g. strategic plan, sustainability plan, etc.)

7. The respective Department Director will be responsible for maintaining and managing infrastructure assets at defined service levels, and conducting ongoing reviews and implementing changes to realize efficiencies in operations and maintenance practices.
 8. The Steering Committee will delegate responsibility to Director of Planning to ensure standards, goals and objectives reflected the Land Use and Growth Management Plan and other bylaws, policies and plans are consistent with the asset management principles.
 9. The Director Administration and Finance will be responsible for developing long range financial plans to ensure stable funding for maintenance, replacement, renewal and disposal of assets.
- G. Review. The Asset Management System will be reviewed by the Director of Administrative and Financial Services, or designees, at least every five (5) years to determine its effectiveness and appropriateness; or when any organizational changes have occurred that would affect the System.

Section 13

Non-Disciplinary Reductions in Force

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13.2	PERMANENT REDUCTION IN FORCE: SEVERANCE PAY.	253

13.1 Short-Term Reduction in Force: Lay-Offs.

- A. **General.** A layoff is a temporary reduction in the work force due to a shortage of funds, lack of work, abolishment of a position or other material change in duties or organization. It differs from other forms of separation in that there is an anticipated reinstatement of the employee as soon as the conditions which necessitated the layoff are ameliorated. A layoff is intended to protect a benefit-eligible full-time employee's tenure, related benefits and privileges.
- B. **Order of Separation.**
 - 1. Temporary and part-time employees shall be the first affected by a short-term layoff.
 - 2. The order of dismissal for benefit-eligible full-time employees shall be determined by a combination of performance, work skills and seniority.
 - a. **Performance.** Employees with the highest consistent performance as compared to other employees over a comparable period of time shall be retained, provided they can perform the remaining available work based upon their particular work skills. Performance shall be determined through the following criteria:
 - i. The employee's last four written performance evaluations, if in existence. However, this shall not include any evaluations given after any notice of layoff.
 - ii. The history of an employee's written disciplinary actions during the past three years.
 - iii. The employee's written record of attendance for the past three years, excluding FMLA leave.
 - b. **Seniority.** If two candidates are equal with regard to performance, seniority shall be used to determine the order of separation. Seniority is measured as the length of continuous service as a benefit-eligible full-time employee of the City.
 - c. The Director of Human Resources shall attempt to effectuate the reassignment, transfer or demotion of an employee who is faced with a layoff, provided that there are existing, vacant

positions for which the employee is qualified.

C. Reemployment.

1. An employee who has been laid off shall have his/her name entered on a reemployment eligibility list and shall be given first consideration when a vacancy occurs in the same or similar position the employee last held. An employee's name shall remain on a reemployment eligibility list for six months.
2. An employee's name may be removed from the reemployment eligibility list for any one of the following reasons:
 - a. Expiration. If the time limit for recall from the reemployment eligibility list expires, as detailed in the following schedule, expires.
 - b. Waiver. After a period of eight weeks, an employee may elect to waive the right to recall by signing a waiver form provided by the City. Employees who waive their right to recall shall immediately become eligible to receive severance pay.
 - c. Forfeiture. Employees forfeit the right to recall if they:
 - i. Refuse a job in a position that is not more than two pay ranges below their position at the time of layoff.
 - ii. Fail to accept recall within five days of notice.
 - iii. Fail to answer written inquiries from the City's Director of Human Resources.
 - iv. Fail to advise the City of a change of address and/or telephone number.

D. Reinstatement.

1. Wages. If employees are recalled to their former position within six months, they shall be paid at their previous rate of pay plus any across-the-board adjustments to which they would have been entitled had the layoff not occurred. If recalled to a lower position, employees shall receive compensation at a rate of pay consistent with the duties and responsibilities of that position.
2. Benefits.
 - a. Vacation. When employees on layoff are recalled within the time limits, they will then recommence to accrue and be entitled to vacation pay.
 - b. Sick leave. Any sick leave accumulated and not utilized at the time of layoff will be reinstated at the time of recall.

- c. Seniority. Employees retain seniority for the sole purpose that they be able to resume earning leave time immediately upon recall.

E. Notice.

1. Benefit-Eligible full-time employees.
 - a. A Department Director shall give written notice to the employee and the City Manager of any proposed layoff and the reasons therefore at least five working days prior to the separation, provided the employee is being laid off through no fault of his/her own.
 - b. This five working day notification may be waived in lieu of five days' pay at the employee's straight time, base rate.
2. Benefit-Eligible part-time employees.
 - a. A Department Director may notify part-time employees of the date of termination of employment in writing at the time of appointment.
 - b. Part-time employees may be notified of layoffs any time prior to the effective date of the layoff.

F. Employee Benefits during Layoff.

1. Vacation time. An employee on layoff may elect to take any vacation and/or compensatory time which the employee has accrued prior to the layoff. Vacation time, however, does not accrue during the separation. Payment for vacation time taken during the layoff may be made by the City in equal increments on a pay period basis.
2. Group Insurance. An employee may elect to continue group insurance for eighteen (18) months. Timely payment of premiums will be the responsibility of the employee.
3. Other benefits. Additional benefits (holiday, health coverage, retirement contribution or other insurance) will neither accrue nor be paid during an employee's layoff.

G. Grievance. Layoffs and demotions necessitated by the conditions set forth in Section 13.1 A above shall not be subject to grievance.

13.2 Permanent Reduction in Force: Severance Pay.

- A. General. The purpose of severance pay is to provide temporary relief to employees who have lost their job through no fault of their own. Such separation occurs for reasons such as, but not limited to, the following:
1. An employee is not recalled from layoff within the time limit set

forth in Section 13.1 C 1 above;

2. An employee voluntarily waives the right to recall, as described in Section 13.1 C 2 b above;
3. Work is eliminated and is not anticipated to be necessary in the foreseeable future;
4. Work is reassigned to other employees; or
5. The qualifications for a position change.

B. Order of Separation.

1. Temporary and part-time employees shall be the first affected by a layoff unless, in the judgment of the Director of Human Resources, continued employment of temporary and/or part-time employees is a more fiscally responsible decision for the Department.
2. The order of dismissal for benefit-eligible full-time employees shall be determined in accordance with Section 13.1 B above.

C. Severance Pay.

1. Eligibility. Severance pay set forth herein is available only to employees who meet all of the following eligibility requirements:
 - a. The employee's position has been eliminated pursuant to a reduction in force;
 - b. The employee has been employed with the City for one or more continuous years of service;
 - c. The employee has not accepted a position with the City or with another governmental entity pursuant to a consolidation agreement;
 - d. The employee has not accepted a transfer of employment to an entity that is assuming operational responsibility via contract with the City; and
 - e. The employee has executed an agreement and complete release of all claims against the City.
2. Amount.
 - a. Eligible employees hired after December 31, 2010, shall be eligible to receive severance pay at the rate of one week of salary for every year of service, pro-rated to the nearest month, but in no case less than four weeks salary and in no case more than twenty-six (26) weeks salary.

- b. Eligible employees hired prior to January 1, 2011, shall be eligible to receive severance pay according to the following schedule:

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

However, in no case shall severance pay exceed one year's salary. Severance pay shall be calculated using the employee's regular base hourly wage and shall not include any premium payments for overtime, longevity and so on.

3. Disbursement Schedule. The City may elect to make severance payments in equal increments on a pay period basis until the employee receives all severance pay due. In such a case, the payment will amount at least to the base pay of a regular bi-weekly pay period.

D. Other Benefits.

1. Vacation time. Following a non-disciplinary, permanent separation, employees with six months of service or more will be paid the unused portion of vacation time accrued.
2. Unemployment Compensation. Whether employees can draw both severance pay and unemployment compensation benefits will depend on state laws.
3. Forfeiture of Severance Pay; Ineligibility. Employees who resign, voluntarily retire or are fired for cause are not eligible to receive severance pay. Employees who are eligible for recall shall not be eligible to receive severance pay.

E. Grievance. Layoffs and demotions necessitated by the conditions set forth in Section 13.1 above or this Section 13.2 shall not be subject to grievance.

Section 14 Discipline

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14.1 Disciplinary Actions.

- A. Policy. The City reserves the right to discharge, suspend or otherwise discipline employees for violations of the City's Personnel Manual and/or department rules and regulations. The disciplinary process involves four steps of progressive discipline for infractions of a similar nature and which are of a nature not serious enough to constitute just cause for immediate suspension or termination. Determinations of the seriousness of the offense shall be at the discretion of the Director of Human Resources. The progressive steps are:

first offense	documented verbal warning
second offense	written warning
third offense	suspension
fourth offense	termination

- B. Procedure. The progressive disciplinary system listed above is intended to serve as warning to the employee that he/she needs to improve in the listed area and that repeated incidents will result in suspension or termination. The City reserves the right to determine that repeated violations of any of the work rules shall constitute grounds for immediate termination.

1. Disciplinary actions not considered serious enough for immediate termination shall be removed from an employee's personnel file on completion of two continuous years of service free from additional disciplinary actions for violations of a similar nature.
2. Department Directors shall have the authority to discipline employees up to, and including, termination; provided however that all actions to terminate employees shall require the approval of the Director of Human Resources.
3. Offenses not normally considered serious enough to warrant immediate suspension or termination include:
 - a. Destruction or loss of City property.
 - b. Improperly using or obtaining leave time.
 - c. Tardiness.
 - d. Absence without permission or proper notice.

- e. Interference with the regular conduct of City business.
- f. Using City vehicles, property or equipment for personal use.
- g. Consistent or continual unavailability for work.
- h. Engaging in habits which interfere with the individual's or any other employee's performance on the job.
- i. Suspicion of any of the aforementioned infractions.
- j. Violations of any other provision of this Personnel Manual or expressed verbally to an employee by a supervisor.

The above list does not constitute a complete and total listing of offenses but is listed for illustrative purposes only.

- 4. Examples of offenses that shall constitute sufficient and just cause for immediate suspension or termination are as follows:
 - a. Dishonesty in any form or degree.
 - b. Theft of property belonging to the City.
 - c. Knowingly making false statements in matters relative to employment.
 - d. Insubordination.
 - e. Unreasonable and abusive treatment of a client, citizen or other individual in the community or on the City payroll.
 - f. Verbal or non-verbal sexual or racial harassment.
 - g. Disregard for the City's EEO/Affirmative Action policy prohibiting discrimination.
 - h. Solicitation or acceptance of money or anything of value to influence decisions in public matters or as a reward for such decisions.
 - i. Possession of any type of firearm, explosive or concealed weapon without specific authority.
 - j. Any alcoholic, narcotic or other non-prescription substance while on the work site.
 - k. Other violations of a similar nature.

The above list shall not be construed to constitute the entire list of such offenses but is solely for the purpose of illustration. The City reserves the right to determine that any violation of this Personnel Manual shall constitute just cause for immediate suspension or termination depending on the circumstances relating to the offense.

14.2 Exceptions.

Any Deputy City Manager, Assistant City Manager, Chief of Staff or Department Director serves at the pleasure of the City Manager and may be terminated without cause. As such, the provisions for disciplinary action set forth in this Section 14 and the grievance or appeal rights granted by Section 15 of this Personnel Manual shall not apply to these particular employees.

For the purposes of this section, "Department Director" shall mean those positions designated in the Topeka Municipal Code as the administrative heads of the departments of: Administrative and Financial Services, Fire, Human Resources, Information Technology, Internal Operations, Judicial, Legal, Planning and Development, Police, Public Works and Utilities.

This section shall not apply to the position of City Manager or any other position where other ordinances or agreements address disciplinary action for the position.

Section 15

Grievance Procedure

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15.1 Eligibility.

Benefit-eligible employees are entitled to file a grievance in accordance with this Section 15; except that employees who are serving their initial probationary period shall have no rights under this Section 15. The grievance procedure contained herein shall not be used to appeal a performance evaluation.

15.2 Ground Rules.

A. Definitions.

1. *Grievance* -- The appeal of an alleged violation of the City personnel provisions, the work rules of a department or division or any alleged misapplication of disciplinary action taken by a Department Director for other than just cause.
2. *Grievant* -- A benefit-eligible employee who files a grievance.
3. *Management* -- The appropriate representative of the City department within which the Grievant works.
4. *Working Days* or *Days* -- For grievant, normal work days an employee is scheduled to work, excluding all previously-approved leaves for vacation. For management representatives, regular weekday work days, excluding holidays.

- B. Failure to respond. In the event the grievant fails to respond within the prescribed time sequences set out in Section 15.3, the matter shall be considered resolved on the basis of management's last determination. In the event management does not respond within these prescribed time sequences, the grievant shall have the right to proceed to the next step of the grievance procedure. However, the parties may mutually agree to extend the time limitations specified in Section 15.3 at any step of the grievance procedure.

C. Representation.

1. A grievant may represent him/herself; or he/she may choose to be represented by a person of his/her own choosing during any stage of the grievance. Any costs incurred by the grievant for representation shall be borne by the grievant.

2. Management may be represented by either the Director of Human Resources, or designee; a member of the Legal staff; or by the Director of Human Resources, or designee, and a member of the Legal staff acting as co-advocates.
- D. **Grievance Forms.** All grievances shall be filed on a form to be provided by the Human Resources Department. Incomplete forms shall be returned to the grievant for completion. Forms so returned shall be considered as timely filed if: (i) the form would have otherwise been timely and (ii) the form is returned to the proper management representative within twenty-four (24) hours of rejection.

15.3 Grievance Process/Time Sequence.

- A. **Step One.** A benefit-eligible employee who believes that a violation, as set forth above, has occurred shall first, within three days of the incident giving rise to the grievance or within three days of first having knowledge of the incident, informally discuss the grievance with the his/her immediate supervisor.
- B. **Step Two.** In the event the grievant believes that the solution offered by his/her immediate supervisor does not resolve the grievance, the employee may, within five working days, reduce the matter to writing for presentation to the next higher level of supervision. The written grievance shall be on a form provided by the Human Resources Department and shall be completed as required by instruction of the grievance form. The supervisor receiving a written grievance shall verify the completeness of the grievance and either signify acceptance or return the form to the grievant with instructions regarding the appropriate information needed to complete the form. The supervisor shall have seven days within which to investigate the matter, prepare a written response and provide such response to the grievant by: (i) hand-delivery, placing a copy in the work site mail box of the grievant or (iii) placing a copy in the U.S. Postal Service addressed to the grievant.
- C. **Step Three.** In the event the grievant believes that the written response provided by the supervisor as specified in Step Two, does not resolve the matter, he/she may, within three days of receipt of the written response, file his/her grievance with the Department Director. A Department Director who receives a Step Three grievance shall have seven days to investigate the matter and provide a written response to the grievant. Written responses shall be delivered in the manner as described in Step Two of this procedure.
- D. **Step Four.** In the event the grievant believes that the written response of the Department Director does not resolve the matter, the grievant may, within three days of receipt of the response, file his/her grievance with the Director of Human Resources. The Director of Human Resources shall investigate, may conduct an informal hearing giving all parties an opportunity to express their positions and shall, within fourteen (14) days,

deliver a written resolution as provided in Step Two of this process.

- E. Step Five. Following receipt of the Director of Human Resource's recommendation in the matter, the grievant shall have up to three calendar days to either accept the recommendation or issue a notice of intent to arbitrate. The notice of intent to arbitrate shall be in writing and shall be filed with the Director of Human Resources.
1. The Director of Human Resources shall request a roster of arbitrators from the Federal Mediation and Conciliation Service, the American Arbitration Association or the Kansas Public Employees Relations Board. The parties shall either agree on the arbitrator or shall engage in the alternate striking procedure to select the arbitrator.
 2. The costs associated with fees and expenses of the arbitrator shall be paid by the City if the grievance involves disciplinary actions. Such costs shall be shared equally by the parties if the grievance involves any issue other than discipline as defined by the provisions of this Personnel Manual.
 3. The arbitrator shall conduct a hearing into the grievance at a time, place and date mutually agreed-upon by the grievant and the Director of Human Resources. In the event the grievant and the Director of Human Resources cannot, within three days of the notification of the arbitrator, agree on a time, place and date for the hearing, the arbitrator shall issue a notice of hearing listing the time, place and date for the hearing.
 4. All documentary evidence and a list of witnesses shall be presented to the opposing party prior to the commencement of the hearing. Acceptance of additional evidence presented to the arbitrator, which was not submitted in advance to the opposing party or testimony from a witness not listed in advance, shall be admitted at the sole discretion of the arbitrator. The arbitrator shall honor any request for a continuance of the hearing made by a party not provided evidence or advised of a witness prior to the hearing in the event the arbitrator determines to admit such evidence or testimony.
 5. The arbitrator, after hearing all evidence and testimony, shall enter an order resolving the grievance. Such order shall indicate findings, conclusions and a resolution and shall grant the relief deemed appropriate by the arbitrator. This order shall be final and binding on the parties.

15.4 Management Rights.

Specific areas of responsibility shall be reserved solely to management and shall not be grievable unless it can be clearly shown that an action taken by management was arbitrary, capricious, without cause, malicious, discriminatory or in bad faith. Unless specifically modified by an action of the Governing Body, management reserves the right to:

- A. Direct the work of its employees.
- B. Hire, promote, transfer, assign, retain and recall employees in positions within the public agency.
- C. Maintain the effectiveness, productivity and efficiency of governmental operations.
- D. Discipline, suspend, demote and/or discharge employees for just cause.
- E. Take actions as may be necessary to carry out the mission of the agency in emergencies, as declared by the Governing Body.
- F. Determine the methods, means and personnel by which operations are to be carried on; including the right to contract and subcontract work.
- G. Retain all other rights typically vested in management, which may not be specifically stated.

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