



Employee Handbook  
Effective: October 14, 2019

## ***WELCOME***

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Welcome to the City of Lansing!

Starting a new job is exciting, but at times can be overwhelming. This Handbook has been developed to help you become acquainted with the City of Lansing to answer many of your initial questions. You will find an Organization Chart posted in ADP to assist you in identifying employees and their current positions to help you identify resources that may be of assistance to you on a variety of issues. We will endeavor to keep this document up-to-date.

As an employee of the City, you are very important. Your contribution cannot be overstated. Our goal is to provide the finest-quality services to our residents and to do so efficiently and economically.

You are an important part of this process because your work directly influences our company's reputation. We are glad you have joined us, and we hope you will find your work to be both challenging and rewarding.

Sincerely,

The City of Lansing

## ***PURPOSE***

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The purpose of this Handbook is to provide general information and guidelines for The City of Lansing (Referred to as “The City of Lansing” throughout this document). Although we have intended for this Handbook to address most situations encountered in the workplace, matters may arise that are not covered by this document. The City of Lansing will handle those matters in accordance with any protections afforded by state and local laws and may update this Handbook to provide guidance for similar situations in the future. Some subjects described in this Handbook are covered in additional detail in policy and plan documents. You will be referred to these specific documents for specific information as the Handbook is merely a summary of the guidelines and benefits. Specifically, the terms of the written insurance policies and benefit plans are controlling and override any statement made in this or other documents. Any questions regarding eligibility for a benefit, the applicability of a policy or practice to you, or matters not covered by this Handbook should be addressed to your direct supervisor, City Clerk, or Finance Director

The City of Lansing reserves the right to add, change or discontinue the benefits and policies described in this Handbook at any time; however, we will endeavor to inform you of such changes in a timely manner. It is always the intent of the City of Lansing to comply with applicable laws and regulations.

All employment with the City of Lansing is “at-will” which means that **employees are free to resign at any time, with or without cause. Similarly, employees of the City of Lansing may be terminated at-will, for any reason that is not unlawful, without prior notice.** This Handbook does not in any way alter the “at-will” nature of your employment and none of the provisions in the Handbook are intended to create an employment contract with you or any other employees. At-will does not, and is not intended to, interfere with, limit or relinquish an employee’s right to join with others to work toward altering the terms or conditions of his/her employment, including at-will status. Further, no one other than the Owner has the authority to enter into any employment agreement for a specific period or to make promises or a commitment of employment.

This document is effective October 14, 2019. This Handbook supersedes all handbooks and policies covered herein which were issued prior to this date. No one other than the City Administrator has the authority to alter or create policies related to the areas covered in this handbook.

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# DIVERSITY

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The welfare of the individuals that comprise this organization is extremely important to us. The leadership of the City of Lansing believes strongly in providing an environment in which all individuals are respected and valued. Further, it is our desire to provide a safe working environment. We introduce these topics first so that you will know how strongly committed we are to providing equal employment opportunities along with a workplace free from discrimination and harassment.

## ***EQUAL OPPORTUNITY POLICY***

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The City of Lansing is committed to a policy of equal opportunity for all employees and applicants for employment without regard to citizenship status, age, race, religion, color, sex, pregnancy, gender identity or sexual orientation, disability, genetic information, national origin or ancestry, veteran service or status, or any other characteristic protected by applicable law.

In addition, the City of Lansing expressly prohibits discrimination in the workplace. Preventing discrimination is the responsibility of every employee in the way they treat and act with one another. Therefore, the City of Lansing expects all work relations to be business-like and professional, free of bias, prejudice and/or discrimination. This policy applies to all conditions of employment including but not limited to: hiring, placement, promotion, discipline, termination, transfer, lay off, recall, leave of absence, compensation and training.

Improper interference with the ability of the City of Lansing employees to perform their expected job duties is not tolerated. The City of Lansing will not tolerate any discrimination in the workplace and it is expected that any employee who believes he or she has been subjected to any practice that appears to be inconsistent with this policy, or has witnessed such a practice, will contact the City Clerk or the City Administrator regardless of the alleged offender's identity or position, so that rapid and constructive action can be taken. Employees are required to utilize the reporting procedure provided in this Handbook for any such problems.

The report will be investigated to determine what, if any, responsive action is necessary and appropriate. The City of Lansing may disclose information regarding the investigation and the determination procedure to employees on a "need-to-know" basis to investigate and resolve or remedy the matter. All employees are required to cooperate in the investigation, which may include participating in witness interviews. Any employee who knowingly provides false information during the investigation may be subject to disciplinary action, up to and including termination.

Anyone found responsible for an inappropriate or discriminatory act will be subject to disciplinary action, up to and including termination. Further, there will be no retaliation or adverse action against an employee for raising an issue or complaint pursuant to this policy. An employee who witnesses or experiences retaliation is to immediately report such conduct to the City Clerk or the City Administrator.

The City shall not discriminate against members of any protected class in admission or access to, or treatment or employment in, any of its programs, services, or activities. Discrimination, for purposes of this section, shall be defined as any violation of applicable local, state, and/or federal laws which prohibit discrimination based on citizenship status, age, race, religion, color, sex, pregnancy, gender identity or sexual orientation, disability, genetic information, national origin or ancestry, veteran service or status. The use of the procedures set forth herein are designed to provide for the review and disposition of complaints of discrimination, which are presented by any individual protected class member or City employee, against the City under applicable local, state, and/or federal legislation. These procedures are established to ensure prompt review, impartial consideration, and disposition of cases presented by any individual, as outlined herein. Any person who files a complaint will be free from restraint, coercion, discrimination, or reprisal arising out of filing such complaint.

## **FILING A COMPLAINT OF DISCRIMINATION**

If an employee believes that a discriminatory act has occurred and believes it was initiated by a City employee, group of employees, volunteer, or contractor and it was directed at an employee, a group of employees, or in conjunction with City programs and services, and such act was based upon race, color, religion, sex, national origin, disability, age, genetic information, pregnancy, or ancestry, the employee shall complete and file a written Complaint of Discrimination Statement to the City Clerk. Such written complaint shall set forth the alleged details of the discriminatory act and request the allegations be investigated. Upon receipt of a properly completed Complaint of Discrimination Statement, the City Administrator, or his or her authorized designee, shall initiate an investigation so that a prompt and full review of the allegations may be made. However, note that prior to the initiation of a formal discrimination investigation, the accused employee(s) will be provided written notice of the complaint detailing the nature of the complaint. In the case of a complaint against City activities, services, or programs, the appropriate Department Director or members of City staff shall be provided written notice.

The City Administrator will consider all the facts of the complaint and within five (5) business days of receiving an employee's formal written notice the City Administrator shall provide a written decision. Such written decision shall be provided to the complainant/employee and shall outline the City Administrator's decision and the reason(s) therefore. If the employee is satisfied with the decision of the City Administrator, the complaint shall be considered resolved and no further action will be taken.

Should the employee not be satisfied with the disposition of complaint by the City Administrator, he or she may appeal the decision in accordance with the Grievances sub-section of the Employee Handbook.

If a complainant requests a review, or the City Administrator finds that probable cause exists concerning the allegations made in the complaint, the complainant or City Administrator shall follow the appeal procedure of Employment Relationship section of this Employee Handbook.

The City Council shall consider all evidence presented as a result of the City Administrator's investigation, as well as any evidence proffered at the time of the hearing. Upon conclusion of the hearing, the City Council shall present, to the complainant, a written decision within fifteen (15) business days. The decision shall include a summary of the facts, a statement outlining City Council's decision and reason(s) therefore, and the remedies, if any, to be applied in the case. A copy of the decision will be forwarded to the City Administrator to serve as the basis for any City action recommended by the City Council.

The City Council's written decision shall be considered final and such decision shall terminate the City's obligations to further review of the complaint. A copy of the City Council's decision shall be forwarded to the City Administrator for distribution.

## **COMPLAINTS AGAINST REVIEW OFFICIALS**

Should any employee determine it appropriate to file a complaint of discrimination against any one of, or group of, the reviewing officials as provided for under this section, he or she may formally request a hearing, utilizing the Complaint of Discrimination Statement, before the City Council by personally filing such statement with the City Clerk. No hearing shall be scheduled without the completion of this requirement. Under this section, the decision of the City Council shall be final and such decision shall terminate the City's obligations to further review or investigate the discrimination complaint. There shall be no formal right of appeal from a City Council decision; however, such decision shall not preclude, limit or restrict an individual's rights or remedies in accordance with any applicable local, state, or federal legislation.

## ***IMMIGRATION LAW COMPLIANCE***

The City of Lansing is committed to hiring only individuals legally authorized to work in the United States. The City of Lansing will comply with federal and state immigration law in hiring and recordkeeping.



## ***FEDERAL, STATE & LOCAL LAW COMPLIANCE***

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The City complies with all Federal, State, and Local laws and amendments thereto.

## ***DISABILITIES***

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It is the policy of the City of Lansing not to discriminate against qualified individuals with disabilities regarding application procedures, hiring, advancement, termination, compensation, training or other terms, conditions and privileges of employment. We commit to non-discrimination regarding applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

The City of Lansing will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation, or the accommodation creates an undue hardship to the City of Lansing. Qualified individual means an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

The City of Lansing will not retaliate against any individual for making a request for accommodation. Employees can bring forth issues under this policy without fear of retaliation. Contact the City Clerk with any questions or requests for accommodation or any questions or concerns under this policy.

## ***RELIGIOUS ACCOMMODATION***

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The City of Lansing respects the religious beliefs and practices of all employees and will make, upon request, accommodation(s) for such observances when a reasonable accommodation is available that does not create an undue hardship on the City's business.

An employee whose religious beliefs or practices conflict with his or her job, work schedule, or with the City's policy or practice on dress and appearance, or with other aspects of employment, and who seeks a religious accommodation must submit a written request for accommodation to his or her immediate supervisor. The written request will include the type of religious conflict that exists and the employee's suggested accommodation.

The immediate supervisor will evaluate the request considering whether a work conflict exists due to a sincerely held religious belief or practice, and whether an accommodation is available which is reasonable, and which would not create an undue hardship on the City's business. An accommodation may be a change in job, using paid leave or leave without pay, allowing an exception to the dress and appearance code which does not impact safety or uniform requirements, or for other aspects of employment. Depending on the type of conflict and suggested accommodation, the supervisor may confer with his or her Director and with the City Clerk.

The supervisor and employee will meet to discuss the request and decision regarding an accommodation. If the employee accepts the proposed religious accommodation, the immediate supervisor will implement the decision. If the employee rejects the proposed accommodation, he or she may appeal following the City's grievance policy and procedure.

## ***GENETIC INFORMATION***

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The City of Lansing does not conduct genetic testing on any applicant or employee under any circumstance and does not discriminate against any applicant or employee because of that individual's genetic information. Nor does the City of Lansing request, require, purchase or deliberately acquire any genetic information. To the extent the City of Lansing receives information about an applicant's or employee's family medical history or other genetic information inadvertently, that information will not be used, except as required for City of Lansing's legitimate

purpose and will be treated and maintained as a confidential medical record and will not be disclosed except as allowed or required by applicable law. Testing for drug or alcohol use is not considered “genetic testing,” and no specimen(s) gathered for drug and alcohol testing will be tested for any genetic information.

## ***HARASSMENT AVOIDANCE***

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All City of Lansing employees have a right to work in an environment free from all forms of discrimination and conduct which can be considered harassing, coercive or disruptive. Consistent with this philosophy, all employees of the City of Lansing are always expected to treat others with dignity and respect. Civility in the workplace is a major principle of our culture. Harassment based on citizenship status, age, race, religion, color, sex, pregnancy, gender identity or sexual orientation, disability, genetic information, national origin or ancestry, veteran service or status, or any other characteristic protected by applicable law will not be tolerated. This policy applies to all individuals, whether related to conduct engaged in by fellow employees or someone not directly connected to the City of Lansing such as residents, vendors, or visitors. Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside of the City of Lansing premises, including business trips, business-related meetings and business-related social events.

We encourage bystanders to become involved when they can possibly mitigate a situation in violation of this policy. Effective communication is an important tool in the effort to prevent or cease escalation of bad behavior, or to stop repeated abusive behavior.

### **Sexual Harassment**

Sexual harassment of any form or nature constitutes discrimination under the law and will not be tolerated. The City of Lansing defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) 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. Examples of sexually harassing behavior of a visual, verbal or physical nature may include, but are not limited to:

- Unwelcome or offensive sexual innuendo;
- Subtle pressure for sexual activity or coercion to date;
- Sexist remarks or jokes about a person's body, physical appearance or private life;
- Degrading remarks, posters, pictures, photographs, cartoons, drawings, graffiti or other objects in the workplace that contribute to an intimidating work environment;
- Touching, making improper or unwelcome advances or propositions;
- Abusive or vulgar language with sexual implications;
- Commentary about an individual's body, sexual prowess or deficiencies.

### **Harassment Based on Other Protected Characteristics**

Harassment based on other protected characteristics is also strictly prohibited. Under this policy, harassment includes verbal, vision, written or physical conduct that denigrates or shows hostility or aversion toward an individual based on citizenship status, age, race, religion, color, disability, genetic information, national origin or ancestry, veteran service or status, or any other characteristic protected by applicable law and that 1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an individual's work performance; or 3) otherwise adversely affects an individual's employment opportunities.

This prohibited conduct shall include, but is not limited to, the following, whether occurring in the workplace or otherwise on company time, using company equipment, or otherwise related to The City of Lansing events:

- Visual forms of harassment, such as markings, cartoons, graffiti and drawings;
- Verbal harassment, such as racial remarks, jokes, epithets, slurs or negative stereotyping;
- Threatening, intimidating or hostile acts;
- Written or graphic materials that denigrates or shows hostility or aversion toward an individual or group;
- Denigrating remarks and jokes related to a protected class;
- Actions against or actions that tend to exclude persons due to their association with a protected class.

## **Complaint Procedures**

Employees encountering any form of prohibited behavior are empowered (but not required) to promptly tell the person that his or her actions are unwelcome and offensive. Any employee who believes that he or she has experienced behavior prohibited by this policy shall immediately report the situation to any of the following: the employee's supervisor; the next highest authority within the department/division; the Human Resource Director; and/or the City Administrator. A complaint involving a Department Director, appointed official, or independent contractor must be filed with the City Administrator or the Mayor. A complaint involving the City Administrator must be filed with the Mayor. A complaint involving elected officials must be filed with the Mayor, unless the Mayor is the offending party. In that event, the complaint must be filed with the Council President. Multiple avenues for reports are available to ensure that an employee is not required to raise a complaint to the offending party.

The City Clerk (or other person to whom the City delegates such responsibilities) shall meet with the reporting employee/elected official and document the incident to include the following:

- A. Names of any individual who may have any personal knowledge of the offensive conduct;
- B. A chronology of the incidents, *i.e. who, what, when, where and how each incident occurred*;
- C. Suggestions and ideas advising the City of steps it could take to correct the problem while maintaining a workplace environment free of prohibited harassment.

The City will take reasonable steps to keep the information it gathers confidential. Such steps will be consistent with any applicable federal, state, and local laws. Prior to reaching a decision, the City will allow both the complaining employee and the respondent an opportunity to provide their input.

Any City representative who receives any harassment complaint shall expeditiously deliver the information to the appropriate official in accordance with this section. The representative who receives the report shall immediately notify the City Administrator, or in his or her absence the Mayor, if the complaint contains evidence of criminal activity, such as battery, rape, or attempted rape. If the complaining party agrees, the City Administrator or Mayor will contact the appropriate law enforcement agency.

## **Investigation**

The object of the City investigation is to determine what occurred. It is the responsibility of the City Clerk to coordinate the investigation of any harassment complaints. If the City Clerk is the subject of the complaint, the City Administrator or Mayor shall coordinate the investigation. The following procedures shall apply to the handling of such complaints:

- A. The person who received the complaint shall immediately present it to the City Clerk;
- B. An investigation of the alleged incident shall begin promptly.
- C. The investigation will generally include interviewing the person raising the complaint, any individual(s) who allegedly violated this policy, and any other potential witnesses. The investigation will include a review of the credibility of the evidence and of any individuals who have provided information. In determining

whether the alleged conduct constitutes a violation of this (or any other) Policy, the City Clerk shall make and keep a written record of the investigation.

- D. An employee accused of violating this Policy shall be given appropriate opportunity to refute the allegation and present information and/or witnesses on their behalf.
- E. The totality of the circumstances will dictate the City's response to each individual situation, including but not limited to, the evidence as a whole, nature of the conduct, context in which the alleged conduct occurred, credibility of the witnesses, frequency and severity of the conduct, patterns of inappropriate conduct, previous instructions or warnings, documentation, circumstantial evidence, and other factors.
- F. The investigation may conclude that a violation of this Policy occurred, that it did not occur, or that there is insufficient evidence to make a determination.
- G. If it is determined that a violation of this Policy occurred, he or she shall recommend to the City Administrator that immediate and appropriate disciplinary action be taken against the employee(s) who has violated the Policy.
- H. Any disciplinary action shall be consistent with the nature and severity of the offense. Considerations may include whether a supervisory relationship exists and any other factors the City believes relate to the City's fair and efficient administration, including the effect of the offense on employee morale, public perception of the offense, and the light in which it casts the City. The disciplinary action may include demotion and/or suspension, dismissal, warning or reprimand. A determination of the level of disciplinary action shall also be made on a case by case basis. Discipline may be imposed whether or not the Policy violation constitutes unlawful harassment as defined by law.
- I. If the investigation concludes there has not been a Policy violation, the person about whom the complaint was raised will be advised of the determination, and that no disciplinary action is warranted. Nevertheless, the person about whom a complaint was raised will be instructed regarding the prohibition of retaliation against any employee who exercises his or her rights under this policy, or who cooperates with a City investigation of a claim of prohibited harassment, or who is closely associated with another employee who does so.
- J. The employee making the complaint shall be notified of the general results of the investigation.
- K. All individuals involved in the investigation will be reminded that retaliation against any individual who, in good faith, raises a complaint, participates in an investigation, or is closely associated with an employee who has done so, is strictly prohibited.
- L. If the City Clerk determines after reviewing the investigation report that the complaint was intentionally falsified by the employee filing the complaint, he or she shall report such action to the City Administrator for immediate and appropriate disciplinary action.
- M. The action taken in any particular case is within the City's discretion. Discipline up to and including termination of employees may result for improper behavior, whether or not that behavior constitutes illegal harassment. The aim of the action is to make sure that all employees work in an environment free of all forms of prohibited harassment.

### **Appeal of the Decision**

Within ten (10) business days of written notification to the employee of the City Clerk's decision, the complainant or respondent may make a written request for final review of the record by the City Administrator. The City Administrator, in response to a timely appeal, will either:

- A. Review the record and provide a final decision within five (5) business days of the receipt of the appeal, or
- B. Schedule a hearing with the appealing party to hear his or her appeal, within ten (10) business days following receipt of the appeal.
- C. The meeting date can be scheduled at a time convenient to all parties, with mutual consent (including beyond the ten (10) day business period).
- D. A final decision will be made by the City Administrator.

- E. Copies of the decision shall be sent to the complainant and respondent by registered mail, return receipt requested, and a copy will be given to the City Clerk.

### **Records Regarding Harassment Complaints**

All records concerning any harassment complaint shall be confidential and kept in a separate locked file, except as otherwise required by Kansas Open Records Act. Access to these records shall be given only with the City Administrator's approval to parties who have a direct and relevant need to know.

### **Employment Consequences**

Any individual found to have engaged in any prohibited form of harassment or retaliation, either directly or indirectly, or to have engaged in behavior that is disrespectful or disruptive or otherwise prohibited by this or other City of Lansing Policies, *regardless* of whether that behavior constitutes harassment prohibited by law, may be subject to appropriate disciplinary actions, up to and including termination.

### ***CUSTOMER RELATIONS/PUBLIC RELATIONS***

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The City of Lansing's reputation is dependent on all our employees and the high-quality service and work we deliver. That reputation is impacted by each employee and requires constant diligence to maintain. Customer attitudes and opinions may be based on their interaction with a single employee, positive or negative, and may last for years. We cannot take our residents for granted, or we risk losing not only that resident, but potentially his/her associates, friends and family that might become residents. Employees are expected to be polite, courteous, prompt and attentive to every resident. We ask that all residents are always to be treated courteously and given proper attention.

All correspondence and documents, whether to residents or others, must be neatly prepared and error-free. Attention to accuracy and detail in all paperwork demonstrates your commitment to those with whom we do business. Through your conduct, show your desire to assist the resident in obtaining the help he or she needs.

# WORKPLACE ENVIRONMENT

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## ***BUSINESS ETHICS AND CONDUCT***

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The successful operation and reputation of the City is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

The continued success of the City is dependent upon our citizens' trust and we are dedicated to preserving that trust. Employees owe a duty to the City and its citizens to conduct themselves in a manner that will merit the continued trust and confidence of the public.

The City will comply with all applicable laws and regulations and expects its directors, officers, and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws, and to refrain from any illegal, dishonest, or unethical conduct.

In general, the use of good judgment, based on high ethical principles, will be the guide to acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with your immediate supervisor, and if necessary, with the City Administrator for advice and consultation.

Compliance with this policy of business ethics and conduct is the responsibility of every City employee. Employees will be required to sign and acknowledge an Employee Code of Ethics during the hiring process. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including termination of employment.

## ***CONDUCT IN THE WORKPLACE***

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City employees must treat other employees, the public, other entities, and elected officials with courtesy and respect. Supervisors shall treat their employees with the same courtesy and respect employees are required to display toward supervisors. Criticisms of an employee or an employee's performance should be made directly to the employee in a private setting.

## ***EMPLOYMENT OF RELATIVES/CONSENSUAL RELATIONSHIPS***

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Employment in the same area of relatives or those with close personal relationships may cause serious conflicts and issues with the perception of favoritism and employee morale. In addition to the appearance of partiality in treatment at work, personal conflicts originating outside the work environment can be carried into day-to-day working relationships. Therefore, close relatives, partners, those in a dating relationship or members of the same household of persons currently employed by the City of Lansing will not be eligible for employment in the same departments or where a supervisory relationship exists, subject to review by the City Administrator. Close relatives are defined as spouse, domestic partner, parent or spouse's parent, grandparent, child or child's spouse, sibling or sibling's spouse, uncle/aunt, nephew/niece, step relatives, and cousins..

The City of Lansing maintains a strict policy regarding consensual relationships, such as a dating relationship or where employees become relatives, partners or members of the same household where one party is in a supervisory position. The person in the supervisory position is required to inform their supervisor of the relationship. Employees may continue their employment if it does not result in any of the following:

- A supervisor/subordinate relationship; or
- Creating a conflict or the appearance of a conflict of interest, even if there is no direct-reporting relationship or authority involved.

If one of the conditions outlined above should occur, attempts will be made to find a suitable position within the City of Lansing to which one of the employees can be transferred. If an accommodation of this nature is not feasible the employees will be permitted to execute a consensual relationship acknowledgement in which they agree to keep the consensual relationship, and any termination thereof, separate from the workplace.

## ***DRUG-FREE WORKPLACE***

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Employees are the City's most valuable resource and, therefore, their health and safety is a top priority. The City will not tolerate substance abuse or use which imperils the health and well-being of its employees or threatens its service to the public.

Employees of the City have a reasonable expectation to work in a safe environment free from the effects of drug use and substance abuse. The City, as an employer, expects its employees to report to work fit for duty and free from the effects of drug use and substance abuse. On-the-job impairment caused by legal, illegal, or controlled substances is a violation of City, employee, co-worker, and general public expectations.

Since physical conditioning will affect employees' job performance, the health and safety of City employees is a top priority. The City also recognizes that substance abuse ranks as one of the major health problems in our society. It has been clearly established in scientific and medical research that a worker involved with drugs and/or alcohol is a source of danger, accidents, injuries, and even death. Therefore, the City will not tolerate any drug and/or alcohol use which imperils the health and well-being of its employees or threatens its operations. It is because of these potential dangers and the sensitive nature of the work of the City that this policy is established. The City is committed to maintaining a safe and healthy work force free from the influence of substance abuse. This policy shall apply to all applicants for City employment and to all City employees.

## **DEFINITIONS**

**Applicant:** A person who the City is considering for employment.

**Alcohol:** Alcohol is a drug and is a central nervous system depressant. Alcohol is the major intoxicating ingredient in wine, beer, and distilled liquor. It is the product of distillation of any fermented liquid whether rectified or diluted whatever the origin and includes synthetic ethyl alcohol.

**Alcohol Concentration:** The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test, 100 milliliters of blood as indicated by an evidentiary blood test, or urine as indicated by a urinalysis.

**Alcohol Use:** The consumption of any beverage, mixture, or preparation, including medication, or other substance, such as liquor-filled chocolates, containing alcohol.

**Breath Alcohol Technician (BAT):** A person trained to proficiency in federal alcohol testing procedures for the operation of the Evidential Breath Testing device to be used to administer the required test, in accordance with applicable law.

**Commercial Motor Vehicle:** Any motor, used to transport passengers or property that:

- A. Has a gross combination weight rating of 26,001 or more pounds, including a towed unit with a gross weight rating of more than 10,000 pounds; or
- B. Has a gross vehicle weight rating of 26,001 or more pounds; or
- C. Is designed to transport 16 or more passengers, including the driver; or

- D. Is of any size and is used to transport materials that are hazardous for the purposes of the Hazardous Materials Transportation Act and that require the motor vehicle to be placarded under the Hazardous Materials Regulations.

**Confirmation Test (Alcohol Testing):** A second test, following a screening test with a B.A.C. (Blood or Breath Alcohol Concentration) or urinalysis result of 0.02 or greater, which provides quantitative data of alcohol concentration.

**Confirmation Test (Drug Testing):** A second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the initial test. Gas chromatography/mass spectrometry (GS/MS) is the only authorized confirmation method for drug testing.

**Controlled and Illegal Substances:** Drugs for which the possession, sale, use, or distribution is unlawful. These substances include but are not limited to: amphetamines (speed); tranquilizers (valium); barbiturates (phenobarbital); cocaine and all of its derivatives, marijuana; and hallucinogens (LSD). Illegal drugs include drugs that are not legally obtainable and drugs that are legally obtainable but have been illegally obtained.

**Drugs:** Any chemical substance that alters a person's physical, mental, emotional state or behavior.

**Drug and Alcohol Testing:** May include, but is not limited to: urinalysis, breath testing, and blood testing.

**Enzyme Multiplied Immunoassay (EMIT):** An initial urinalysis test which can detect the presence of any alcohol or drugs in the body.

**Employee:** A person who has accepted employment with the City.

**Evidential Breath Testing Device (EBT):** A device approved by the National Highway Transportation Board to measure breath alcohol concentration, in accordance with applicable law.

**Gas Chromatography/Mass Spectrometry (GC/MS):** A confirmatory urinalysis test that is given if the EMIT test gives a presumptive positive result.

**Intoxicating Substance:** Any substance which produces changes in one's physical, mental, or emotional state or behavior, including but not limited to, those substances listed under this section.

**Medical Review Officer (MRO):** A licensed physician knowledgeable of substance abuse disorders who has appropriate related medical training and who is designated as the individual responsible for interpreting and evaluating all positive laboratory test results from the City's drug testing program together with an individual's medical history and any other relevant biomedical information.

**Possession:** The act of obtaining or having in one's personal control a substance, including an invalid prescription, where the actual or constructive possession or use of which is unlawful.

**Questionable Accident:** An incident involving a City employee where certain acts, omissions, or assertions are in dispute and the supervisor in charge reasonably believes that the employee's mental or physical capacity was impaired.

**Reasonable Suspicion:** Knowledge sufficient to lead a reasonably prudent and objective person to believe that an individual is operating under the influence of a chemical substance. Supervisors shall be given special training to detect the abuse of alcohol or drugs.



**Reportable Incident:** Any on-the-job or on-duty incident involving any City employee that results in bodily injury or property damage.

**Safety Sensitive Function:** For purposes of this policy, the term “safety sensitive” only refers to employees in positions that require driving a commercial motor vehicle. The term does not include Police personnel.

An employee is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive function. A safety sensitive function is any of the following on-duty functions that involve operation of a commercial motor vehicle:

- A. All time waiting to be dispatched, unless the employee has been relieved from duty by the City;
- B. All time inspecting, servicing, or conditioning any commercial motor vehicle;
- C. All time spent at the driving controls of a commercial motor vehicle in operation;
- D. All time, other than driving time, spent in or upon any commercial motor vehicle;
- E. All time loading or unloading a commercial motor vehicle, supervising or assisting in the loading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
- F. All time spent performing the employee requirements associated with an accident, including the following:
  - a. Stopping immediately;
  - b. ii. Taking all necessary precautions to prevent further accidents at the scene;
  - c. iii. Rendering all reasonable assistance to injured person;
  - d. iv. Giving employee’s name and address, the name and address of the City, the state tag, and registration number of the vehicle involved, and if requested, exhibiting driver’s license;
  - e. v. Locating and notifying the custodian and registered owner of an unattended vehicle which is hit in the accident; and
  - f. vi. Reporting all details of the accident as soon as practicable after its occurrence to the employee’s supervisor.
- G. All time repairing, obtaining assistance, or remaining in attendance of a disabled vehicle.

**Screening Test (Alcohol):** An analytical procedure used to determine whether an employee may have a prohibited concentration of alcohol in his or her system. **Screening Test (Drugs):** An immunoassay test used as an initial test to eliminate negative urine samples from further consideration.

**Substance Abuse Professional (SAP):** A licensed physician (medical doctor or doctor of osteopathy) or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission, with knowledge and/or clinical experience in the diagnosis and treatment of disorders related to drugs and alcohol.

The City will ensure that an SAP does not refer an employee who requires assistance in resolving problems associated with alcohol misuse to the SAP’s private practice or to a person or organization in which the SAP has a financial interest.

**Under the Influence of Alcohol, Drugs, or Other Intoxicating Substances:** If, as a result of the consumption, inhalation, or injection or any combination of any alcohol, drug, or other intoxicating substance or any combination of substances, an employee’s performance is impaired to any appreciable degree and a subsequent detection test shows any detectable level of such drugs, alcohol, or other intoxicating substances, he or she will be determined to be under the influence of the detected substance.

## **DRUG AND ALCOHOL PROGRAM**

The City has established a drug and alcohol policy that employees shall not be under the influence of or in possession of drugs, alcohol, or intoxicating substances. It further states that employees shall not possess or use drugs or alcohol while on City property; at work locations; while on duty; while wearing City attire; or while on call or state-of-readiness-to-duty status. This policy is for City employees and is an effort on behalf of the City to maintain a drug and alcohol-free workplace. This policy will inform City employees about the:

- A. Dangers of drug and alcohol abuse in the workplace;
- B. City's substance abuse policy and what it means;
- C. Availability of treatment programs for employees who seek help;
- D. Sanctions the City will impose for violations of this substance abuse policy.

## **TRAINING FOR DEPARTMENT DIRECTORS AND DIVISION SUPERVISORS**

Training regarding the proper enforcement and administration of this policy will be provided to Department Directors and supervisors at regular intervals; but no less than two years between intervals beginning with the adoption of this policy.

## **SELF-REFERRAL FOR DRUG AND ALCOHOL TREATMENT**

The City provides health insurance plans and Employee Assistance Programs for employees which have provisions for those employees who voluntarily seek treatment for drug or alcohol problems. A drug and alcohol problem is a personal issue, and the employee is responsible for any costs associated with any drug or alcohol rehabilitation program. No terms or provisions under this policy may be construed or interpreted to imply that the City will be responsible for any costs associated for an employee's drug or alcohol treatment. Employees who voluntarily request help for an alcohol or drug problem may do so confidentially. Self-referral, in and of itself, will not result in any disciplinary action. Employees who undergo voluntary counseling or treatment must meet all standards of conduct and job performance as established by this policy and all other City policies.

## **PROHIBITED ACTS**

The following acts are prohibited under this policy:

- A. Using or possessing any illegal drug or alcohol on the job.
- B. Reporting to work while under the influence of an illegal drug or alcohol (testing positive for any illegal drug or alcohol through a urinalysis, or breath or blood test), or using an illegal drug or alcohol at any time in such manner that it impairs work performance.
- C. Refusal to submit to a drug or alcohol test when requested by the employee's supervisor and/or tampering with any drug or alcohol test.
- D. Employees who work in Safety Sensitive positions as defined by the Federal Highway Transportation Act are prohibited from:
  - a. Using illegal drugs as defined by Kansas Law on or off duty.
  - b. Using any substance that impairs the ability to operate a vehicle, machinery, or equipment safely while on duty.
  - c. Performing safety sensitive functions within four hours after consuming alcohol.
  - d. Reporting for duty or remaining on duty requiring the performance of safety sensitive functions while having a blood alcohol concentration of 0.02 or greater.
  - e. Performing safety-sensitive functions while having a blood alcohol concentration of 0.02 percent or greater as indicated by an alcohol breath test.
  - f. Using alcohol in the eight hour time period following an accident or until an employee undergoes a post-accident test (whichever occurs first)

- g. Performing safety sensitive functions in the eight hour time period following an accident until an employee submits to a post-accident test or a determination has been made that the employee's conduct was not a contributing factor in the accident (whichever occurs first)
- E. The use, distribution, possession, or sale of drugs or controlled substances or paraphernalia relating to drugs or controlled substances at a work site, in a City vehicle, or on City property.
- F. Any employee who is involved in a reportable accident shall be subject to an investigation. As part of the investigation, the employee shall be directed to undergo a drug and alcohol detection test. The Department Director or supervisor will contact the City Clerk to arrange for immediate testing. The employee will be immediately relieved of duty and removed from the work site pending departmental investigation, as provided for in the Employee Handbook. The refusal of an employee to immediately submit to an alcohol and controlled substance test, when requested by the supervisor in charge will constitute insubordination and may result in disciplinary action, up to, and including termination.
- G. Based on the results of the investigation and drug and/or alcohol detection testing, the employee may be subject to disciplinary action, up to, and including termination of employment, and/or a mandatory rehabilitation program.
- H. If enrollment in a drug and/or alcohol rehabilitation program is required for continued employment, an employee's fitness to continue in his or her current position while enrolled will be on a case-by-case basis. Such determination will be made by the Department Director or supervisor in consultation with the Human Resources Director after reviewing input and recommendations from the employee's physician and/or substance abuse counselor.
  - a. Any employee who has signed a diversion agreement or has been convicted for the sale, transfer, or possession of any illegal drugs while in an off-duty status even if while not located on City premises may result in disciplinary action, up to, and including termination of employment.
- I. Refusal to undergo drug and/or alcohol testing when instructed by a Department Director or supervisor, who has substantiated reasonable suspicion, is prohibited and may result in disciplinary action, up to, and including termination of employment.
- J. Any suspected, suspicious, or illegal substance which is discovered during an inspection or investigation by the City will be turned over to the Lansing Police Department or to any other law enforcement authority for processing and testing.
- K. An employee must notify his or her supervisor of any diversion agreements entered into by the employee and of any criminal convictions relating to acts involving alcohol or drug use within five (5) days of entering into the diversion agreement or conviction.
- L. In the event that more than one employee reasonably suspects that drug and/or alcohol involvement is affecting a supervisor's job performance, those employees may go to that supervisor's immediate superior and report their concerns. There will be no adverse employment actions nor retaliation permitted against the employee or employees who reported their concerns.
- M. Supervisors are expected to take appropriate action to protect City employees and property by removing any employee from City premises who do not exhibit an acceptable level of physical and/or mental condition determined to be detrimental to the performance of his or her assigned duties or determined to present safety concerns for the employee or for others. An employee who appears to be physically and/or mentally impaired shall be taken home or to a medical facility. Under such circumstances, the employee will

not be allowed to operate a City motor vehicle or equipment and will not be allowed to operate his or her personal vehicle.

### **EXEMPTION FOR PRESCRIBED MEDICAL TREATMENT**

An employee who has legally obtained prescription medication through his or her physician and is not in violation of any federal, state, or local laws will not be subject to disciplinary action. The possession and use of such medication must be substantiated by a physician's report. However, if the use of these prescribed drugs adversely affects an employee's job performance and is detrimental to the public safety or the safety of other employees, the employee will be placed on sick leave, vacation, or leave without pay. It is the responsibility of the employee to consult a physician regarding the side effects of medications. If the legally prescribed medication has the potential to cause dangerous or unsafe side effects such as drowsiness, blurred vision, etc., the employee has the responsibility to notify the City Clerk that he or she is taking such medication. All prescription medicine must be kept in its original container indicating the name of the medicine, name of the patient, dosage, and prescribing physician's name.

### **TESTING PROCEDURES**

In keeping with the City's goal to establish and maintain a work environment free from the effects of drugs and intoxicating substances and to ensure safety of citizens, the workplace, and employees, the following procedures are established:

Applicants for all positions to whom a conditional offer of employment by the City is made will be required to successfully complete a drug and alcohol detection test. The costs of such tests will be paid by the City.

- A. Department Directors and/or supervisors, shall initiate drug and/or alcohol testing of any employee involved in a reportable accident.
- B. Drug and/or alcohol detection testing may include any one of the following: urinalysis testing, breathe testing, and/or blood testing. Any individual who receives an initial positive result on the drug and/or alcohol detection test will automatically have a confirmatory test performed before any management or disciplinary action is taken. Note, a negative test result on a drug and/or alcohol test does not preclude the City from taking adverse action if it is determined that other situational factors require that adverse employment action should be taken.
- C. Drug and/or alcohol detection testing of employees may be initiated by a Department Director when there is reasonable suspicion present. The following criteria may be considered and must be documented to serve as the basis for reasonable suspicion:
  - a. Frequent absenteeism or tardiness;
  - b. Poor or deteriorating job performance;
  - c. Confirmed reports from police, citizens, or other employees of drug and/or excessive alcohol use, or abnormal potentially dangerous behavior;
  - d. Medical or physical information such as needle marks;
  - e. Factors which lead supervisors to believe an employee is unfit for duty.
- D. Based on the results of the investigation and drug and/or alcohol detection, an employee may be subject to disciplinary action, up to, and including termination of employment and/or a mandatory rehabilitation program.
- E. An applicant who refuses to submit to drug and/or alcohol testing, at the appointed time, will be denied employment with the City.

### **DRUG TESTING**

- A. The City will designate a testing laboratory which will be required to utilize proper chain-of-custody procedures to ensure that the specimen's security, proper identification, and integrity are not compromised. Employees will provide a urine specimen in a location that affords privacy, and the "collector" will seal and label the specimen, complete a chain of custody document, and prepare the specimen and accompanying paperwork for shipment to a drug testing laboratory.
- B. Drug testing procedures include split specimen procedures. Each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen. Both bottles are sent to the laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the laboratory. If the analysis of the primary specimen confirms the presence of illegal drugs, the employee has 72 hours to request the split specimen be sent to another DHHA certified laboratory for analysis. This split specimen procedure essentially provides the employee with an opportunity for a second opinion.
- C. Drug testing is a two-stage process. First, a screening test is performed. If it is positive for one or more drugs, then a confirmation test is performed for each identified drug using gas chromatography/mass spectrometry (GC/MS) analysis. GC/MS confirmation ensures that over-the-counter medications or preparations are not reported as positive results.
- D. All drug results will be reviewed and interpreted by a Medical Review Officer (MRO) before they are reported to the City. If the laboratory reports a positive result to the MRO, the MRO will contact the employee (in person or by telephone) to determine if there is an alternative medical explanation for the drugs found in the employee's urine specimen. If the employee provides appropriate documentation and the MRO determines that it is a legitimate medical use of the prohibited drug, the drug test result will be reported as negative to the City.
- E. An applicant or tested employee shall inform the laboratory examiners of any prescriptions drugs he or she may be taking in order to avoid the possibility of false positive readings from urinalysis testing and/or blood testing.
- F. The tests are designed to detect drugs which are most commonly used. Listed below are drug groups and their commonly known names that may be identified by the use of such testing:
  - a. Alcohol (ethyl);
  - b. Amphetamines (speed);
  - c. Barbiturates (Amobarbital, Butobarbital, Phenobarbital, Suborbital);
  - d. Cocaine;
  - e. Methaqualone (Quaalude);
  - f. Opiates (Codeine, Heroine, Morphine, Hydromorphone, Hydrocodone)
  - g. Phencyclidine (PCP);
  - h. Ecstasy;
  - i. Cannabinoids (THC, Marijuana, hash);
  - j. Benzodiazepines (Tranquilizers, Valium);
  - k. Methadone;
  - l. Propoxyphene;
  - m. Any drugs covered by the Uniform Controlled Substance Act (K.S.A. 65-4101 *et seq.*).

## ALCOHOL TESTING

- A. Testing for alcohol will be conducted by urinalysis or a Breath Alcohol Technician (BAT) with an Evidential Breath Testing (EBT) device listed on the National Highway Traffic Safety Administration's (NHTSA) Conforming Products List. The BAT and the individual must complete an Alcohol Testing Form.
- B. A screening test is conducted first. If the blood alcohol concentration is 0.02 or greater, a second confirmation test must be conducted.
- C. The confirmation test will be conducted using urinalysis or an EBT (Evidential Breath Tester) that prints the results, data, time, sequential test number, and the name and serial number of the EBT to ensure the reliability of the results. If the results of the screening test and the confirmation test differ, the confirmation result prevails.
- D. The testing site will afford privacy to the employee being tested in a manner designed to ensure that unauthorized individuals are unable to see or overhear results.

## **TYPES OF TESTS**

### **CONDITIONAL OFFER OF EMPLOYMENT:**

- A. All applicants are informed of the City's Substance Abuse Policy.
- B. Any offer made to an applicant for a position with the City will be conditioned upon the individual passing a drug and alcohol test. Releases and other documentation must be signed to affirm the process and to allow the City to receive information regarding the test. Individuals less than 18 years of age must have written consent of their parents. The City will bear the cost of the test.
- C. Refusal to take the test, or any evidence that a test has been tampered with will disqualify the individual from hire.
- D. If the City receives a confirmed positive drug and/or alcohol test from the MRO, the offer of employment will be withdrawn.
- E. If a positive test result is disputed, the conditional employee may request a second test of the same sample. The cost of this test will be borne by the individual.
- F. When an individual is being considered for a safety sensitive position, the City will check with his or her previous employers for the past 2 years to obtain information related to past positive tests.

### **TESTING CURRENT EMPLOYEES FOR CAUSE:**

- A. Current employees will be asked to submit to a test if reasonable suspicion exists to indicate that his or her ability to perform work might be impaired. Factors that could establish reasonable suspicion include, but are not limited to:
  - a. Noticeable changes in work performance;
  - b. Repeated failure to follow instructions or operating procedures;
  - c. Violation of City safety policies/procedures;
  - d. Involvement in an accident or near-accident;
  - e. Discovery or presence of illegal or suspicious substances or materials in an employee's possession or near the employee's workplace;
  - f. Alcohol-like odor and/or odor resembling a chemical or controlled substance's residual odor;
  - g. Unexplained and/or frequent absenteeism or tardiness;
  - h. Personality changes or disorientation;

- i. Arrest or conviction for violation of a criminal drug statute;
  - j. Abnormal, irrational, or erratic behavior;
  - k. Actions reflecting impaired judgment or reflexes;
  - l. Physical symptoms of drug and/or alcohol use, such as bloodshot eyes, slurred speech, or poor balance
- B. A supervisor or Department Director who has reasonable suspicion to believe that an employee is impaired or is using alcohol and/or illegal substances may take the employee to be tested after obtaining approval of the City Clerk and/or the City Administrator. If the situation is such that the supervisor believes the safety of the individual or others is in question, the supervisor shall immediately remove the employee from the work site while obtaining the appropriate approvals.
  - C. A City Clerk representative or supervisor will immediately transport the employee to the testing facility for alcohol and/or drug testing.
  - D. An employee sent for testing due to reasonable suspicion will be placed on administrative leave with pay until the test results are received.

#### **POST-ACCIDENT TESTING:**

Testing is required after all accidents.

- A. Post-accident tests must be performed as soon as possible. Controlled substances tests must be performed within 32 hours of the accident. Alcohol tests must be performed within 8 hours of the accident.
- B. Drivers subject to post-accident testing must remain readily available for such testing or they may be deemed to have refused to submit to testing.
- C. Drivers subject to post-accident testing must refrain from using alcohol for 8 hours following the accident, or until completing a post-accident alcohol test, whichever comes first.
- D. The following steps should be taken in a post-accident situation:
  - a. Treat injuries first;
  - b. Cooperate with law enforcement officers, and allow them to conduct their investigation. For purposes of their investigation, the police may require a controlled substances and/or alcohol test.
  - c. Explain the need for testing. Tell the driver that a test is to be conducted. A negative finding will objectively put to rest any suspicions of alcohol and/or controlled substances as a cause of the accident.
  - d. Conduct tests promptly.

#### **RANDOM TESTING:**

- A. All employees are subject to random testing.
- B. Employee Selection for Random Testing
  - a. An outside company will randomly select a sufficient number of employees for drug and/or alcohol testing each quarter to ensure compliance with federal law and this policy.
  - b. Safety-sensitive employees are required by Federal Motor Carrier Safety Association to be placed in a separate random testing pool than employees who do not perform safety-sensitive functions.

- c. Employees will be selected for testing using a computer-based random selection program. Employees will remain in the random selection pool at all times, regardless of whether they have previously been selected for testing. Because the tests are random, some employees may be tested more than once during the year, while others may not be tested at all.
  - d. The City Clerk will be responsible for notifying the Department Director, supervisor, or his or her designee, of employees who have been selected for testing. The City Clerk will retain a list of all employees selected for testing along with the dates tested and type of test administered.
- C. Testing dates will be randomly distributed throughout a 12-month testing period. Testing dates and times will be unannounced and conducted throughout the year with unpredictable frequency.
- D. Employees will be notified they have been selected for testing only after they have reported for duty and are on the job on the day of collection. The City Clerk will notify the employee's supervisor and the supervisor will notify the employee to be tested to report to the testing facility immediately.
- E. If Selected Employee is Unavailable for Testing:
- a. If an employee is unavailable for random testing for any reason to include a long-term illness, injury, military leave, or vacation and will not return to work before the next testing date, the City will maintain documentation that the employee was unavailable and that they were in the random selection pool for that cycle, then skip the employee's name and select the next employee on the random selection list for testing. The City will not require an employee to submit to the required random testing while the employee is off work for an extended period.
  - b. If an employee is unavailable for random testing for any reason to include a short-term illness, injury, military leave, or vacation and will return to work before the next testing date, the City will set aside the employee's name and conduct the required random test when the employee returns to duty.

## **CONSEQUENCES OF CONFIRMATION OF ALCOHOL USE**

### **SAFETY SENSITIVE EMPLOYEES:**

- A. A safety sensitive employee whose test result shows an alcohol concentration of 0.04 or higher will not be allowed to return to work until:
  - a. The employee has had a mandatory referral to the City's Employee Assistance Program, and has been evaluated by a Substance Abuse Professional through the Program, to determine what assistance, if any, he or she needs in resolving problems associated with alcohol misuse, and
  - b. The Substance Abuse Professional determines that the employee has complied with any treatment recommendations to assist them with an alcohol problem, and
  - c. The employee's alcohol concentration is less than 0.02 on a return-to-duty test.
- B. An employee whose test result shows an alcohol concentration of 0.02 or greater but less than 0.04 when tested just before, during, or just after performing safety-sensitive functions will be removed from such duties for 24 hours or until the start of the individual's next regularly scheduled duty period, but not less than 24 hours following the test; however, he or she will not be subject to return-to-duty or follow up testing.

### **NON-SAFETY SENSITIVE EMPLOYEES:**



- A. An employee whose test result shows an alcohol concentration of 0.04 or higher will not be allowed to return to work until:
  - a. The employee has had a mandatory referral to the City's Employee Assistance Program, and has been evaluated by a Substance Abuse Professional through the Program, to determine what assistance, if any, he or she needs in resolving problems associated with alcohol misuse, and
  - b. The Substance Abuse Professional determines that the employee has complied with any treatment recommendations to assist them with an alcohol problem, and
  - c. The employee's alcohol concentration is less than 0.02 on a return-to-duty test.
- B. An employee whose test result shows an alcohol concentration of 0.02 or greater but less than 0.04 will be removed from work duties for 24 hours or until the start of the individual's next regularly scheduled work period, but not less than 24 hours following the test; however, he or she will not be subject to return-to-duty or follow up testing.

Any employee, whether safety sensitive or non-safety sensitive, who is required to have a mandatory EAP referral will be required to sign releases enabling the City to obtain work related information, and the employee must have a release from the EAP counselor stating that the individual is capable of performing the essential functions of his or her position in order to be considered for return to work. In order to qualify for that type of release, the employee may be required to participate in various treatment programs, further counseling, or other educational opportunities.

#### **DISCIPLINARY ACTION:**

Participation in the EAP program does not preclude disciplinary action, up to, and including termination.

#### **TIME AWAY FROM WORK:**

Any time an employee must be away from work due to a positive breath alcohol test result will be charged to his or her vacation leave. The leave may be combined with time off without pay from a suspension or an approved leave of absence without pay.

#### **CONSEQUENCES OF CONFIRMATION OF DRUG USE**

Any employee who tests positive for illegal drugs may be subject to termination from employment with the City upon confirmation of a positive test result.

#### **CONFIDENTIALITY**

Unless otherwise agreed or consented to by the applicant or employee, the City Administrator, City Clerk, legal counsel, or Department Director/supervisor in charge will be the only individuals notified of the results of the drug and/or alcohol test. Any disclosure of the results of these tests by any person for any purpose other than those set forth in this policy is strictly prohibited.

#### ***OUTSIDE EMPLOYMENT***

An employee may engage in additional employment outside his or her official hours of duty provided the employee notifies the employee's Department Director verbally or in writing. If at any time, the Department Director determines that the outside employment interferes with the employee's City job performance, the Department Director may request that the employee resign the other employment position. If the employee rejects such a request, the Department Director may, with the approval of the City Administrator take disciplinary action as he or she deems appropriate under the circumstances for the situation. An employee may hold a job with another organization as long as he or she satisfactorily performs his or her job responsibilities with the City. All employees will be judged by the same performance standards and will be subject to the City's scheduling demands, regardless

of any existing outside work requirements. Outside employment will present a conflict of interest if it is determined to have an adverse impact on the City.

## ***CONFLICTS OF INTEREST***

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A company's reputation for integrity is one of its most valuable assets and is directly related to its employee's actions and conduct. All employees of the City of Lansing should exercise caution in avoiding a conflict of interest with regard to the City of Lansing's interests and should exercise independent judgment in the conduct of company business. A conflict of interest is a set of circumstances that creates a risk that professional judgment or actions regarding the City's interest will be unduly influenced by the individual's personal interest. Conflict situations can arise when an employee takes actions or has interests that may make it difficult to perform his or her duties objectively and effectively. Conflicts of interests may also arise when an employee (or members of his/her family) and any company or other organization in which they have an interest, either financial or otherwise, receives improper benefits because of his or her position in the City of Lansing, whether received from the City of Lansing or a third party.

Conflicts of interest are prohibited as a matter of the City of Lansing policy. Employees who become aware of a conflict or the appearance of such a conflict should immediately present the situation to his or her direct supervisor, the City Clerk, or the City Administrator as the situation necessitates and such conflict should be resolved prior to taking any action.

Some examples of a potential conflict of interest include:

- Owning a material financial interest in any competitor or an entity that currently does business or is seeking to do business with the City of Lansing;
- Performing services for, being employed by, serving on the Board of Directors, or serving as an officer of any such entity;
- Investing in such a way that could compromise one's ability to perform his or her duties to the City of Lansing;
- Having an immediate family member who engages in the activities identified in this code;
- Personally taking opportunities (or directing an opportunity to a third party) that properly belong to the City of Lansing or that are discovered through the use of City property, information or position for themselves;
- Personally gaining from the use of facility property, information or position; and
- Engaging in any other competitive activity with the City of Lansing while employed at the City of Lansing.
- Accepting money or personal property without approval from a supervisor

Employees should not seek or accept for their own benefit, or for the benefit of any immediate family member, any preferential treatment, favors, special benefits, gifts, special documents or other consideration because of their association with the City of Lansing or any company that does business with the City of Lansing, except those usual and normal benefits directly provided by the City of Lansing or any such entities.

The City of Lansing adheres to the highest legal and ethical business standards. All City of Lansing business shall be conducted in strict adherence to both the letter and spirit of all applicable laws and regulations.

## ***PECUNIARY INTEREST***

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No individual employee of the City shall have any financial interest in the profits of any contract, service, or other work performed by an agency for the City. In addition, no individual employee shall accept any free or preferred service, benefits, or concessions from any persons, companies, or other agencies in return for special consideration relating to any City activity or program. Individual employees may accept gifts, promotional items

with a value of less than fifteen dollars (\$15.00), provided that no special consideration is extended to the provider of such items.

## ***POLITICAL ACTIVITIES***

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No employee of the City shall use his or her authority to influence or coerce the political action of another employee. No employee shall, during the course of normal working hours, disrupt the functioning of City operations by distributing literature or other materials, or otherwise conducting campaign activities in support of any political party or candidate for any public office. Further, no City employee, at any time, shall make any contribution to the campaign fund or take part in any aspect of the management, affairs, or campaign for any candidate for the Office of Mayor or City Council Member of the City, other than in the exercise of the employee's right as a citizen to express his or her private opinion or to cast his or her vote in the course of an election.

### **Election to local Public Office**

No employee of the City shall continue in his or her position after becoming a candidate for nomination or election to an elected position with the City.

## ***CONFIDENTIALITY/ NON-DISCLOSURE***

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The protection of confidential information is vital to the interests and the success of the City. Such confidential information includes, but is not limited to, the following examples:

- police records
- computer processes
- computer programs and codes
- customer lists
- customer preferences
- new materials research
- pending projects and proposals
- technological data
- personnel records
- economic development matters

Employee information will only be released if the City has a signed release form and/or has a Power of Attorney on file. Employees who improperly duplicate, disclose, publish, reveal, or use confidential business information will be subject to disciplinary action, up to, and including termination of employment. Such adverse disciplinary actions may occur even if the violator does not actually benefit from the disclosed information.

### **Media Contact**

Any media inquiry regarding the City of Lansing and its operations should immediately be referred to your direct supervisor without comment. No one other than the Public Information Officer or City Administrator, or his/her designee is authorized to speak on behalf of the City of Lansing without specific authorization to do so.

## ***PROTECTION AND PROPER USE OF ASSETS***

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All City-owned equipment shall be used exclusively for City business or projects. Equipment and vehicles essential to accomplish job duties are expensive and may be difficult to replace. When using City-owned property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Notice shall be given to a supervisor when any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt notice and reporting of damages, defects, and the need for repairs may prevent further deterioration of City owned equipment and may prevent potential injury to employees or others. If an employee has any questions or concerns regarding his or her responsibilities for the maintenance and care of any equipment or vehicles used on the job, he or she shall ask his or her supervisor for such information.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to, and including termination of employment.

In the event that an employee, who by the nature of his or her position with the City, is required to be available on a regular basis for emergency call-back duty during hours other than those he or she normally works, the City Administrator may assign the employee a City vehicle for the purposes of transporting the employee to and from work. During such non-duty hours, an assigned City vehicle shall be used solely for such authorized City business purposes. Should an energy shortage or related emergency occur, the City Administrator may cancel the assignment of City vehicles for non-duty transportation.

A City employee may use City-owned equipment in assisting local community groups, provided such use is in the public's interest. The appropriate Department Director must approve use of City equipment and notify the City Administrator of such authorization.

### **Property Return**

Employees are responsible for all City property, materials, or written information issued to them or in their possession or control. Employees must return all City property immediately upon request or upon termination of employment. Where permitted by applicable laws, the City may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. The City may also take all actions deemed appropriate to recover or protect its property. Anyone who is aware of violation of this policy should report the issue to the City Clerk.

## ***PERSONNEL RECORDS***

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Personnel records shall be defined as any employment-related record which is maintained by the City. Such records may cover a current or former employee or volunteer and may include information of any personnel action regarding the individual.

There shall be only one official set of personnel records for all employees and volunteers. Such personnel records shall be secured and maintained by the City Clerk's Office. Department Directors and supervisors may maintain unofficial employee personnel files. Such unofficial files may contain duplications of official reports, forms, etc., which may be located in the official file excluding any files related to medical. However, all original documentation will be maintained in the central personnel files located in City Hall. It is the Department Director and/or supervisor's responsibility to forward any and all documents received for or from an employee to the City Clerk for recording in the employee's official personnel file.

It is the employee's responsibility to promptly notify the City Clerk of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational and training accomplishments, and other such status reports should be accurate and current at all times.

Any information and records obtained by the City containing medical information will be maintained in a separate, secure file in compliance with HIPPA regulations.

## **MAINTENANCE OF SECURITY**

To ensure security and confidentiality of official personnel records, and to prevent the unauthorized use, modification, disclosure, or destruction of these records, all official personnel files will be maintained under the direction of City Clerk. Personnel files and records shall be stored in filing cabinets, within other filing facilities, or electronically which shall always be secured when not in use or under the supervision of the City Clerk who shall be responsible for the oversight and security of said files and records.

Unofficial departmental personnel files will be maintained under the authority of the Department Director, who shall take all appropriate measures to secure such files and maintain confidentiality.

### **ACCESS TO RECORDS**

Access to employee personnel files, whether for official or departmental reasons, shall be restricted to the following persons:

- A. Employees whose official duties require access to the information, i.e. City Administrator or the City Administrator's authorized designee;
- B. Employees of the Administration Department;
- C. An employee's supervisor(s);
- D. The employee who is the subject of the file and/or records;
- E. Signed release from an outside entity.

An employee may request to examine his or her personnel file and/or records during regular business hours. Access to these records will be granted within one (1) business day after notification. Should an employee, who is reviewing his or her file, request a copy of specific records located in his or her file, the requested copies of records will be made available to the employee within ten (10) business days. A request to copy an entire file will be provided for a fee of twenty dollars (\$20) payable before the copies are made and provided to the employee. In no event shall any original documents or records, which are located in the official personnel file, be released to an employee. Employee review of all official personnel documents which are located in the central file shall be made in the presence of an Administration Department employee. Upon request of an employee to review his or her official personnel file, the employee may be required to provide identification as may be determined by the Administration Department.

### **RELEASE OF INFORMATION**

Information contained in an employee's personnel records shall be released to an outside individual or agency only by the City Clerk. Information may be made available to outside agencies, employers, or individuals who submit a written authorization form signed by the employee. Such disclosure may occur when the requesting party has properly submitted the written authorization form and formally requests specific information and states the reason(s) for the request.

Information may be released to outside agencies, employers or individuals without an employee's written authorization under the following circumstances:

- A. Oral or written requests for information where such information relates to confirmation of employment, whether current or past, and dates of such employment;
- B. On written request where the City has received satisfactory assurances that the information released shall be used only for statistical research. In such cases, the information shall be released in a form such that the individual's identity cannot be determined;
- C. Pursuant to a written court order of competent jurisdiction; or

- D. Pursuant to a written subpoena for the information issued in connection with a judicial or official administrative proceeding.

### **AMENDMENT OF RECORDS**

An employee may request an amendment of his or her personnel record. To request such an amendment, an employee must provide a written request to the City Administrator. The written request shall identify the specific records sought to be deleted or amended, how that information is to be amended, and the reason(s) why the request for amendment or deletion is being made. When considering the request, the City Administrator will consider the following factors: the sufficiency of the evidence related to the requested modification; the character, relevancy, necessity, accuracy, and completeness of the record(s) in question; the degree to which the denial of the request could result in an unfair adverse action to the employee; and the propriety and feasibility of complying with the amendment requested.

Within fifteen (15) business days of receiving the request for amendment, the City Administrator shall forward a written response to the employee requesting the amendment. Such written response shall set forth the City Administrator's decision and the reason(s) for it. If the employee disagrees with the City Administrator's decision, he or she may appeal the decision to the City Council. To preserve the issue for appeal, the appellant/employee must file a written notice of appeal, to the City Clerk, within three (3) business days of receiving the disputed decision. Upon receipt of a properly filed appeal, the City Council will review the case. The City Council's decision shall be final.

### **DISPOSAL OF RECORDS**

Upon the voluntary or involuntary termination of an employee, the employee's official personnel file and records shall be kept for a period of five (5) years from the date of termination. An active file will be located where other active personnel files are maintained. After the five (5) year period has elapsed, the abstracted records shall be stored in an inactive status for an additional sixty-two (62) year period, after which time the records shall be destroyed.

### ***TOBACCO POLICY***

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In keeping with the City's intent to provide a safe and healthful work environment, use of tobacco products (cigars, cigarettes, e-cigarettes/vapor delivery systems, chewing tobacco, etc.) in any form is prohibited in or upon City buildings, vehicles, and equipment. This policy applies to all City employees, appointed and elected officials, citizens, and visitors. Employees are also prohibited from using tobacco and tobacco products while on duty unless they are on their scheduled break or lunch time.

### ***SOLICITATION/DISTRIBUTION/POSTING***

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In order to reduce disruption in the workplace the City of Lansing reserves the right to prohibit any kind of solicitation and distribution of non-worked related materials during work hours in areas devoted primarily to work. Examples include soliciting contributions or signatures, posting literature, distribution of pamphlets, petitions or other printed matter, selling merchandise or distributing samples or literature, etc. Lunch and break times are not considered work time. This policy is not intended to interfere with employee statutory rights.

Bulletin boards are maintained to post employment-related information. Employees are not permitted to post materials on these bulletin boards. Trespassing, solicitation or distribution of literature by non-employees is always prohibited on our premises.

## ***LIFE-THREATENING ILLNESSES IN THE WORKPLACE***

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Employees with life-threatening illnesses, such as cancer, heart disease, and AIDS, often wish to continue their normal pursuits, including work, to the extent allowed by their condition. The City supports these endeavors as long as employees are able to meet acceptable performance standards. As in the case of other disabilities, the City will make reasonable accommodations in accordance with all mandated legal requirements, to allow qualified employees with life-threatening illnesses to perform the essential functions of their jobs.

Medical information regarding individual employees is treated confidentially. The City will take reasonable precautions to protect such information from inappropriate disclosure. All employees who have access to such information have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to disciplinary action, up to, and including termination of employment.

Employees with questions or concerns about life-threatening illnesses are encouraged to contact the City Clerk for information and referral to appropriate services and resources.

# BENEFITS

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The City of Lansing provides a wide range of benefits to our employees to significantly supplement employee wages and assist with important life events. We have outlined some basic parameters of these plans below. Information about our Health and Welfare benefits are in the Benefits Guide located on ADP.

## ***TRAINING AND DEVELOPMENT***

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The City of Lansing endeavors to provide an environment which is conducive to employee self-development. The department supervisor is responsible for initiating all on-the-job training. Employees will receive safety and work training as appropriate. Employees are subject to testing to evaluate the effectiveness of the training from time to time.

Employees are encouraged to take advantage of opportunities to work toward job-related certification and attend job-related seminars and training. Full-time employees with *prior* approval from their supervisors may register for approved programs under this program. The City of Lansing will pay the full cost of the approved training program. We ask that an employee who has attended company sponsored training share the information gained through that opportunity with the rest of the staff to assist in our overall development.

If an employee leaves the City of Lansing employment within 24 months of completion of the training, the City requires reimbursement for the cost of the program.

## ***CERTIFICATION AND TRAINING***

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Employees are encouraged to attend training and/or certification programs that are applicable to the employee's position with the City. The City will pay for such training and/or certifications consisting of seminars, workshops, academies, and/or institutes required to maintain the qualification or certification of any employee who is required to undergo such training by the State, City, or other regulatory agency as a condition of employment. Further, the City will, when deemed appropriate, pay for work-related seminars, workshops, academies, and/or institutes for employees who are not required to keep up a certification, but the opportunity would benefit the individual, department, and City as a whole. Approval of training opportunities must be received from the Department Director prior to paying for the training opportunity.

## ***WORKERS' COMPENSATION INSURANCE***

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The City provides a comprehensive workers' compensation insurance program at no cost to employees. All City employees involved in an illness or accidental injury arising out of or in the course of his or her employment may be entitled to compensation under the Kansas Workers' Compensation Act. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or immediately if the employee is hospitalized.

All employees are required to immediately report accidents to their immediate supervisor unless they are unable to do so. Please refer to the Safety & Security section for complete instructions on reporting on the job accidents.

Neither the City nor the insurance carrier will be liable for the payment of workers' compensation benefits for any injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the City.



## ***SOCIAL SECURITY***

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The City extends to all City employees the benefits of Title II of the Federal Social Security Act. In addition, benefits will be in conformity with the applicable provisions of K.S.A. 40-2301 *et seq.*

## ***RETIREMENT SYSTEM***

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State law mandates that all eligible City employees become members in the Kansas Public Employees Retirement System (KPERS) or Kansas Police and Fire (KP&F). Note that an employee must be eligible for social security coverage to be eligible for KPERS or KP&F membership. KPERS and KP&F membership will begin the first day of employment. KPERS or KP&F membership eligibility requirements are:

- A. The position is covered by the old age, survivors, and disability insurance section of the Federal Social Security Act; and
- B. The position is not seasonal; and
- C. The position is not temporary; and
- D. The position requires at least 1,000 hours annual work for which compensation is paid.
- E. KP&F membership must meet the definition of a police officer or firefighter.

## ***UNEMPLOYMENT INSURANCE***

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Unemployment compensation insurance is funded by the City of Lansing to provide temporary income for employees who have lost their jobs. This is a state administered program and individuals who are terminated may contact the state directly for more information regarding eligibility for benefits under this coverage.

## ***ERGONOMICS***

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The City has developed an ergonomics program to minimize repetitive motion injuries (RMIs) in the workplace. The primary elements of the ergonomics program include:

- A. Work site evaluations;
- B. Control of exposures that may cause RMIs; and
- C. Ergonomics training of employees.

The ergonomics program also focuses on educating employees on their personal responsibility to ensure good work habits (such as posture and body mechanics) and adequate fitness for work.

RMIs are musculoskeletal injuries, identified and diagnosed by a licensed physician that can result from a job, process, or operation where employees perform the same repetitive motion tasks. Examples of repetitive motions tasks include, but are not limited to, sustained computer keyboard and/or mouse usage; assembling materials and products; or lifting, carrying, and/or loading objects.

Employees are provided with training that includes an explanation of the ergonomics program, exposures that have been associated with RMIs, the symptoms and consequences of injuries caused by repetitive motion, the importance of reporting symptoms and injuries, and the methods used to minimize RMIs.

All employees are encouraged to immediately report to their Department Director all suspected RMI's, RMI symptoms, or other ergonomics concerns. All employees are required to report to the City Clerk all workplace RMIs as soon as possible after such injuries have been identified and diagnosed by a licensed physician.

## ***TELECOMMUTING***

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Telecommuting is the practice of working at home or at a site near the home instead of physically traveling to a

central workplace. It is a work alternative that the City may offer to some employees when it would benefit both the organization and the employee.

Employees who believe telecommuting can enhance their ability to get the job done should submit a written request to their managers proposing how it will benefit the City and themselves. The request should explain how they will be accountable and responsible, what equipment is necessary, and how communication barriers will be overcome.

The decision to approve a telecommuting arrangement will be based on factors such as position and job duties, performance history, related work skills, and the impact on the organization.

The employee's compensation, benefits, work status, work responsibilities, and the amount of time the employee is expected to work per day or per pay period will not change due to participation in the telecommuting program (unless otherwise agreed upon in writing).

The employee's at-home work hours will conform to a schedule agreed upon by the employee and his or her supervisor. If such a schedule has not been agreed upon, the employee's work hours will be the same as before the employee began telecommuting. Changes to this schedule must be reviewed and approved in advance by the employee's supervisor.

Telecommuting is an alternative method of meeting the needs of the City and shall not be considered a universal employee benefit. As such, the City has the exclusive right to refuse to make telecommuting available to an employee and to terminate a telecommuting arrangement at any time.

### ***CAFETERIA FRINGE BENEFIT PLAN***

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The purpose of a Section 125 Cafeteria Fringe Benefit Plan is to furnish City employees with a choice of receiving certain tax-free benefits in lieu of taxable compensation. It is the intention of the City that the Plan qualify as a "Cafeteria Plan" within the meaning of Section 125 of the Internal Revenue Code, as amended, and that the benefits which an employee elects to receive under the Plan are eligible for exclusion from a participating employee's income under Section 125 of the Internal Revenue Code, as amended.

Participating employees may select benefits for health insurance premiums or dependent care expenses under this plan. An employee's Plan Year contribution may not exceed the dollar amount required to purchase selected benefits. Eligible employees may elect to participate and must select benefits by the beginning of each Plan Year on July 1 of each calendar year. Benefits selected cannot be modified except as provided in the Internal Revenue Code Section 125 "Cafeteria" Fringe Benefit Plan. Note that qualified benefits are those elected by the City and provided to an employee on a tax-free basis.

### ***DEFERRED COMPENSATION PLAN***

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The City offers to all eligible employees a deferred compensation plan through ICMA Retirement Corporation. Financial contributions made to the deferred compensation account shall be paid by the employee and/or the City. The plan is a 457 Deferred Compensation Plan and an employee must be 18 years of age or older to participate. Eligible employees may participate in the 457 Deferred Compensation Plan subject to all plan terms and conditions.

Under the 457 Deferred Compensation Plan, the employee selects the contribution amount and directs how the contribution is invested in the plan account. Such flexibility allows the employee to tailor his or her own retirement package to meet individual needs.

Contributions to this plan are deducted from an employee's paycheck before any federal, state, and local tax withholdings are calculated, therefore, the employee's taxable income is reduced. In addition, since the plan is a

retirement account, generally, the contributions will not be taxed until withdrawn from the account. For complete information regarding this plan, employees should carefully review the 457 Deferred Compensation Plan as described in the Summary Plan Description. If, after review, an employee has any questions or requires additional information, he or she should contact the Finance Director.

All full-time employees working 30 or more hours per week may contribute to the City's ICMA 457 deferred compensation plan, with the city contributing up to a 2% match.

## ***EMPLOYEE ASSISTANCE PROGRAM***

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The City cares about the health and well-being of its employees and recognizes that a variety of personal problems can disrupt their personal and work lives. While many employees resolve their problems themselves or with the assistance of family and friends, sometimes employees need professional assistance and advice. As a result, through the Employee Assistance Program (EAP), the City provides confidential access to professional counseling services for help in confronting such personal problems as alcohol and substance abuse, marital, family, financial or legal troubles, and emotional distress. The EAP is available to all employees wanting problem assessment, short-term counseling, or referral to appropriate community and private services.

Any personal information concerning employee participation in the EAP is confidential and shall be maintained accordingly. Information obtained during this process may only be released by the employee's written authorization. All counselors associated with this program shall be guided by a Professional Code of Ethics. No information concerning an employee's participation in the EAP will be entered into his or her personnel file.

There is no cost for employees to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will outline community and private services available. The counselor will also inform a participating employee whether any costs associated with private services may be covered by his or her health insurance plan. Costs not covered shall be the responsibility of the employee. Contact the City Clerk for additional information regarding the EAP program.

## ***COBRA***

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The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are voluntary termination, strike, layoff, termination, (other than for gross misconduct) or a reduction in work hours.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the City's group rates plus an administration fee. Each eligible employee will be provided with a written notice describing rights granted under COBRA within 14 days of the qualifying event.

## ***HIPAA***

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Your Employee Benefit Plan is subject to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"). Given the Plan(s) is a fully insured plan and does not create or receive protected health information, the Plan does not need to satisfy all of the requirements of the Privacy Rule. However, the Plan is required and will refrain from intimidating or retaliatory acts against individuals for the exercise of their rights under the Privacy Rule and from requiring individuals to waive their privacy rights.

Additionally, the Plan recognizes your employer, as the plan sponsor, is entitled to only receive de-identifiable summary health information and is assured such information will be protected and not used for employment-related actions. As the Plan Sponsor of this Plan, the City of Lansing will endeavor to verify that the insurer is HIPAA compliant.

At hire and then during open enrollment (generally at the end of each plan year), employees may change benefit elections for the following plan year. Once made, elections are generally fixed for the remainder of the plan year. Changes in family status, as defined in the Plan document, may allow employees to make mid-year changes in coverage consistent with the family status change. Please contact Finance Director to determine if a family status change qualifies under the Plan document and IRS regulations.

It is the intent of the City of Lansing to assure compliance with the HIPAA privacy regulations issued by the Department of Health and Human Services.

# ATTENDANCE AND TIME OFF

## ATTENDANCE AND PUNCTUALITY

The City of Lansing depends heavily on its employees to help the City of Lansing run smoothly and efficiently. Therefore, we expect our employees to arrive at work promptly and prepared to start work and to maintain regular and predictable attendance. When you are not at work as scheduled it creates a burden for fellow employees who must perform your workload. Any tardiness, early departure or other unauthorized absences are disruptive and must be avoided. Employees are expected to remain on the workplace premises for their entire work schedule, except for meal periods or when required to leave on authorized City business. We ask that you schedule appointments outside of work hours whenever possible.

If you are unable to report for work on any day, you must personally text or call your supervisor as soon as feasible, *but prior to your scheduled start time* for that day. A message should not be left with a co-worker, it is important to contact the supervisor directly. You must provide an honest explanation for your delay or absence. Employees are expected to call each day of an absence, unless another arrangement (for example, it is known in advance that you will be gone two days) has been specifically established. Accrued sick time off will be used for all unscheduled time off, unpaid days will only be allowed once accrued leave is exhausted.

Failure to notify your supervisor when you will be absent is unacceptable and can be grounds for disciplinary action up to and including termination. Patterns of absenteeism or tardiness may result in discipline up to and including termination of employment, even if the employee has not yet exhausted all available paid time off. An employee with three unscheduled absences within a 30-day period may be subject to disciplinary action, up to and including termination. An absence of three or more consecutive days for medical reasons, or in conjunction with a company holiday, will require a physician's statement indicating the timing and duration of the sick leave, and release to return to work.

Any employee's absence from work for two (2) consecutive days without giving required notice will be considered a voluntarily resignation of employment with the City of Lansing.

## PAID TIME OFF

Annual leave shall be earned and accrued from the most recent day of employment in accordance with chart below. All requests for annual leave are subject to supervisor and/or Department Director approval. Full-time employees shall accrue annual leave in the following manner:

	Per Pay Period (26)		Per Year		*Employees Hired on or after 1/1/2018	
	Hours	Days	Hours	Days	Hours	Days
1 <sup>st</sup> Year (Group 1)	3.08	0.38	80	10	*80	*10
2 <sup>nd</sup> – 5 <sup>th</sup> Year (Group 2)	3.69	0.46	96	12	*96	*12
6 <sup>th</sup> – 9 <sup>th</sup> Year (Group 3)	5.54	0.69	144	18	*144	*18
10 <sup>th</sup> Year & Beyond (Group 4)	7.38 or *6.46	0.92 or *0.81	192	24	*168	*21

Regular part-time employees shall accrue 1.85 hours of annual leave per pay period. Seasonal, temporary, and non-regular part-time employees shall not accrue annual leave.

Employees, during their initial probationary period, shall accrue annual leave, but shall not be permitted to use any accrued annual leave until he or she has completed their first six (6) months of employment. Any time taken off during the initial probationary period shall be time off without pay. Subsequently, if the employee terminates his

or her employment with the City prior to the completion of the initial probationary period, he or she will not be paid for any accrued annual leave. Employees are not allowed to use vacation leave that has not accrued.

### **CARRYOVER**

Full-time employees may not carry over more than 200 hours of annual leave from one calendar year to the next. If an employee is unable to use his or her annual leave due to scheduling problems, the City Administrator may approve the allowance for carry over in excess of the maximum of 200 hours. Part-time employees may not carry over more than 80 hours of annual leave from one calendar year to the next.

### **CASH HANDLERS**

Departments with cash receipting functions must require cash handlers to take at least five (5) consecutive working days off within each calendar year.

### **BENEFICIARY**

The beneficiary for an employee's vacation leave shall be the same as the employee's beneficiary for KPERS or KP&F.

### ***HOLIDAYS***

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Except as otherwise provided by this section, all City employees except non-traditional part-time employees shall receive credit for holiday pay at their normal pay rate for the following recognized holidays:

- New Year's Day
- Martin Luther King Jr. Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Christmas Eve – (half of regularly scheduled hours)
- Christmas Day

#### Regular Full-time Non-Exempt Employees:

- Shall receive credit for eight (8) hours of holiday pay at the normal pay rate for all holidays except Christmas Eve.
- Shall receive credit for four (4) hours of holiday pay at the normal pay rate for Christmas Eve.
- If the employee calls in sick the scheduled work day before and the scheduled work day after the holiday, he or she will not receive holiday pay unless the employee submits a physician's written statement indicating it was necessary for the employee to be off work both days for health reasons.
- If the employee works the holiday and he or she calls in sick the scheduled work day before or the scheduled work day after a holiday, the employee will be paid only his or her normal rate of pay for any hours worked on the holiday unless the employee submits a physician's written statement indicating it was necessary for the employee to be off work that day for health reasons.

#### Regular Part-time Non-Exempt Employees:

- Shall receive credit for holiday pay at the normal pay rate for the number of hours regularly scheduled for all holidays except Christmas Eve.
- Shall receive credit for holiday pay at the normal pay rate for half the number of hours regularly scheduled for Christmas Eve.

- If the employee calls in sick the scheduled work day before and the scheduled work day after the holiday, he or she will not receive holiday pay unless the employee submits a physician's written statement indicating it was necessary for the employee to be off work both days for health reasons.
- If the employee works the holiday and he or she calls in sick the scheduled work day before or the scheduled work day after a holiday, the employee will be paid only his or her normal rate of pay for any hours worked on the holiday unless the employee submits a physician's written statement indicating it was necessary for the employee to be off work that day for health reasons.

Non-traditional employees are full-time or part-time employees regularly working an annual schedule with days other than Saturday and Sunday scheduled off. Non-traditional employees will be compensated for the actual holiday at the holiday rate of 2 ½ times their normal rate of pay for any hours physically worked that day.

Traditional employees are full-time or part-time employees regularly working an annual schedule with Saturday and Sunday scheduled off. Traditional employees will be compensated for the observed holiday at their regular rate of pay, unless the employee works a City event on the actual holiday, in which case the employee will be paid holiday pay at the rate of 2 ½ times their regular rate of pay.

An officially recognized holiday that falls on a Saturday will be observed by the City on the preceding Friday, while an officially recognized holiday that falls on a Sunday will be observed by the City on the following Monday. If Christmas Eve falls on a Sunday, it will not be observed.

If an observed holiday falls during an eligible employee's paid absence, e.g. vacation or compensatory time off, holiday pay at the normal pay rate will be provided instead of his or her paid-time-off benefit that would have otherwise applied. If an observed holiday falls during a non-exempt employee's regularly scheduled day off, the employee shall earn compensatory time off for the number of hours the employee is regularly scheduled.

If an eligible nonexempt employee works on an observed holiday, he or she will receive holiday pay at the rate of 2 ½ times their regular rate of pay for the hours worked on the holiday.

Paid time off for holidays shall not be counted as hours worked for the purposes of determining overtime pay.

## ***BEREAVEMENT LEAVE***

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Upon notice to the appropriate Department Director, full-time employees and part-time employees working thirty (30) hours or more per week will be granted bereavement leave for the death of any one of the following family members:

- spouse
- significant other
- child/ step child
- parent/ step parent
- sibling/ step sibling
- mother-in-law/ father-in-law
- grandparent/ grandparent-in-law.

Bereavement leave shall not exceed twenty-four (24) hours for full-time employees and sixteen (16) hours for part-time employees working 30 hours or more per week for each qualified occurrence; however, additional time off may be approved by the employee's supervisor as vacation, compensatory time off, personal, or unpaid leave.

## ***PERSONAL DAY***

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Regular full-time employees receive one (1) personal day in each calendar year upon completion of the initial probationary period. Regular part-time employees shall receive one (1) personal day in each calendar year equal to the number of hours the employee is regularly scheduled upon completion of the initial probationary period. Employees must use all personal day hours within one scheduled day of work, and the personal day must be approved by the employee's supervisor. A personal day may not be carried over from one calendar year to another, and must be used by December 31<sup>st</sup>. Additionally, a personal day will not be paid out upon separation from employment.

## ***SICK LEAVE***

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All regular full-time employees shall be entitled to sick leave with pay for absences resulting from illness, injuries, accidents, or physical incapacitation occurring either on or off the job under the conditions hereinafter stated. In addition, all regular full-time employees shall be entitled to sick leave with pay for absences for the conditions set forth above if such afflictions affect a member of the employees' immediate family. "Immediate family" is defined as a spouse, child, parent, or other dependent residing in the employee's household.

The following paragraph applies to employees hired on or *before June 30, 2019*. Employees, during their initial probationary period, shall accrue sick leave, but shall not be permitted to use any sick leave until he or she has completed their first six (6) months of employment. Full-time employees shall earn 3.69 hours of sick leave per pay period. There shall be no maximum level on the amount of sick leave accumulated. Employees are not allowed to use sick leave that has not accrued.

The following paragraph applies to employees hired *on or after July 1, 2019*. Employees, during their initial probationary period, shall accrue sick leave, but shall not be permitted to use any sick leave until he or she has completed their first six (6) months of employment. Full-time employees shall earn 3.69 hours of sick leave per pay period. There shall be a 528 hours maximum level on the amount of sick leave accumulated. Employees are not allowed to use sick leave that has not accrued.

Non-Full Time: Regular part-time, non-regular part-time, temporary, and seasonal employees shall not receive sick leave.

After three (3) consecutive sick leave days an employee will be required to submit a doctor's certificate to return to work and for additional sick leave with pay. After five (5) separate individual sick leave days during a calendar year or two (2) shifts for the Police Department personnel, the City Administrator or Department Director may require an employee to submit a doctor's certificate to return to work and for additional sick leave with pay. All doctor's certificates must be forwarded to City Clerk for the employee's medical file. If an employee is absent for an illness, injury, or doctor's appointment, vacation leave may not be used unless the employee is on FMLA leave and all other leave time has been exhausted.

To be eligible for paid sick leave, an employee must notify his or her immediate supervisor of the reason for the absence, one-half (1/2) hour prior to the beginning of his or her shift. Police Department personnel shall provide such notice at least four (4) hours in advance. An employee's failure to report within one (1) hour after the beginning of the working period shall constitute an absence without notice and may result in disciplinary action, up to, and including termination of employment. Any employee who improperly claims sick leave will be subject to disciplinary action, up to, and including termination of employment.

Upon termination of the employment relationship, an employee shall not be compensated for any accumulated unused sick leave.



## ***PERSONAL AND EDUCATIONAL LEAVE***

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The City provides leave of absences without pay to eligible employees who wish to take time off from work duties to fulfill personal obligations. Regular full-time are eligible to request personal leave as described in this policy.

As soon as an eligible employee becomes aware of the need for a personal leave of absence, the employee should request such leave from his or her supervisor. Personal leave may be granted for a period of up to 30 calendar days during each 12-month period. With the supervisor's approval, an employee may take any available compensatory time off or vacation leave as part of the approved period of personal leave.

Requests for personal leave will be evaluated based on several factors. Such factors shall include anticipated workload requirements and staffing considerations during the proposed period of absence.

### **Benefits**

Subject to the terms, conditions, and limitations of the applicable plans, the City will continue to provide health insurance benefits for the full period of the approved personal leave as long as the employee continues to pay the employee portion of the premium cost through payroll deductions or to the City if not receiving compensation. If the employee does not pay his or her cost portion, the employee and family, if applicable, will be dropped from the health and dental insurance plans. All employee paid benefits shall continue to be paid by the employee during the period of personal leave. Vacation, sick leave, and holiday benefits will continue to accrue during the approved personal leave period. Upon completion of personal leave, reasonable efforts will be made to return the employee to the same or similar position in which he or she was employed prior to taking leave. However, the City cannot guarantee reinstatement in all cases. If an employee fails to report to work promptly at the expiration of the approved leave period, the City shall conclude that the employee has resigned.

## ***DONATED LEAVE***

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Under certain circumstances and situations, annual leave may be donated from one or more employees to another according to the following guidelines:

- A. The employee/recipient must provide a written request to the City Administrator. The request shall specify the estimated number of donated hours required and include a doctor's certificate verifying the leave is needed. Intermittent, unrelated conditions shall not be a basis for annual leave donations.
- B. If the donation request is approved, the City Administrator shall notify all eligible City employees of the hours requested for donation.
- C. Employees shall notify City Administrator in writing of the number of hours they wish to donate. The Finance Director will calculate the dollar value of the donated leave from each employee, based on their current salary and the number of hours donated to the recipient. The total dollar amount donated from all employees will be added together and divided by the hourly rate of the recipient to determine the number of sick leave hours that will be added to their sick leave account. If the recipient returns to work before the donated leave has been used, the remaining leave balance will remain in the recipient's sick leave account for future use.

## ***FAMILY AND MEDICAL LEAVE***

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This policy is to provide employees with a general description of their FMLA rights. All FMLA definitions will apply. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

The City of Lansing may grant a leave of absence under the Family Medical Leave Act (FMLA) to eligible employees who have completed at least one full year of service with the City of Lansing and have worked at least 1,250 hours in the twelve-month period preceding the leave. The company will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time employee takes leave, the company will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount of time the employee is entitled to take at that time.

For military caregiver leave, the company will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

Eligible employees are those in facilities with 50 or more employees within a 75-mile radius.

### **Occurrences covered under FMLA leave**

Employees meeting the requirements mentioned above may request leaves of absence for any of the following reasons:

- Birth of a child (including prenatal care), and to care for the newborn child;
- Placement of a child for adoption or foster care;
- To care for a spouse, child or parent of an employee with a serious health condition;
- To deal with the employee's own serious health condition that renders the employee unable to perform the essential functions of the employee's job.

To respond to "qualifying exigency" when an employee's spouse, parent, daughter or son, is on (or has been notified of an impending call to) "covered active duty" in the Regular Armed Forces and/or for the Reserve Armed Forces to a foreign country or active duty contingency operations under the act.

- An eligible employee may take up to 12 work weeks of unpaid leave during the "12-month period" for any one, or a combination of the above described situations.

An employee who is the spouse, child, parent or next of kin of a covered service member may be entitled to 26 weeks in a single 12-month period in order to care for the service member.

"Caregiver Leave" is an additional leave entitlement for a spouse, son, daughter, parent or next of kin of a covered service member (including veterans serving in the previous five-year period) that extends FMLA job-protected leave up to 26 weeks in a single 12-month period.

### **Serious Health Condition**

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

Ordinarily, unless complications arise, the common cold, flu ear aches, upset stomach, ulcers, headaches other than migraines, routine dental problems, etc. do not qualify as a serious health condition. In addition, routine medical examinations are not considered serious health condition, and neither are voluntary cosmetic treatments, unless inpatient care is required, or complications develop.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year. Employees with questions about

what illnesses are covered under this FMLA policy or under the company's sick leave policy are encouraged to consult with the City Clerk.

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

- any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
- a period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or
- any period of incapacity due to pregnancy, or for prenatal care; or
- any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or
- a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or
- any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

### **Substitution of Paid Leave**

Under the Family and Medical Leave Act, the City of Lansing will allow, employees to substitute available accrued time off for part or all of the leave, to run concurrently with and be counted toward FMLA leave entitlement. Once accrued time off is exhausted the remainder of the leave will be unpaid.

Employees who are on a leave that is covered by payments such as disability or worker's compensation benefits will not be required to substitute paid leave while receiving these benefits. Disability leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will run concurrently with FMLA.

The employee cannot work for another employer while utilizing FMLA.

### **Benefits While on FMLA**

All group health benefits will continue during FMLA. The employee must submit their normal premium amounts during the leave as if at work. If paid leave is used for any proportion of the FMLA, premiums will be deducted from the pay just as if the employee was actively working. Written instruction will be provided to the employee detailing the time and way the employee premiums are to be paid if the employee will be submitting the payments directly. Failure to pay the premium due within the grace period will result in the loss of insurance coverage.

Further, an employee who fails to return to work for at least thirty (30) calendar days following the expiration of the FMLA shall be required to reimburse the City of Lansing for the portion of premiums paid by the City during the leave unless the employee can establish that the failure to return was due to a continuation, recurrence or onset of a serious health condition, or serious injury or illness or otherwise meets the criteria for leave under FMLA regulations or was otherwise beyond their control.

### **Intermittent and Reduced Schedule Leave**

Leave may be taken on an intermittent or reduced schedule basis for a serious health condition, either the employee's or a family member's, as defined under FMLA; qualifying exigencies; or to care for an injured service member when such leave is certified as medically necessary, if the intermittent leave or reduced schedule leave is for a serious health condition or to care for an injured service member. The City of Lansing may require that the employee transfer to a temporary, alternative job for which the employee is qualified and that better accommodates

the intermittent or reduced schedule leave than the employee's regular job. The temporary position will have pay and benefits equivalent to the employee's regular job.

Intermittent leave for childbirth (and to care for such child) or placement may only be taken with City of Lansing approval.

### **Employee and Spouse Co-workers**

If the employee and the employee's spouse are employed by the City, they are entitled to combined leave of up to 12 weeks in a 12-month period for birth, adoption or placement for foster care of a child; to care for a sick parent (not in-law); or for a qualifying exigency and are entitled to a combined total of 26 weeks of leave to care for an injured service member as well as leave for other FMLA-qualifying reasons during the applicable 12-month period.

### **Requests**

Employees should request FMLA by completing the Family and Medical Leave Request form and submitting it to the City Clerk.

When the need for the leave is foreseeable it should be planned, and the employee must provide the employer with at least 30 days' notice in advance of the requested leave. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day.

When the need for FMLA leave is not foreseeable, the employee must notify the City as soon as possible of the need to take leave (normally within one or two business days).

All employees requesting FMLA leave must provide the City Clerk with verbal or written notice of the need for the leave. The City of Lansing will notify the employee regarding the eligibility of this leave to be designated as FMLA. Failure to provide the City with requested information and necessary paperwork may result in delay or denial of FMLA leave.

### **Medical Certification**

A request for leave due to the employee's own serious health condition, the serious health condition of a covered family member, or the need to care for a covered service member must be accompanied by medical certification. Leave requests for military exigency will require a certification of the need for such leave.

Employees seeking leave for any qualifying medical purpose (own, family, military) or military exigency will be required to submit enough and timely certification on proper forms obtained through the City Clerk's Office at the following times:

- Initial request (to be returned within 15 days or provide reasonable explanation of the delay);
- Before returning to work (following a serious health condition to certify fitness-for-duty);
- If the employee is not returning to work following a leave during which the employer has paid health care premiums; and/or
- Re-certification during leave. The City may request recertification for the serious health condition of the employee or the employee's family member when:
  - circumstances have changed significantly;
  - the employer receives information casting doubt on the reason given for the absence or continuing validity of the certification; or
  - employee seeks an extension of his or her leave.

Otherwise, the City may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence.

The employee is financially responsible for the cost of all recertification(s) not covered by the employee's insurance. Failure to provide required certification within fifteen days, unless it is not practicable to do so despite the employee's diligent, good faith effort, may result in the delay of further leave until the certification is provided.

If certification is deficient, the employee will be advised of what additional information is required and provided seven (7) days to submit the information required to cure the deficiency. Failure to provide the required certification and/or cure a deficiency timely could result in denial or discontinuance of leave.

### **Designation of FMLA Leave**

Within five business days after the employee has submitted the appropriate certification form, the City Clerk will provide the employee with a written response to the employee's request for FMLA leave.

### **Intent to Return to Work from FMLA Leave**

The City may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

### **Restoration of Position and Benefits**

An employee on FMLA is not entitled to the accrual of any seniority or employment benefits during the any period of unpaid FMLA leave except as expressly stated herein or by law. Prior to the exhaustion of FMLA leave; employees will be responsible for notifying the City Clerk, in writing, of their intention to return to work. Employees off for a personal serious health condition must provide a fitness-for-duty (FFD) clearance from the health care provider prior to return to duty, and shall complete a Physical Capacity Test to determine if the employee is physically able to perform his or her employment duties

At the conclusion of an employee's FMLA leave, the employee will be placed in a position that is equivalent in pay, conditions and other terms of employment to the employee's prior position. When the employee returns to active work following the FMLA, any benefits that have lapsed during the leave shall be reinstated as if the employee had remained actively employed during the leave, except that the employee shall not accrue any additional benefits or seniority during the time of unpaid FMLA leave.

Exceptions to these provisions may apply if business circumstances have changed (i.e., if the employee's position is no longer available due to a job elimination). Exceptions may also apply for certain highly compensated (as defined in FMLA regulations) employees.

### **FMLA Posting**

In accordance with federal law, the City of Lansing will post a notice summarizing the main provision of the FMLA including enforcement of the law. To view the notice online go to:  
<http://www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf>

## ***LACTATION/BREASTFEEDING***

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For up to one (1) year after a child's birth, any employee who is breastfeeding her child will be provided reasonable break times as needed to express breast milk for her baby. Breaks of more than twenty (20) minutes in length will be unpaid, and the employee should indicate this break period on her time record. Nursing mothers wishing to use the designated room must request/reserve the room by contacting the City Clerk. Additional rules for use of the room are posted in the room.

Any breast milk stored in the refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any nonconforming products stored in the refrigerator may be disposed of in our regular cleaning process. Individuals storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage or refrigeration and tampering.

## ***MILITARY LEAVE***

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The City of Lansing supports the military obligations of all employees and grants leaves for uniformed service in accordance with applicable federal and state laws. Any employee who needs time off for uniformed service should immediately notify the City Clerk and his or her supervisor, who will provide details regarding the leave. If an employee is unable to provide notice before leaving for uniformed service, a family member should notify the supervisor as soon as possible.

Upon return from military leave, employees will be granted the same seniority, pay, and benefits as if they had worked continuously. Failure to report for work within the prescribed time after completion of military service will be considered a voluntary termination.

All employees who enter military service may accumulate a total absence of 5 years and still retain employment rights.

## ***JURY DUTY***

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The City encourages employees to fulfill their civic responsibility when called to serve as jurors. As a result, an employee may request up to one (1) week of paid jury duty leave. Only one (1) week of paid jury duty leave will be allowed during a 12-month period. Jury duty pay will be calculated based on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day(s) of the absence. All employees are qualified for paid jury duty leave. If an employee's jury duty extends beyond the maximum period of paid jury duty leave, the employee may use any available paid time off, e.g. vacation leave, or may request an unpaid jury duty leave of absence. The employee will pass on any compensation received from the court during the one (1) week of paid jury duty to the City. Note, when an employee is discharged by the judge presiding over the case in question, the employee shall immediately return to work.

To remain eligible for paid jury duty leave, the requesting employee must provide a copy of the jury summons to his or her supervisor upon service of the summons. This requirement is to help management make arrangements to accommodate for the employee's absence. The supervisor must forward the jury summons to the City Clerk for the employee's personnel file.

If an employee's absence as a result of jury duty would create serious operational difficulties, the City and/or the employee may submit such information to the court requesting that the employee be excused from jury service. If an employee is selected to serve on the jury panel, the employee's health insurance benefits will continue to be provided for the full term of the jury duty absence as long as the employee continues to pay the employee portion of the benefit through payroll deductions or to the City if not receiving compensation. If the employee does not pay his or her portion of the benefit, the employee and family, if applicable, will be dropped from the health and dental insurance plans. In addition, vacation, sick leave, and holiday benefits will continue to accrue during unpaid jury duty leave.

## ***WITNESS LEAVE***

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The City encourages employees to appear in court for witness duty when subpoenaed to do so. If an employee has been subpoenaed by the City or otherwise requested to testify as a witness on behalf of the City, he or she will receive paid time off for the entire period of witness duty. For court cases where the City is not a party but a City employee has been subpoenaed to testify, such employees will be granted unpaid time off. Employees may utilize compensatory time off, vacation leave, or a personal day to receive compensation for the period of this absence. A personal day must be used in compliance with the Attendance & Time Off section. As stated above, the employee, upon receipt of a subpoena, shall immediately provide a copy to his or her supervisor so that management may make arrangements to accommodate for the employee's absence. The supervisor must forward the subpoena to the City Clerk for the employee's personnel file.

### ***DOMESTIC OR SEXUAL VIOLENCE LEAVE***

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Employees who are victims of a domestic or sexual violence crime will be allowed to take up to eight (8) days of unpaid leave to obtain judicial relief such as a restraining order, seek medical attention, obtain services from a domestic violence shelter, domestic violence program or rape crisis center, or make court appearance following such violence as provided under state law. When feasible, reasonable notice of the need for such time off is required. Documentation to support the need for leave is required within 48 hours of the beginning of the unscheduled absence. Accrued leave can be used to the extent available and the leave will run concurrently with any other applicable leave.

The City of Lansing will keep all submitted information in conjunction with this leave confidential to the extent possible.

### ***TIME OFF TO VOTE***

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In accordance with Kansas law, the City of Lansing will allow up to two (2) hours paid time off from work to vote in local, state or national elections in the unlikely event the employee cannot reach their polling place outside of work hours. This time must be requested in advance and scheduled with your direct supervisor. A voter's receipt will be required upon your return to work.

# COMPENSATION & WAGE ADMINISTRATION

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## ***COMPENSATION SYSTEM***

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The overall purpose of the City's Compensation System is to provide a means to assist in recruiting, retaining and rewarding employees. It seeks to establish salary grades that are competitive with the labor markets in which the City recruits talented employees and reflect the value of positions to the City, as determined by a job review which takes into account the duties and level of responsibility of each job.

Objectives of the system are as follows:

- A. To ensure a pay philosophy that is reflective of the values and goals of the City.
- B. To ensure the City's financial resources are used in the most effective and efficient manner.
- C. To provide a rational basis for making pay decisions eliminating arbitrary salary assignments thereby establishing internal fairness.
- D. To maintain pay structures that are competitive with labor markets from which employees are recruited.
- E. To establish job titles and descriptions that are consistently used throughout the City.
- F. To clarify relationships among positions, thereby avoiding overlaps and gaps in responsibilities.
- G. To clarify the knowledge, skills and abilities ("KSAs") required to competently perform the position thereby establishing career paths.
- H. To assist supervisors in evaluating and rewarding employee job performance.

The City Clerk is responsible for the administration and maintenance of the compensation system. These responsibilities include assignment of proposed new jobs to salary grades, reassignment of existing jobs to salary grades, preparation and maintenance of job descriptions, review of pay adjustments and maintenance and updating of pay structures.

## **ASSIGNMENT OF A NEW JOB TO A SALARY GRADE**

The City Clerk is responsible for the assessment of proposed new positions and subsequent assignment to a salary grade. All jobs will be assessed according to the City's compensation plan based on published salary data and internal comparable value. This plan establishes a consistent basis for measuring and ranking the relative market worth of each job.

Assignment of New Positions to a Salary Grade Procedures:

- A. Following approval to create a new position, the Department Director completes a Job Analysis Questionnaire ("JAQ") or a job description describing the duties to be assigned to the position.
- B. The Department Director submits the JAQ through administrative channels to the City Clerk for assessment.
- C. All new and existing jobs are to be assigned to a salary grade based on their relative worth either determined by City-approved published salary survey data or the City's determination of relative internal worth. The first step is to determine if market pay information exists for the job in City-approved published salary



surveys. The City Clerk will compare job duties and responsibilities noted on the JAQ to the definitions found in published salary surveys. The job will be assigned to the appropriate salary grade by comparing the salary survey data to the midpoints of the salary grades.

- D. If the job does not sufficiently match a salary survey definition it is compared to other jobs within the job family. This is accomplished by evaluating and ranking the position based upon its relative worth. the City Clerk conducts this assessment of the duties and responsibilities of the position and in consultation with the Department Director, assigns a job family, position title and salary grade.
- E. The Department Director is notified in writing of the position title and salary grade assignment after which recruitment for the vacancy may begin. The assigned pay grade provides a spread from a minimum to a maximum rate. New employee compensation within any salary grade is based on such factors as KSAs and external market factors.
- F. When there is disagreement regarding a position assessment, an appeal may be made to the City Clerk and a determination made by the City Administrator.

### **REQUESTED REVIEW OF A JOB'S SALARY GRADE ASSIGNMENT**

A job reassignment occurs when a job is moved to a different grade because the essential job functions have significantly changed. Department Directors and employees may request a review of the evaluation of their job during a specified time frame each year. Specific requests to the City Clerk must be approved by the employee's Department Director and routed through administrative channels.

#### **Reassignment of an Existing Position Procedures:**

- A. Except in unusual circumstances, requests for reassessment may be made annually in concert with budget preparation. Each year, the City Clerk will notify departments of the period within which any position reassessments must be considered. A review of a position's classification is warranted when there has been a material, significant and permanent change in job duties. The supervisor or Department Director is responsible for recognizing such job changes. Additionally, an employee who believes his or her job is not properly evaluated may request of his or her supervisor a reassessment.
- B. When the supervisor and Department Director conclude that a material, significant, and permanent change in job duties has occurred, a JAQ should be completed by the employee, reviewed by the supervisor and sent through administrative channels to the City Clerk.
- C. Upon receipt of a JAQ, an assessment of the duties and responsibilities of the position will be made using a review of relative internal worth and a review of published salary surveys. This process may include an interview with the employee and/or supervisor. Following this evaluation, the City Clerk will determine if the job should remain as presently assigned or if a new assignment is appropriate. The Department Director is notified in writing of the results.
- D. If upon the evaluation of a job, it is determined that a job is still within the same salary grade, no salary adjustment will be made. In the instance where an employee's job is reassigned to a lower salary grade, the employee's salary will not be changed; however, the reclassified grade maximum will define the limit of future pay increases. In the instance where an employee's job is reassigned to a higher salary grade, the employee's pay shall be adjusted at least 5 percent for each salary grade shift not to exceed the greater of 30 percent or the minimum of the new salary grade.
- E. When there is disagreement regarding the reassessment of a position, an appeal may be made in writing to the City Clerk. The City Administrator will review the appeal and approve the final decision.

## **ESTABLISHING INITIAL PAY FOR NEW HIRES**

It is the goal of the City to offer wages that attract the best possible employees. It is also the goal of the City to ensure pay fairness among employees within similar job titles. Therefore, a new employee's initial pay should be set in consideration of the candidate's qualifications as defined by KSAs, the pay of other similarly employed individuals, the pay and pay scales of supervised employees and external market factors.

Typically, the initial wage should be set between the minimum and the midpoint of the salary grade. Exceptions to this policy may be made in cases with unusual circumstances, where market conditions prohibit hiring within the authorized hiring grade and/or the current pay or pay scales of employees does not stimulate significant interest in upward career movement. All exceptions must be approved in writing through administrative channels and by the City Clerk.

### **Establishing Initial Pay for New Hire Procedures:**

- A. A condition of any appointment above the minimum rate will depend upon the department's budgeted wage line item, the employee's documented experience and/or documented education, or documented certifications that make the employee's training time in the job minimal. The applicant clearly exceeds the minimum requirements for the position as set out in the official position description and clearly meets all of the preferred requirements for the position as set out in the official position description.
  - a. Two years of additional education and/or job-related experience – 0% to 5% above the range minimum.
  - b. Three years of additional education and/or job-related experience – 5% to 7.5% above the range minimum.
  - c. Five years of additional education and/or job-related experience – 7.5% to 10% above the range minimum.

Appointment may be made below the minimum rate for the position if the person does not have the qualifications for the position. In those cases the appointment may be made at 10% below the minimum. When the person attains the qualifications outlined in the position, then the rate of pay will be adjusted to the minimum.

- A. Appointment of qualified employees shall be at the range minimum if conditions of (1) above are not met. No employee shall be above the range maximum for their position. If an employee is above the range maximum (except as provided for in a demotion), the employee's rate of pay shall remain frozen above the range maximum until the range changes.
- B. Salary offers will be prepared by the City Clerk and then the offer will be communicated to the prospective employee.

## **Determining Pay for Promotions and Demotions**

A promotion occurs when an employee moves to a job in a higher salary grade or when his or her job is reassessed to a higher salary grade. In such cases, the employee is eligible for an increase that is reflective of the change in responsibilities.

If an employee is assigned to a new job family, it is considered a promotion only if the midpoint of the new salary range is 10% higher than the employee's current salary range.

A transfer occurs when an employee transfers to another position in the same salary grade as the position previously occupied or a new family with a similar grade midpoint. In such cases, the employee shall not be eligible for a pay increase at the time of such transfer.

A demotion occurs when an employee's position is reassessed to a lower salary grade or when an employee is transferred to a position in a lower salary grade typically due to reorganization. A demotion also occurs when an employee voluntarily accepts a position in a lower salary grade than the position occupied.

All promotions and demotions will be approved by the City Administrator.

**Determining Pay for Promotion Procedures:**

- A. The City Clerk will provide salary grades, individual pay information and promotion adjustment guidelines to each department head upon the promotion of an employee.
- B. The Department Director, in consultation with the City Clerk, will determine the promotional increase percentage according to the pay adjustment guidelines. The employee's pay shall be adjusted 10 percent for each salary grade shift or to the minimum of the new salary grade, whichever is greater. New guidelines for increase percentages will be established each year based on City policy and market considerations.
- C. Promotion-based percentage salary adjustments are in addition to general increases if the promotion is made at the time of the annual wage adjustment.

**Determining Pay for Demotion Procedures:**

- A. In the case of a demotion resulting from poor performance or employee choice, the employee's current salary is reduced by 10% and then compared to the new salary grade maximum. If the employee's adjusted salary is greater than the new salary grade maximum, his or her pay will be reduced to the new salary grade maximum.
- B. In the case of a demotion resulting from an organizational change or development assignment, all attempts will be made to keep the individual at the current salary.

**MARKET-BASED PAY ADJUSTMENTS**

The City strives to pay at levels that are competitive with the market. Salary adjustments may be made to employee salaries to address significant discrepancies between the City's level of pay and market pay levels for jobs. Actual adjustment amounts will be based on the City's capability to pay as well as the individual's performance.

**Market-based Pay Adjustment Procedures:**

- A. The City Clerk will periodically compare current employee pay levels to the market pay for similar jobs.
- B. If a particular job or job family at the City becomes exceedingly difficult to recruit and retain because of compensation requirements, the City Clerk will recommend salary adjustments to address the demand for greater pay because of extreme market competitiveness.
- C. Individual employee pay will be reviewed in consideration of market survey data and recruiting requirements. Based upon this review, individual employee pay may be adjusted to better reflect market rates, decrease compensation-related turnover or match a job offer. The actual percentage an employee's pay is adjusted will be based on the employee's KSAs in comparison to the job's KSAs, and the extent of external market pay factors. Market adjustments will only be considered for employees with at least a "Meets Expectations" rating in all job criteria.

**SALARY STRUCTURE ADJUSTMENTS**

The City's salary structure will be adjusted on a periodic basis to ensure that it remains competitive with markets from which the City attracts talented employees.

## Salary Structure Adjustment Procedures:

- A. On an annual basis, the City Clerk will review the pay structures in consideration of changing economic and competitive factors as determined by City-approved published salary surveys and other data sources.
- B. The City Clerk will recommend the appropriate salary structure adjustments that maintain market competitive pay rates based on information provided by the Austin Peters Group to the City Administrator.
- C. Every five years an update to the salary structure will be recommended by the City Clerk to the City Council for approval.

## **PAY ABOVE GRADE MAXIMUM**

The Compensation System is a tool used by the City to provide a rational basis for pay decisions. It helps to ensure that Operations positions are not underpaid or overpaid based on job responsibilities and the competitive labor markets from which employees are recruited. The salary grade assigned to each Operations position indicates the value of the position to the City. For any employee whose pay is at or above the maximum for his or her salary grade, future increases will be limited to merit and/or cost of living adjustments and will be provided in lump sum payment rather than added to base pay.

## ***ADMINISTRATIVE PAY CORRECTIONS***

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The City strives to ensure that payroll errors do not occur and that all employees receive proper wage amounts on the proper pay dates. In the event there is an error regarding an employee's calculated hours, the employee should promptly bring such dispute to the attention of the Finance Director.

## ***COMPENSATION***

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All employees shall be paid at the rate prescribed for their job classification.

## ***PAY PLAN***

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The City has created, established, and implemented a uniform pay plan for City employees. Such pay plan provides a pay range for each job classification. The City pay plan shall apply to all employees and shall be applied to individual employees according to his or her job classification.

The City Clerk will provide salary grades, individual pay information and promotion adjustment guidelines to each department head upon the promotion of an employee.

The Department Director, in consultation with the City Clerk, will determine the promotional increase percentage according to the pay adjustment guidelines. The employee's pay shall be adjusted 10 percent for each salary grade shift or to the minimum of the new salary grade, whichever is greater. New guidelines for increase percentages will be established each year based on City policy and market considerations.

Promotion-based percentage salary adjustments are in addition to general increases if the promotion is made at the time of the annual wage adjustment.

In the event an employee is demoted to a lower classification resulting from poor performance or employee choice, the employee's current salary will be reduced by 10% and then compared to the new salary grade maximum. If the employee's adjusted salary is greater than the new salary grade maximum, his or her pay will be reduced to the new salary grade maximum. In the event of a demotion resulting from an organizational change or development assignment, all attempts will be made to keep the individual at their current salary.

The Department Director will carefully review the applicant's qualifications in relation to the job's KSAs (Knowledge, Skills & Abilities), external market factors and the current wages of individuals employed in similar titles. It is typical that the City Clerk will provide guidance to the Department Director regarding market pay for the position. It is anticipated that most salary offers will be between the minimum and the midpoint of the salary grade.

The Department Director will recommend to the City Clerk a beginning salary that is attractive to the prospective employee, addresses market pay influences and is fair to existing employees. Beginning salaries for new employees should not be set at a rate greater than the salaries of existing employees with equivalent qualifications within the same job title. Salary offers will be prepared by the City Clerk and then the offer will be communicated to the prospective employee.

- A. Salary increases shall not be construed or interpreted by the employee to be routine or automatic. However, a salary increase within the assigned job classification level may be considered when the Department Director has submitted a written recommendation, in the prescribed form, which supports the increase.

Each year the City's compensation system contractor will provide a recommendation for salary structure adjustment based on market data. At that time the Finance Director will adjust the pay scale based on this data.

All other officers and employees, whose compensation is not specifically set out herein or elsewhere provided for in the City's ordinances, will be fixed by the Governing Body.

RESERVE OFFICERS: Reserve Police Officers shall serve without compensation.

### ***TEMPORARY ASSUMPTION OF A HIGHER CLASSIFICATION***

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In the event an employee is temporarily required to fulfill the responsibilities of a higher classification for any reason, the employee temporarily fulfilling the duties of the higher classification shall remain at his or her normal rate of pay while temporarily working in the assigned position. The City Administrator may designate the person in "acting" status or capacity, the employee shall be compensated at the minimum pay level of the grade in which the temporarily vacated classification lies for the duration of time in which the person fills such classification on an "acting" basis.

### ***EMPLOYMENT STATUS***

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All positions will be appropriately evaluated for overtime eligibility in accordance with the Fair Labor Standards Act and classified as exempt or non-exempt. Upon hire you will be advised of your status. Wage payment for exempt employee in certain situations may differ slightly from the descriptions outlined in this handbook; all employees are paid in accordance with the FLSA.

#### **Exempt**

Employees who are exempt from minimum wage and overtime pay under guidelines and standards outlined in the Fair Labor Standards Act. Exempt employees are paid on a salaried basis. Exempt employees may have to work hours beyond their normal schedules as work demands require without adjustment to compensation, in accordance with FLSA.

#### **Non-Exempt**

Employees who are eligible for overtime payment for **actual** hours worked more than forty (40) hours per week at 1½ times the base pay rate (or as directed by state law) and minimum wage.

## ***EMPLOYEES CLASSIFICATIONS***

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The following categories apply to both non-exempt and exempt employees:

### **Regular Full-Time Employee**

An employee who is regularly scheduled to work the company's full-time schedule of at least forty (40) per week and has successfully completed the Probationary Period. Generally, full-time employees are eligible for the full range of benefits, subject to the terms, conditions and limitations of each program as outlined herein.

### **Regular Part-Time Employee**

An employee who is regularly scheduled to work between 20-39 hours per week and has successfully completed the Probationary Period. Part-time employees are only eligible for benefits offered by the company as specifically outlined herein, subject to the terms, conditions and limitations of each program.

### **Non-Regular Part-Time Employee**

An employee who is regularly scheduled to work less than 20 hours per week and has successfully completed the Probationary Period. Part-time employees are only eligible for benefits offered by the company as specifically outlined herein, subject to the terms, conditions and limitations of each program.

### **Seasonal/ Temporary Employee**

An employee who is employed to work full-time or part-time for a limited period to provide a service; to undertake a special project or projects; to fill a position of an employee on leave of absence; to prevent stoppage, disruption of public business or serious inconvenience to the public. Seasonal/ temporary personnel shall be in the Probationary Period during the full period of his or her employment.

### **Contract Employee**

A non-employee who is on a contract or retained basis to provide service to fill a specific need; or to provide additional staffing for a specific operation or activity conducted by the City.

### **Probationary Employee**

Upon employment of an individual to any continuous employment position with the City, he or she shall serve a probationary period. Such will be true for both new employees; employees promoted to a new position, and for present employees on any form of disciplinary probation. Such newly promoted employee will not be prohibited from applying for another employment position during this mandatory probationary period. No employee shall be made a regular employee in a position until he or she has successfully completed his or her probationary period following a satisfactory six (6) month performance evaluation. An employee's probationary period shall last a minimum of six (6) full months of actual service from the date of employment. A Department Director shall serve an initial probationary period of twelve (12) months. In the event the performance of an employee is such that his or her Department Director determines that an extension of the probationary period is warranted, he or she may extend it for a period not to exceed six (6) months. When a probationary period is extended, the Department Director shall submit to the City Administrator a written statement explaining the length of the recommended extension and the reason(s) therefore. An extension of the probationary period must be approved by the City Administrator.

The probationary period shall be utilized to closely observe the employee's job performance to secure the most effective adjustment of the employee in his or her new position and to reject an employee whose performance does not meet required work standards. If, at any time during the probationary period, the performance of an employee is unsatisfactory, or an employee is found to be incompetent or unqualified to perform the duties of the position to which he or she has been employed, the Department Director shall, in writing, recommend with appropriate reasons, to the City Administrator, that the probationary employee be demoted to a level that he or she is qualified to perform, or be dismissed from City service. Employees that are on probation as result of a disciplinary action or demotion may not be terminated unless that employee is terminated in accordance with the policies for

terminating regular employees as outlined in the Employment Relationship section of this Employee Handbook. The Department Director shall allow the employee the opportunity to examine the written recommendation and shall request the employee to sign the recommendation form thereby acknowledging that he or she understands the nature of the recommendation and the reason(s) therefore. The Department Director shall forward the recommendation form to the City Administrator for review and approval.

During an employee's initial probationary period or while on disciplinary probation, an employee shall not have the right to appeal a decision to terminate his or her employment. The action of the City Administrator in approving the recommendation of the Department Director in dismissing or demoting a probationary employee shall stand.

## ***HOURS OF WORK***

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Hours of work for employees shall be set by Department Directors with the approval of the City Administrator and will be established according to the requirements of each department's work activities. In no case shall hours of work be scheduled in such a manner as to disrupt a department's activities. Supervisors will advise employees of the times their schedules will normally begin and end. Staffing needs and operational demands may require variations in starting and ending times, as well as variations in the total hours that may be scheduled each week totaling 40 hours.

There shall be a 40-hour workweek for all full-time employees of the City. Designated operating and maintenance personnel may be directed by the City Administrator or their Department Director to work on Saturday or Sunday; on a scheduled "day off," or portions of these days. Such designated City personnel shall work on a rotational basis for the purpose of providing critical services in the public interest.

To maintain a safe and productive work environment, the City expects employees to be both reliable and punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the City. In the rare instances when an employee cannot avoid being late to work or is unable to work as scheduled, he or she should notify his or her supervisor as soon as possible in advance of the anticipated tardiness or absence. Poor attendance and excessive tardiness are disruptive. Both poor attendance and excessive tardiness may lead to disciplinary action, up to, and including termination of employment.

### **Overtime and Compensatory Time Off**

There are specific times when overtime is required due to an emergency situation. Our resident's needs are at the top of our priority list; however, every effort will be made to provide you with as much notice as feasible so that you can adjust your personal schedule.

- A. Overtime pay shall be earned by employees in eligible positions for all hours physically worked over 40 hours per work week. Any used vacation, compensatory, sick, holiday, personal, funeral leave, or unpaid time off is not counted as hours worked when calculating overtime pay. However, when an eligible employee leaves the work site and is then called back to that work site to respond to an emergency situation, hours worked under such circumstances shall be paid at the overtime rate, regardless of the total hours worked in that work week. Except as otherwise noted, overtime hours worked shall be paid at one and one-half (1 ½) times the employee's regular rate of pay for every hour physically worked over 40 hours in a work week.

When operating or other City requirements cannot be met during regular working hours, an employee may be scheduled to work overtime hours. Whenever possible, advance notice of such mandatory assignment will be provided. An employee must receive prior authorization from his or her immediate supervisor for all overtime work and such overtime work must also be approved by the Department Director. Overtime assignments will be reviewed, assigned, and approved by the Department Director who should attempt to distribute such overtime assignments among qualified employees in a fair and equitable manner.

All exempt positions are ineligible for overtime compensation.

- B. For all employment positions which are eligible for overtime compensation, the employee may, in lieu of overtime compensation, elect to accrue compensatory time off (CTO). Eligible employees may earn compensatory time off for all hours physically worked over 40 hours a week. Any vacation, sick, holiday, personal, funeral leave, or unpaid time off is not counted as hours worked when calculating CTO. However, note that the same emergency call back provisions for overtime will be applicable to CTO. Except as otherwise noted, CTO will accrue at the rate of one and one-half (1 ½) hours for every hour worked over 40 hours in a work week.

Despite the fact that certain City employees are eligible to accrue CTO, a Department Director may deny an employee to accrue CTO. Furthermore, scheduling CTO is subject to the approval by the employee's Department Director. Whenever possible, supervisors shall schedule an employee's time off to keep his or her total hours worked in a given work week at 40 hours. An employee shall use his or her accrued CTO, with supervisor approval, as soon as work requirements permit. CTO may not be carried over from one calendar year into the next and it must be used by December 31<sup>st</sup> of each year. Should an employee's employment relationship with the City be terminated, all CTO hours will be paid to the employee at his or her regular rate of pay, pursuant to Compensation and Wage Administration Section.

### **Work Assignments**

Work assignments are distributed by the direct supervisor. You will be provided notice of future assignments as possible, so that you can prepare appropriately. Communicate with the supervisor on matters related to the completion of the assignment.

### **Emergency call-back duty**

For the purposes of this section - Natural Disaster is defined as: Any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, or other catastrophe in any part of the United States which causes, or which may cause, substantial damage or injury to civilian property or persons. **(Robert T. Stafford Act, 602)**

Emergency is defined as: A sudden and unforeseen event that calls for immediate measures to minimize its adverse consequences.

In the event of a natural disaster or other emergency where the presence of an employee is deemed necessary during hours other than his or her normal hours of duty, the Mayor, City Administrator, Department Director, or Division Superintendent may require an employee to report to work on call-back duty to assist in dealing with the emergency. Payment for any overtime worked on such emergency call-back duty shall be rendered under the policy as stipulated in Attendance and Time Off section of this Employee Handbook. Any hours worked on emergency call-back status will be paid at one and one-half (1 ½) of an employee's normal rate of pay. If an employee's schedule is modified the hours worked will not be considered Emergency Call Back duty.

To maintain a safe and productive work environment, Department Directors and/or supervisors will assign employees to work 12-hour shifts as needed during emergency call-back duty. If additional overtime is required, an employee may be on duty for a maximum of sixteen (16) hours; at which point the employee then must be off duty for a minimum of eight (8) continuous hours before returning to work. An employee may only work two (2) non-consecutive sixteen (16) hour shifts per work week.

### **State of Readiness**

In the event of a natural disaster or other emergency declared by the Mayor or City Administrator where the presence of an employee is deemed necessary during hours other than his or her normal hours of duty. The



Mayor, City Administrator, or his/her designee may require an employee to be on State of Readiness to assist in dealing with the disaster/emergency. The employee must respond within thirty (30) minutes. Alternate lodging at the expense of the city may be required. Payment for being on State of Readiness will be \$4.00 per hour (2 hour minimum compensation if State of Readiness is canceled). Failure or refusal of an employee to report to duty upon a request of the above-named individuals under an emergency situation may result in adverse disciplinary actions, up to, and including termination of employment of the employee. Further, it is unlawful for any employee to imbibe in any intoxicating/impairing substance, whether legal or illegal, while on State of Readiness. For further clarification as to the specifics of this policy, see your immediate supervisor.

### **On-Call Time**

Certain events or departments may require non-exempt employees to be on-call outside of regular work hours. If an employee is needed to report to duty, he or she will be notified by his or her supervisor by the contact information provided on the Internal Telephone List. Employees must respond within 30 minutes of the initial call, and limit their activities as needed to guarantee their ability to respond fit for duty within that time window.

Employees will be paid at a rate of \$2.00 per hour during on-call status. For each day that an employee is on-call, he/she will record the total number of hour's on-call in the "On-Call" category of the timesheet. In the event the employee is called in to work, hours worked up to forty (40) hours during the week will be paid at the employee's normal rate of pay, and any hours physically worked over forty (40) hours will be paid at one and one half (1 ½) the employee's normal rate of pay. Any leave used during that week will not count as actual hours worked for the calculation of overtime or compensatory time off, nor will those hours worked be considered emergency call back duty. On-call hours are not considered when determining overtime hours.

If an unforeseen, extenuating circumstance arises that prohibits an employee from performing his or her on-call responsibilities, he or she must notify his or her supervisor immediately and make provisions to find another employee to cover his or her shift(s).

If an employee refuses to respond or fails to report to work fit for duty within the specified time frame after being notified to report to duty, or if an employee fails to answer a contact attempt from his or her supervisor, the employee will be subject to disciplinary action, up to, and including termination. Further, it is unlawful for any employee to imbibe in any intoxicating substance, whether legal or illegal, while on-call.

The requirement for an employee to be available by cell phone, paging device, or other electronic device, does not automatically make that employee eligible for on-call pay. For further clarification as to the specifics of this policy, see your immediate supervisor or the City Clerk.

### **Meals and Breaks**

Breaks from work shall be administered by Department Directors and will be established according to a department's work activities requirements. In no case shall meals and breaks be scheduled in such a manner as to disrupt a department's activities. Rest breaks shall not exceed two (2) per day at fifteen (15) minutes in length. Lunch breaks shall not exceed one (1) per day or one (1) hour in length. All departments shall observe a one (1) hour minimum lunch break unless that department is not required to have official business hours as directed by the City Administrator. For those departments without official business hours, no less than one-half (½) hour will be allowed for lunch break.

## ***WAGE ADMINISTRATION***

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The City's salary administration program was created to achieve consistent pay practices, to comply with federal and state laws, to illustrate the City's commitment to Equal Employment Opportunity, and to offer competitive salaries within the local and regional labor market. Recruiting and retaining qualified, experienced, and talented employees is critical to the organization's success. The City is dedicated to compensating its employees at a level that facilitates the recruitment and retention of qualified employees.

The compensation level for each position is determined by several factors, including, but not limited to, educational requirements, experience required, job classification, essential duties and responsibilities, and local and regional salary survey data. The City, at its discretion, may periodically review its salary administration program and restructure it as may be necessary. Merit-based pay adjustments may be awarded in conjunction with employee performance documented by the employee performance evaluation process.

If an employee should have any questions, concerns, or require any additional information regarding compensation, he or she should address such inquiries with his or her immediate supervisor. It is the supervisor's responsibility to oversee the fair administration of departmental pay practices. In the event a supervisor or Department Director is unable to provide a sufficient explanation, the employee may address his or her inquiries to the City Administrator.

The accurate recording of time worked is the responsibility of every nonexempt employee. Federal and State laws require the City to record and maintain accurate records of time worked to properly calculate employee pay and benefits. Federal and state laws require an accurate record of time worked to calculate pay and certain benefits. Time worked for recording purposes is all time an employee spends on the job performing assigned duties.

Nonexempt employees shall accurately record the time they begin and end their work. They should also record the beginning and ending time of any split shift or absences from scheduled shifts.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to, and including termination of employment. Nonexempt employees should not report to work prior to their scheduled starting time nor stay after their scheduled stop time without express supervisor authorization. It is an employee's responsibility to approve his or her time records in the payroll processing system to certify their accuracy. The supervisor will review and then approve the time record before submitting it for processing. In the event corrections or modifications are made to the time record, the employee, may be notified if time permits of the change to verify the accuracy of the modifications.

The Finance Director shall keep and maintain, in accordance with any applicable law, records of: all employees; employee pay scales; time worked; accrued vacation and sick leave; all absences; vacation and sick leave; and accrued overtime. Such records shall be available for inspection by the employee or other authorized official.

It is our policy to comply with the requirements of the FLSA. We want employees to be aware of this policy and that the company does not allow wage deductions that violate the FLSA. Therefore, we prohibit all company managers from making any improper deductions from employee wages. It is the policy of the City that exempt employees pay will not be "docked" or subject to deductions in violation of FLSA or state law. If you believe that an improper deduction has been made to your wages, you should immediately report this information to the Finance Director. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed.

## ***WAGE PAYMENT***

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The work week runs from Saturday 12:01 a.m. through Friday midnight. Employees should clock-in within five (5) minutes of their scheduled shift start time.

### **Payday**

All City employees, with the exception of contract employees, shall be paid wages bi-weekly on the Friday following the end of each pay period. If a payday falls on a scheduled holiday, employees will receive their paycheck on the regular workday prior to the scheduled holiday.

**Direct Deposit**

All team members are encouraged to use direct deposit of funds to the financial institution of their choice but can receive a check if they prefer. Paystubs are available for electronic access via the payroll system, ADP Workforce. Paychecks will be provided only to the team member or mailed to the home address, unless written instructions are provided directing otherwise.

**Pay Deductions and Setoffs**

The law requires the City make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. The City also must deduct Social Security taxes on each employee's earnings up to a specified limit called the Social Security "wage base." The amount deducted based on this "wage base" is matched by the City.

In addition to those programs and benefits mandated by law, the City offers other programs and benefits beyond those required by law. All eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs. Pay setoffs are pay deductions which are collected by the City to pay off an employee's debt or obligation to the City or others. If an employee has any questions, concerns, or requires any additional information regarding payroll deductions or how such deductions were calculated, the employee should contact the Finance Director for assistance.

**Pay Upon Separation**

An employee, who terminates his or her employment relationship with the City, will be compensated for his or her final hours worked on the next regularly scheduled payday following the pay period in which the separation occurred.

**Leave Hours Pay Upon Separation**

Employees shall be compensated for all accumulated unused vacation leave and compensatory time off up to their termination date; however, an employee who has not completed his or her initial probationary period shall not be paid for any accrued vacation leave. Unused vacation leave and compensatory time off shall be paid out on the payday following the pay period after the employee is compensated for their final hours worked.

# RECRUITMENT & STAFFING

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## ***EMPLOYMENT REQUIREMENTS***

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The City has specific employment requirements in order to support their residents as they should be.

### **Age**

An employee must be eighteen (18) years of age or older on the date which he or she is employed to a position in the City service. The age requirement for seasonal positions shall be sixteen (16) years of age or older. Consideration can be made to employ an applicant over the age of fourteen (14) years of age based on the duties of the position and all applicable labor laws. Commissioned Law Enforcement Officers must be twenty-one (21) years of age or older on the date which he or she is employed to a Police Officer position in the City service.

### **Residency**

All department directors are required to establish and maintain a residence within the boundaries of Lansing Unified School District 469 (USD 469), Kansas for a minimum of five (5) years, within six (6) months after completion of their probationary period or being promoted to the position of Director. After the five (5) year period, the Department Director is required to establish and maintain a permanent residence within the incorporated boundaries of Leavenworth County, Kansas. The City Administrator may exempt an individual from the residency requirement when he or she believes it is in the best interest of the City. All other employees must live within a thirty (30) mile driving distance of the City so that he or she is able to report to work according to the schedule as set forth by the Department Director. Violation of any of the provisions of this section shall result in disciplinary action up to and including termination from employment with the City.

### **Driver's License**

All employees will be required to have a valid driver's license from their home state of record that is within a thirty (30) mile driving distance of the City of Lansing prior to their first day of employment. If an employee is a military spouse or dependent of an active duty military member, a valid, active-duty Military Identification may be substituted for the valid home state of record driver's license requirement, provided the employee has not established the State of Kansas as his or her place of residency, and provided that he or she has a valid driver's license from his or her home state of record.

## ***JOB DESCRIPTIONS***

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The City makes every effort to create and maintain accurate job descriptions for all employment positions within the organization. Each description includes a job information section; a job summary section which provides a general overview of the position's purpose; an essential duties and responsibilities section; a supervisory responsibilities section; a qualifications section which includes education and/or experience, language skills, mathematical skills, reasoning ability, and any certification(s) required; a physical demands section; and a work environment section.

The City maintains job descriptions to aid new employees in his or her job. The purpose is to identify the requirements of each position, to establish hiring criteria, to set standards for employee performance evaluations, and to establish a basis for making reasonable accommodations for employees with disabilities.

The Department Director shall prepare job descriptions when new positions are created. The City Clerk will review the job description to ensure that all components mentioned above are included, and that the salary level is consistent with the market analysis of the position. Existing job descriptions are also reviewed and revised in order to ensure that they are up to date. Job descriptions may also be periodically rewritten to reflect any changes in the position. All employees will be expected to help ensure that their job descriptions are current and accurately reflect the work being done.

Employees should note that job descriptions are a descriptive guide and do not necessarily cover every task or duty that might be assigned for the position and that additional responsibilities may be assigned as necessary. If there are questions or concerns about a job description, contact your Department Director or the City Clerk.

## ***NOTIFICATION OF VACANCIES***

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In the event there is a need to hire for a position, the Department Director in which the employment opportunity is available, is to provide written notice to the City Clerk regarding the position. Such written notice is to include the position title, the number of positions open; and the reason(s) such employment is required. All requisitions for personnel must be approved by the City Administrator prior to beginning the employment process.

## ***POSTING OF VACANCIES***

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A Notice of Vacancy for positions requiring the initiation of the hiring process shall be disseminated to employees. Such vacancy announcement shall be posted for the duration of the period within which a position remains open to applicants.

## ***FILLING VACANCIES***

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### **Promotions**

Whenever practical under the circumstances, all employment vacancies shall be filled internally. Internal postings will be made for a period of seven (7) consecutive days. Based on input from the supervisor and/or Department Director, the City Administrator may determine that an employment vacancy provides a logical promotional opportunity. Upon such conclusion, the City Administrator may restrict the position to only employees in current full-time, part-time, temporary, or reserve positions. When a position is only open internally, announcements of the vacant position will be disseminated to employees. An employee who wants to be considered for a promotion opportunity must submit a letter indicating his or her interest for the employment position and his or her specific position qualifications, to the City Clerk by the published closing date. An application or resume may be requested during the selection process.

A Department Director or supervisor may choose to advertise any position outside the organization if he or she believes that it is in the best interest of the City to make a selection from a wider array of candidates. Any current employee wanting to be considered for such an opportunity will be given appropriate consideration based on the employee's experience and job performance.

### **Recruitment**

In all cases where it is necessary to hire an individual from outside of the City's current personnel, the City shall recruit for the position. Individuals shall be recruited from a geographical area as wide as necessary to obtain well-qualified applicants for the position. Recruitment may include but is not limited to:

- A. Placement of advertisements in local and area newspapers, technical and professional journals, websites, etc.;
- B. Notification of local and area state employment service offices; and
- C. Notification of local and area vocational-technical schools, high schools, colleges, and other training/educational agencies.

## ***ACCEPTANCE OF APPLICATIONS***

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All advertisements for vacant City employment positions may have formal opening/closing dates. Such opening/closing dates are to be part of all formal vacancy notices, and the length of time for said dates is to be determined by such factors as volume of applications typically received for the position, type of position, qualifications for the position, and time factors, etc. All applications received prior to the closing date shall be reviewed and considered for the position. No application for an advertised position will be reviewed nor considered if it is received subsequent to the position's closing date. However, such late applications will be accepted and filed pending future openings. In the event an insufficient number of applications are received or none of the applicants are deemed qualified for the position, the position may be reopened for an additional period of time to allow for a larger number of applicants to apply. All applications received for the position, which has been reopened, shall be reviewed and considered for the position along with all applications previously submitted during the original open period provided that said applications had been properly submitted by the original closing date.

Employment reference checks will be conducted to ensure that individuals who join the City are well-qualified and have a strong potential to become productive and successful. It is City policy to verify and confirm all listed employment references of all applicants. No employment data will be released without written authorization and release signed by the individual who is the subject of the inquiry.

## ***INTERVIEW***

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All applications that have been received for a position will be reviewed, ranked by predetermined criteria, and considered for interview. Of those applications, a group of finalists will be selected by the Department Director and interviewed by an interview board selected by the Department Director. The top candidate(s) may be interviewed by the City Administrator. The purpose of such an interview is to aid the interviewer in determining the applicant's qualifications for the position. Such determinations may be based on a review of the employment application form and the questioning of the applicant.

## ***ASSESSMENTS***

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Where it is deemed appropriate, the City may require that all applicants for an employment vacancy take an examination. Such an examination may be utilized to test the applicant's mental and physical aptitude for the position. All examinations shall be of such a nature that they will fairly test the relative capacity and fitness of the applicant to successfully perform the duties and responsibilities of the position to which he or she seeks employment.

Examinations for City employment, transfer, or promotion may include, but are not limited to, the following:

- A. **Written Test** - This test shall be a written examination designed to show the familiarity of the applicant with the skills, knowledge, and abilities needed in the position to which he or she seeks employment. Such a test also identifies the examinee's range of general knowledge, information and aptitude.
- B. **Performance Test** - Such tests shall examine the applicant's ability to perform the tasks as described in the written job description. The results of such testing will aid in determining the skill of an applicant in successfully performing the work involved in the position to which the applicant seeks employment.
- C. **Aptitude Test** - Such tests shall be designed to determine general adaptability or to ascertain an applicant's special traits and aptitudes.
- D. **Agility Test** - Such tests shall be designed to determine flexibility, strength, and physical endurance.
- E. **Unassembled Test** - A review of credentials and references.

- F. **Physical Capacity Test** - All employees will be required to undergo a post offer/internal transfer/return-to-work (due to on- or off-the-job injury) Physical Capacity Profile examination at a Physical Capacity Profile Testing Center. Any offer of employment/internal transfer/return-to-work that is received from the City of Lansing is contingent upon, among other things, satisfactory completion of this examination and a determination by the City of Lansing using the results from the examination that the applicant is capable of performing the responsibilities of the position that has been offered, with or without reasonable accommodation(s). This will help the City of Lansing avoid putting employees in a position where there is the likelihood of injury to themselves or others.
- G. **Physical Examination** - All applicants for City positions who have been selected for employment shall undergo a physical examination as a condition of employment. This requirement shall apply to all full-time, part-time, and temporary positions. The post-offer physical examination shall consist of a comprehensive medical history review, a physical evaluation, a vision test, and if deemed necessary, a hearing test, and any other testing deemed relevant to the position being filled. An employment position will not be offered to an applicant who does not meet the physical requirements as outlined in the job description. A medical examination will be performed at the City's expense by a qualified health professional selected by the City. The offer of employment and assignment to duties is contingent upon the satisfactory completion of the medical examination. Information or test results obtained as a result of this required medical examination will be released only to the City Clerk.

### ***CAUSE FOR REJECTION OF AN APPLICANT***

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An applicant for an employment position may be rejected for employment for the reasons as outlined below. The following list is for illustration purposes only and is not intended to be all inclusive. The reasons are:

- A. Applicant lacks the qualifications as set forth in the position applied for;
- B. Applicant has made a false statement or statements as to a material fact or has practiced deception in his or her application;
- C. Applicant demonstrates an unsatisfactory employment record or personnel record as established by his or her application form or by a reference check that demonstrates unsuitability for employment;
- D. Applicant is physically or medically unable to perform the duties of the position for which he or she is applying as determined by a physical examination. Such physical examinations shall be given prior to the time the individual begins work;
- E. Applicant has been convicted of a felony or other crime involving moral turpitude. In determining whether the existence of a criminal record by an applicant presents an unreasonable risk to the City, thereby disqualifying the applicant, the following factors shall be considered:
- a. The nature of each felony conviction or other conviction as it relates to job requirements for the position;
  - b. The number of felony convictions or other convictions the applicant has received;
  - c. The length of time since the date of the last felony conviction or other convictions;
  - d. Where driving or the operation of equipment is a duty of the job classification, the applicant has been convicted of driving offenses of a number and/or nature that demonstrate a lack of safety consciousness.





# BUSINESS TRAVEL & EXPENSES

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It may be necessary for employees of the city to travel as part of city business. This policy and these procedures apply to all officers and employees of the City of Lansing when travel requiring one or more overnight stay is necessary as a part of official City business. Employees and City officials are expected to use proper judgment when expending taxpayer dollars, and should always be aware that they are an ambassador of the City of Lansing.

## ***GENERAL REQUIREMENTS***

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### **Approval and Processing Payments**

- A. Each person traveling shall be authorized by the appropriate director. If the employee has any questions about traveling or anticipates unique travel arrangements, employees should notify their director and/or the City Administrator. The director should ensure funds are available for the employee to travel or partake in conferences.
- B. All payments or reimbursements to employees related to travel and mileage reimbursement will be made through Electronic Funds Transfer (EFT). It is the responsibility of the employee to provide the appropriate bank account information to the Finance Department before any payments are processed.
- C. Departments are responsible for maintaining appropriate documentation from each travel request. This documentation includes travel forms, a copy of conference brochure, mileage documentation, copies of any other relevant documents, and receipts.
- D. If spouses or guests also plan to attend the event, the employee or official should make arrangements to pay for the cost of the guest's airfare directly to the vendor. The City will not pay for guest expenses.

### **Transportation**

- A. Employees should use a City vehicle whenever available. If a City vehicle is available and the employee chooses not to use the City vehicle, that employee will not be reimbursed for mileage and cannot use the City credit card to put fuel in their personal vehicle. If a City vehicle is not available and employee uses their own vehicle, they will be reimbursed at the federal reimbursement rate.
- B. Employees are expected to use the most economic means available with consideration to time and distance involved. It is the employee's responsibility to obtain comparative pricing and maintain documentation showing the prices maintained.
- C. If an employee drives their personal vehicle when a City vehicle is available, they accept personal liability for any damage which occurs while using their vehicle.
- D. If a City vehicle is used, employees may use their City credit card to purchase gas for the vehicle.
- E. An employee is responsible for any tickets or citations issued to them on City business, whether in their personal vehicle, rental vehicle, or City vehicle.

### **Air Travel**

- A. Authorization will only be given for coach airfare. The City will cover the cost of one bag if baggage costs are separate.

- B. Authorization will only be given for the most cost effective flight package, within reason, to the conference location. Flights must be booked using the day immediately prior to the conference (or the first day of the conference if the conference begins after 1pm) and the day immediately following (or the last day of the conference if it ends by 1pm) as travel days. If significant savings can be realized by making Saturday a travel day, employees may request to depart earlier or later than normal with approval from the City Administrator or Director. If an employee wants to depart earlier or stay later for personal purposes, the employee must pay the cost difference if airfare is more expensive than traveling on a normal day.

### **Conference Registration**

- A. Arrangements should be made far enough in advance so payment of conference registrations can be made directly to the sponsoring organization according to the City's annual accounts payable processing calendar, or using a City issued credit card. Anything not related to the conference, such as entertainment, will not be reimbursable.
- B. Meals provided as part of the conference registration are deducted from total meal allowance. For example, if lunch is provided as part of the registration, the employee cannot take the savings and apply it to supper amount. The City Administrator may waive this requirement if the meals provided are insufficient or are not available due to time constraints.

### **Lodging**

- A. Authorization for lodging costs will be approved for standard rooms at the suggested conference hotel, unless extenuating circumstances prevent staying there. Lodging should not be needed unless the employee is traveling greater than 60 miles. This requirement can be waived in certain instances with approval from the City Administrator.
- B. When lodging is necessary but not for a conference, lodging choices should be based on economy and reasonable accessibility to the location for purpose of travel. Advance arrangements are encouraged whenever possible.
- C. Employees should provide tax exempt documentation whenever possible.

### **Miscellaneous Costs**

- A. Miscellaneous travel expenses, such as rental cars, must be approved by the City Administrator. Additionally, employees are encouraged to use their cellular telephones for any City related phone calls. Internet access for City related business is allowable with receipt and proof of City business.
- B. The City will not be responsible for any costs incurred by the employee should they travel prior to or after the conference for personal enjoyment and pleasure.
- C. If the employee needs clarification or has questions on anything prior to traveling, they are encouraged to speak with their director.
- D. Incidental costs associated with City business, such as airport shuttles, Uber, and cab expenses related to travel shall be reimbursable. If employee must take personal vehicle to airport, mileage will be reimbursed with City Administrator approval.

### **Meal Policy**

- A. Employees and directors are expected to use sound judgment when expending public funds. Elected officials, directors, and any other employee designated by the City Administrator may be allowed payment

for their meal and the meal of their guest(s) in the conduct of City business. Any meal expense should not be extravagant.

- B. In most instances, the City will cover up to \$15 for breakfast, \$15 for lunch, and \$25 for supper. The City Administrator can approve slightly higher meal expenses if the market dictates higher meal costs or conference banquets exceed the allotted meal allowance. Tips should not exceed 18%, and are not included as part of the meal allowance. The City will not reimburse the cost of alcohol, tobacco, etc. The purpose of the meal should be stated on the credit card log along with receipts. Extravagant costs or failure to turn in receipts may result in the employee reimbursing the City for the cost of the meal.

### **Responsibility for Enforcement**

The documentation should be maintained by the Finance Department for three years. All pertinent documents, including invoices, receipts, etc. shall be submitted with the appropriate paperwork to the Finance Director. The City Administrator and/or Finance Director have responsibility for the enforcement of this policy, and will ensure departments comply with these rules. Additionally, the City Administrator, or in his absence the Finance Director, may waive certain provisions of this policy provided they are not a violation of State or Federal law. Any inappropriate travel expenses paid with City funds will be reimbursed to the City by the employee. Additionally, blatant violations of this policy will result in disciplinary action, up to and including termination.

### ***PERSONAL PRIVILEGED INFORMATION***

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Over the course of your employment, there will be times when you provide confidential information about yourself for payroll, insurance and benefit purposes. Please be assured that we regard this information as confidential. All medical information will be kept apart from the general personnel file as a separate confidential medical record. Information in this medical file will not be released to any third party, including your personal physician, without your explicit written approval.

### **Credit/Employment Verification**

The City of Lansing will respond in writing only to those credit and employment verification inquiries that are submitted in writing and on letterhead. Responses to such inquiries will confirm only dates of employment, wage rates and position(s) held. No employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry. Employee references or recommendation are supplied solely by the City Clerk. Any request for information regarding a current or former employee of the City of Lansing should be forwarded to the City Clerk, without personal comment.

### ***STATUS CHANGES***

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***Employees should go into the ADP system to make changes to their personal status as soon as possible, but within 30 days, for changes*** such as: change of name, address or telephone number, marital or dependent status, insurance beneficiaries, emergency contact or other relevant information. This information is critical to properly administer your benefits and in the case of an emergency.

# EMPLOYMENT RELATIONSHIP

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## ***AT-WILL EMPLOYMENT***

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The employment relationship is entered by mutual consent and for mutual benefit. Accordingly, at any time, either the employee or the City of Lansing can terminate the employment relationship at-will, with or without cause or notice. There is no implied promise that employment will continue for a set period, or that your employment will be terminated only under circumstances. At-will does not, and is not intended to, interfere with, limit or relinquish an employee's right to join with others to work toward altering the terms or conditions of his/her employment, including at-will status.

If you wish to resign your employment, the City of Lansing requests that you notify your supervisor with a dated and signed written statement at least two weeks prior to your planned departure date (excluding accrued time off) to help ensure a smooth transition. All City of Lansing property must be returned to the City of Lansing at this time or whenever requested.

Nothing in this statement is intended to interfere with, restrain, or prevent concerted activity as protected by the National Labor Relations Act. Such activities includes employee communications regarding wages, hours, or other terms or conditions of employment. City of Lansing employees have the right to engage in or refrain from such activities.

## ***PROBATIONARY PERIOD***

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The City of Lansing has a one hundred-eighty (180) calendar day Probationary Period for new full and part-time employees which commences on your first day of employment, which becomes your anniversary date. During this period, you will learn your responsibilities, become acquainted with fellow employees and determine whether you are suited to your job. During the Probationary Period, we will evaluate your work habits and abilities to make sure that you can perform the job satisfactorily. The Probationary Period also gives you time to decide if the new job meets your expectations.

If you are absent for a significant amount of time during your Probationary Period, the length of the absence can be extended. We may also extend the Probationary Period if we decide it was not long enough to evaluate your performance. This could happen either during or at the end of the Probationary Period.

Since your employment with the City of Lansing is voluntary and at-will, you may terminate your employment at any time during or after the Probationary Period, with or without cause or notice. Likewise, City of Lansing also may terminate your employment at any time during or after the Probationary Period, with or without cause or notice.

Upon completion of the trial period, the City of Lansing will review your performance. At this time, you may express suggestions to improve the City of Lansing's efficiency and operations and you will receive feedback on areas for adjustment or improvement. If the City of Lansing finds your performance satisfactory, you will be assigned to the "regular" employment classification. A change in compensation may or may not be a part of this process, as adjustments to salary are always at the sole discretion of the City of Lansing.

## ***PERFORMANCE EVALUATIONS***

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Performance evaluation is a method by which the performance of an employee is evaluated on a regular and formal basis. Such evaluations are conducted to maintain and improve the quality of service provided by the City. Specifically, a performance evaluation is a method of recognizing achievement and of improving the performance of individual employees. This is accomplished by informing the employee of specific performance accomplishments and deficiencies accompanied by statements of corrective action. Additionally, a performance evaluation facilitates the City in the formulation of job performance standards which are established by this

process of interaction of an employee and his or her supervisor. This process also serves as a major factor in making promotion, transfer, salary step increase, demotion, suspension, and dismissal decisions. An added positive consequence of the performance evaluation is the development of employee morale by encouraging closer supervisor-employee contact. Furthermore, it provides the City feedback regarding its training programs, organizational deficiencies, and supervisory weaknesses. Finally, it improves the quality of supervision by fostering the objective appraisal of employee performance.

## **PROCEDURES FOR EVALUATIONS**

Performance evaluations shall be conducted annually in January for all regular full-time and part-time employees. Mid-year performance evaluations shall be conducted annually between May 1 and June 30 of each year for all regular full-time and part-time employees. Coaching and counseling sessions may also be conducted at the discretion of each department or division. Performance evaluations shall be in writing and completed on an approved employee performance evaluation form. The performance of an employee shall be evaluated objectively and without regard to personal prejudices, biases, and favoritism. Evaluations shall be based on the demonstrated performance of the employee during the rating period. Evaluation ratings shall not be based on anticipated performance, salary, or the seniority of an employee.

Annual evaluations have a review period of January 1 to December 31 of the previous year. Final annual evaluations are due to the City Administrator as determined by the City Administrator. The City Administrator will have ten (10) business days to ensure the evaluation follows the Performance Evaluation Policy. If corrections are warranted, the City Administrator will return the evaluation to the Department Director for correction. If corrections are not warranted, Supervisors must discuss the evaluation in its entirety with the employee. A copy of the evaluation form will be sent to the employee, and the original will be placed in the employee's personnel file.

## **CONSULTATION WITH EMPLOYEES**

The employee performance evaluation shall be discussed with the employee by his or her supervisor. As part of this discussion, the supervisor shall inform the employee of the evaluation process, the rationale for conducting performance evaluations, the actual ratings given in the rated areas, the reasons for the ratings, and the ways in which the employee may address and correct any areas of deficiency. A copy of the evaluation form will be sent to the employee, and the original will be placed in the employee's personnel file.

## **APPEAL OF RATING BY ALL EMPLOYEES**

If an employee believes the evaluation ratings given to him or her were not arrived at objectively and fairly, and he or she wants to file a complaint, the employee shall follow those provisions in the Employee Relationship section of this handbook.

## **PERFORMANCE AWARDS**

The City Council, at its sole discretion, may provide funding for Performance Awards. Such funding must be approved as a part of the annual City budget. An employee receiving a "Meets Standards" or "Exceeds Standards" rating, shall be eligible for consideration under this program. Employees must be employed with the City on or before January 1<sup>st</sup> of the prior year to be eligible for the Performance Award.

Performance Awards are percentage based and determined during the budget process each year. Performance Awards will be added to all eligible employees' hourly salaries no later than the second payroll in February of the current year.

## **HIGH PERFORMER AWARD**

The City Council may fund high performer awards as part of the annual City budget. All high performer awards will be approved by the City Administrator.

## **SERVICE AWARDS**

The City values your dedication and commitment to the City of Lansing. To show appreciation after ten (10) years of continuous service employees are given a Service Award. Time in service is determined by calendar year. Service Awards will be administered as follows:

Years of Service	Service Award
10	\$150
15	\$200
20	\$250
25	\$300
30	\$350

## ***GRIEVANCES***

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The City is committed to providing the best possible working conditions for its employees. Part of this commitment is to encourage an open and frank atmosphere in which any problem, grievance, complaint, suggestion, or question receives a timely response from the City Administrator, Department Directors, and supervisors.

The City strives to ensure fair and honest treatment of all employees. Employees are expected to treat each other with mutual respect. The City Administrator, Department Directors, and supervisors are encouraged to offer positive and constructive feedback.

If an employee disagrees with established rules of conduct, policies, or practices, he or she can express his or her concerns through the guidelines set forth in the Employment Relationship Section. No employee will be penalized, formally or informally, for voicing a grievance or complaint with the City when such grievance or complaint is presented in a reasonable, business-like manner or for using the problem resolution procedure.

If a situation occurs where an employee believes that a condition of employment or a decision affecting him or her is unjust or inequitable, the employee is encouraged to make use of the following steps. However, the employee may discontinue the procedure at any step.

### **DEPARTMENTAL LEVEL OF SETTLEMENT**

When an employee has a grievance or complaint, he or she shall notify his or her first-line supervisor. The supervisor shall promptly discuss the matter with the employee in an attempt to resolve it. If the grievance or complaint is resolved at this point, it shall be considered settled and no further action will be taken. Should the employee not be satisfied with the disposition of the grievance or complaint, he or she may informally pursue its resolution through the regular supervisory chain of command to the level immediately below the Department Director. Should the employee not be satisfied with the disposition of the grievance or complaint at this level, he or she shall provide formal written notice within five (5) business days to his or her Department Director advising of the nature of the grievance or complaint and his or her inability to satisfactorily resolve it by means of the regular departmental supervisory chain of command.

Within five (5) business days of receiving an employee's formal written notice of the grievance or complaint, after discussion with the City Administrator, the Department Director shall provide a written decision. Such written decision shall be provided to the complainant/employee and shall outline the Department Director's decision and the reason(s) therefore. If the employee is satisfied with the decision of the Department Director, the grievance or complaint shall be considered resolved and no further action will be taken.

Should the employee not be satisfied with the disposition of the grievance or complaint at the departmental level, he or she may appeal the decision to the City Administrator.

### **DEPARTMENT DIRECTOR**

If a Department Director has a grievance or complaint, he or she shall provide formal written notice detailing the nature of the grievance or complaint to the City Administrator. Within five (5) business days of receiving such notification, the City Administrator shall provide the Department Director with a written decision and the reason(s) therefore. Should the Department Director be satisfied with the disposition of the grievance or complaint, the matter will be considered resolved and no further action taken. If the Department Director is not satisfied with the decision of the City Administrator, he or she may appeal the decision to the City Council.

### **SETTLEMENT BY CITY ADMINISTRATOR**

Should an employee not be satisfied with the disposition of the grievance or complaint by the Department Director, he or she may appeal the decision to the City Administrator. The employee must submit formal written notice within five (5) business days to the City Administrator advising of the nature of the grievance or complaint and his or her inability to satisfactorily resolve it by means of the regular departmental supervisory chain of command.

The City Administrator will consider all the facts of the grievance or complaint and within five (5) business days of receiving an employee's formal written notice the City Administrator shall provide a written decision. Such written decision shall be provided to the complainant/employee and Department Director and shall outline the City Administrator's decision and the reason(s) therefore. The City Administrator may uphold the decision of the Department Director or impose a new resolution. If the employee is satisfied with the decision of the City Administrator, the grievance or complaint shall be considered resolved and no further action will be taken.

Should the employee not be satisfied with the disposition of the grievance or complaint by the City Administrator, he or she may appeal the decision to the City Council. Employees on their probationary period or disciplinary probation are prohibited from appealing a decision by the City Administrator.

### **SETTLEMENT BY CITY COUNCIL**

In the event an appellant/employee disagrees with the decision of the City Administrator, he or she may appeal the decision to the City Council. To preserve his or her appeal, the appellant/employee shall present, to the City Clerk, within three (3) business days of receiving the City Administrator's decision, a written request for a hearing before the City Council. Such written request must state with specificity the reasons for such request. Upon receiving the written request, the City Clerk shall schedule a hearing. The requested hearing shall be held within ten (10) business days of receipt of the employee's request. Upon scheduling the hearing, the City Administrator shall provide the employee with a written notice which shall set forth the date, time, and location of the hearing as well as the manner in which it is to be conducted, and the issue(s) to be decided. The procedures for the conduct of the hearing shall include:

- A. An opportunity of the employee to be represented by an attorney or other representative of the employee's choice.
- B. An opportunity to call and question witnesses or other relevant parties; and
- C. An opportunity to present both oral and documentary evidence relevant to the Grievance / Complaint;
- D. The City maintains the right to have the Lansing City Attorney and the City Clerk present during these hearings;
- E. The City Council will listen to the employee's testimony, witness testimony, and review all relevant

documentary evidence.

- F. The City Council will then listen to Division Superintendent or Department Director's testimony and review all relevant documentary evidence proffered by the Division Superintendent or Department Director who administered the adverse personnel action.
- G. Following the close of testimony and evidence by the Division Superintendent or Department Director, the City Council shall then summarize what the employee's testimony has been, and then allow that Department Director or Division Superintendent to rebut any and all testimony prior to closing the hearing to determine its findings of fact.
- H. After considering all the relevant evidence presented, the City Council has the right to call witnesses and request documentary evidence as deemed necessary to reach a fair and equitable decision.
- I. Upon completion of the appeal hearing, the City Council shall present a written decision to the employee within ten (10) working days of the conclusion of the appeal hearing. The written decision shall include a summary of the facts and evidence which had been presented; a statement of the decision and the reasons therefore; and the remedies, if any, to be applied in the case.
- J. The City Council's written decision shall be considered final and such decision shall terminate the City's obligations to further review of the grievance or complaint.
- K. A copy of the City Council's decision shall be forwarded to the City Administrator and it shall be included in the employee's personnel file.

The employee shall have the opportunity to withdraw his or her request for a hearing or to request it be rescheduled upon a showing of good cause provided that such rescheduling request is made prior to the originally scheduled hearing date. If the employee fails to appear at his or her hearing and he or she has not requested a rescheduling as outlined above, the grievance or complaint shall be considered resolved with the previous authority's decision being final.

## **PROBLEM RESOLUTION**

The City recognizes that every problem may not be successfully resolved. However, the City believes that through understanding and open and frank discussion of mutual problems, employees and management can develop confidence in one another. Such employee/management confidence is important to ensure efficient City operations and foster a harmonious work environment.

## ***COMMUNICATIONS/QUESTIONS/CONCERNS***

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From time to time, employees may have a question or an issue concerning their job that they would like to discuss. Employees are encouraged to bring these situations forward for full and open dialogue first with your supervisor. In a case where a situation is not resolved by the supervisor, the employee may request a meeting with the City Clerk to discuss the situation at hand and identify a positive resolution. If you still believe that your issue has not been fairly or fully addressed, you may request a meeting with the City Administrator. You are free to skip steps in this process if you are not comfortable speaking to any of the individuals in the chain.

We take your issues very seriously and will make a sincere effort to find a suitable resolution. Your job will not be impacted due to your use of this process to air issues in good faith.

## **Suggestions & Ideas**



The City of Lansing welcomes your constructive ideas and suggestions for ways to improve our operations. We ask that you submit your suggestions in writing to your supervisor. Your suggestion will be evaluated for potential implementation.

## ***DISCIPLINARY PROCESS***

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Whenever an employee's job performance, work habits, or attitude fall below an acceptable level, the Department Director or supervisor shall promptly institute disciplinary action to correct those areas in which the employee has exhibited substandard performance. When initiated, disciplinary action should be prompt, uniform, and impartial. Disciplinary action may call for any one of five progressively severe steps—verbal warning, written reprimand, suspension with or without pay, disciplinary probation, and termination of employment—depending on the severity of the problem and the number of occurrences. These progressive steps do not have to be applied in any specific order, and a supervisor is authorized to discipline an employee by any one of these abovementioned methods provided that his or her actions are not contrary to any terms or provisions of this section or any other Employee Handbook section.

Progressive discipline means that, with respect to most disciplinary problems, the following procedure may be followed by the disciplining supervisor. A first offense may be a basis for a verbal warning. A second offense may be substantial basis for a written warning. A third or subsequent offense may be the basis for a suspension, while still more violations may include additional disciplinary action, up to, and including termination of employment. By adopting progressive discipline procedures, the City intends to correct employee problems at an early stage benefiting both the employee and the City.

The City adheres to Kansas law regarding “at-will” employment and recognizes that certain types of employee conduct and problems can be of a serious nature resulting in the immediate suspension and/or immediate termination of employment. Under such circumstances, the City is not required to follow the abovementioned progressive disciplinary steps. While it is impossible to list every type of behavior deemed a serious offense, the Dismissal subsection includes examples of such behavior and situations which may result in immediate suspension or termination of employment. However, the list of problems and behaviors is for illustrative and informational purposes only and should not be considered or interpreted by the employee as the only problems and behaviors which may result in disciplinary action. The purpose of the list is to inform the employee that exhibiting such problems and behaviors may initiate progressive disciplinary action.

## **TYPES OF DISCIPLINARY ACTIONS**

Disciplinary action may include any of the following:

- A. **Verbal Warning** - A verbal warning is a face-to-face verbal warning by the City Administrator, Department Director, or supervisor. Such warning shall address the specific nature of the employee's undesirable performance, work habits or attitude. The verbal warning shall also be accompanied by an oral statement advising the employee of the corrective measures to be taken to address the substandard performance. Such verbal warnings shall be documented by the City Administrator, Department Director, or supervisor. However, such documentation shall not be placed in the employee's official personnel file, unless such previous documentation subsequently serves as a basis for future disciplinary action.
- B. **Written Reprimand** - A written reprimand is a written statement formally reprimanding an employee initiated by the City Administrator, Department Director, or supervisor. The written reprimand shall detail the specific nature of the employee's undesirable performance, work habits, and/or attitude. The written reprimand shall include a written statement informing the employee of the corrective measures to be taken to address the substandard performance. The City Administrator, Department Director, or supervisor shall present the written reprimand to the employee for review. Upon review, the employee shall sign the written reprimand. The City Administrator, Department Director, or supervisor shall allow

sufficient time for the employee to provide a written response to the reprimand. Refusal by an employee to sign the reprimand form shall not preclude its approval and inclusion in the employee's official personnel file. All reprimands must be signed by the City Administrator, Department Director, employee, and in some cases the supervisor. Upon completion of the reprimand by the City Administrator, Department Director, and/or supervisor, and employee, the written reprimand, along with any employee response, if provided, shall be placed in the employee's personnel file.

- C. **Suspension** - A suspension is a City action denying an employee the ability to report for work. An employee may be suspended from work with or without pay upon the recommendation of the City Administrator, Department Director and/or supervisor. Suspensions must be approved by the City Administrator. The City Administrator, Department Director and/or supervisor shall prepare and forward a written statement setting forth the reasons for the requested suspension and whether the suspension is with or without pay. The City Administrator, Department Director and/or supervisor shall allow the employee an opportunity to examine the statement and shall request the employee to sign such statement thereby acknowledging that he or she has read and understands the nature of the suspension action and the reason(s) therefore. Refusal by an employee to sign the suspension form shall not preclude its review by the City Administrator.
- D. **Disciplinary Probation** - Disciplinary Probation is a period of time a disciplined employee is to be evaluated as the result of substandard conduct. An employee may be placed on disciplinary probation upon the recommendation of the City Administrator, Department Director, or supervisor. To initiate an action of disciplinary probation for any non-director position, a Department Director or supervisor shall forward a written statement to the City Administrator outlining the reason(s) for and the recommendations of such probation. Prior to forwarding the written statement to the City Administrator, the Department Director or supervisor shall allow the disciplined employee an opportunity to review the written statement. Upon such review, the Department Director or supervisor shall request that the employee sign the form acknowledging that he or she has read and understands the nature of the action. Refusal by the employee to sign the written statement form shall not preclude its review and approval by the City Administrator.
- E. **Termination** – See Termination subsection.

## **BASIS FOR DISCIPLINARY DECISION**

The level of disciplinary action, i.e. verbal warning; written reprimand; suspension; disciplinary probation; or termination, to be taken by the Department Director or supervisor may depend on the seriousness of the incident and the overall history and pattern of the employee's past performance and conduct.

## **TERMINATION**

The employment relationship between the City and its employees is EMPLOYMENT-AT-WILL.

EMPLOYMENT-AT-WILL means the City or the employee may terminate the employment relationship at any time for any reason. When the City terminates its employment relationship with an employee, the City may utilize the framework set forth below; however, the City, reserves its right under the employment-at-will doctrine to immediately terminate any employee at any time for any reason.

- A. The City Administrator, a contract employee, may be terminated in accordance with Chapter 1, Article 3 of the Lansing City Code.
- B. To initiate the termination process of a Department Director, the City Administrator shall draft a written statement setting forth any and all reasons forming the basis for the request to terminate a Department Director. Such written statement shall be provided to the Department Director. The Department

Director may petition to the City Council to review the City Administrator's action. Review by the City Council is discretionary, and this section shall not be construed or interpreted to grant the Department Director a right to City Council review. In the event the City Council grants a Department Director's review petition and subsequently reverses the City Administrator's decision, the Department Director may be reinstated to a position or condition which is substantially similar to the Department Director's previous position or condition.

- C. To initiate the termination process for all other City employees, the supervisor or Department Director shall provide a written statement setting forth any and all reasons to the employee and the City Administrator. Upon receipt of such written statement, the City Administrator may convene a predetermination hearing no later than ten (10) business days after service of said written statement. At this predetermination hearing, the employee will have an opportunity to retain legal representation. The City Administrator shall review and consider the facts, allegations, testimony, and any documentary evidence of the parties. Upon conclusion of the predetermination hearing, the City Administrator shall make the decision to either terminate the employee or take other appropriate disciplinary action consistent with the policies of this Employee Handbook. The employee may petition to the City Council to review the City Administrator's action. Review by the City Council is discretionary, and this section shall not be construed or interpreted to grant the employee a right to City Council review. In the event the City Council grants an employee's review petition and subsequently reverses the City Administrator's decision, the employee may be reinstated to a position or condition which is substantially similar to the employee's previous position or condition.

#### **TERMINATION OF TEMPORARY EMPLOYMENT**

The employment relationship, established as a result of temporary or seasonal work or project(s), shall terminate when the job or project(s) for which the employee was hired is completed. Applicants for temporary or seasonal employment shall be informed, prior to beginning employment, of the temporary and seasonal nature of the position and, if possible, the estimated duration of the position. Like other City employees, temporary or seasonal employees are employees-at-will and may be terminated at any time.

#### **DISMISSAL**

The following non-exhaustive conduct list is for illustrative and informational purposes only. Said list is to inform employees of the various types of conduct which may result in disciplinary action, up to, and including termination of employment. The list, set forth below, is not all-inclusive and it shall not be construed or interpreted as the only conduct an employee may be terminated for since the relationship is at-will in nature.

- A. Frequent or patterned tardiness or absenteeism;
- B. Violation of any rules established by the City Council or departmental rules as established by a particular Department Director;
- C. Possession, consumption, or distribution of alcohol, illegal drugs, or other illegal substances or paraphernalia while on duty;
- D. Reporting to work while under the influence of any intoxicating or illegal substance;
- E. Failure to follow a supervisor's instruction;
- F. Insubordination that constitutes a serious breach of discipline;
- G. Breaking the chain of command to resolve an issue or concern;

- H. Felony or misdemeanor conviction for a crime involving moral turpitude;
- I. Misappropriation, destruction, theft, or conversion of City property;
- J. Act(s) of incompetency while on duty;
- K. Neglect of duty;
- L. Notoriously disgraceful personal conduct;
- M. Willful falsification of personnel records;
- N. Failure to maintain a valid driver's license, or any other license or certificate for an employment position when such license or certificate is required;
- O. Possession of dangerous or unauthorized materials or items on City premises, e.g. explosives or firearms;
- P. Fighting, threats of violence, or disrespectful conduct in the workplace;
- Q. Sexual harassment or other unlawful or unwelcome harassment;
- R. Negligent or intentional conduct leading to damage of City-maintained property;
- S. The inability of an employee to perform the required duties of the position due to a non-protected physical or mental impairment (ex: certain sexual and behavioral disorders not protected by the Americans with Disabilities Act or those caused by current use of illegal drugs);
- T. Failure to follow safety procedures

## **DISABILITY**

An employee may be separated from City service when he or she can no longer perform the essential duties of the position for which he or she was employed due to any non-protected physical or mental impairments. Separation from City service pursuant to this section may be initiated by the employee, the employee's legal representative, or the City.

## **Job Abandonment**

Absence from work without personal notice for two (2) consecutive working days is considered a voluntary resignation.

## ***CONVICTION & CRIMINAL ACTS***

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The conviction or proven involvement in criminal activity by an employee, whether on or off company property, may result in disciplinary action including suspension or termination.

Disciplinary action depends upon a review of all factors involved, including whether the employees' action was work-related, the nature of the act, and resultant circumstances which adversely affect attendance or performance. Disciplinary action is not dependent upon the disposition of any case in court.

Employees are expected to be on the job and ready to work when scheduled. Inability to report to work as scheduled, as a result of an arrest, may lead to disciplinary action, up to and including termination, for violation of the attendance policy.

Any disciplinary action taken will be based on information reasonably available. This information may come from witnesses, police, or any other source if management has reason to view the source as credible. Whether a criminal activity is work-related, is demonstrated in part by showing the following:

- The activity compromises the City of Lansing's responsibility to its residents, and/or other employees;
- There is a demonstrable effect on the City of Lansing's operations;
- The activity renders the employee unable to perform the job satisfactorily;
- The activity leads another employee to reasonably refuse to work with the individual;
- The misconduct jeopardizes business operations by creating publicity that could do substantial harm to the City of Lansing public image.

In addition to the above, the City of Lansing reserves the right to suspend an employee, with or without pay, and/or place an employee on Administrative Leave, with or without pay, pending the outcome of any criminal law process. The City of Lansing also reserves the right to take appropriate disciplinary action if our own investigation reveals a reasonable probability that misconduct took place, regardless of whether the individual is acquitted in court. The fact that an employee has been spared criminal or civil penalties does not preclude disciplinary action since the prosecution of court cases and the supervision of employees are separate matters.

## ***SEPARATION OF EMPLOYMENT***

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Our employment relationship is entered by mutual consent and for mutual benefit. Either you or the City may terminate the employment relationship at any time. You are thus free to resign for any reason you feel is appropriate, just as the City may decide your services are no longer required. Below are examples of some of the most common circumstances under which employment is ended:

### **Resignation**

Resignation is a voluntary act initiated by the employee to terminate the employment relationship with the City. Although advance notice is not required, the City requests at least two (2) weeks written notice of resignation from nonexempt employees, and three (3) weeks written notice from exempt employees (excluding PTO time). Proper notice will be considered for rehire purpose. In the case of rehire, generally a break in service of six (6) months will result in being treated for all purposes as a new hire, subject to benefit provisions.

It is not our practice to provide a reference letter. Generally, we will confirm position title and dates of employment, and salary history with a written release.

Health insurance terminates the last day of the month of employment, unless an employee requests immediate termination of benefits. Information for continuation of health coverage will be provided. Employees will be required to pay their share of the premiums through the end of the month.

Final pay will be provided in compliance with the applicable state law and company policy. Benefit communications will outline rights to benefit continuation and/or roll-over. Please remember to provide an update of address during the year of termination so that your tax information can be delivered.

### **Exit Interview**

We would like the opportunity to talk with you prior to your departure. The company would appreciate your candid thoughts and feedback regarding your time here.

The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the company, or return of the City of Lansing property. Suggestions, complaints, and questions can also be voiced.

## ***PERSONAL APPEARANCE***

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Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image the City presents to citizens and visitors.

During business hours or when representing the City, an employee is expected to present a clean, neat, and tasteful appearance. An employee should dress and groom oneself according to the requirements of one's position and accepted social standards. Employees shall not be attired in a manner that unreasonably disrupts City operations or presents a safety hazard to the employee, his or her co-workers, or the public.

If an employee's supervisor determines one's personal appearance does not meet the attire guidelines of the Employee Handbook, the employee may be asked to leave the workplace until properly dressed or groomed. Under such circumstance, an employee will not be compensated for the time away from work to take corrective action. Supervisors can answer questions as to what constitutes compliance with the attire standards set forth in the Employee Handbook. When necessary, reasonable accommodation may be made to a person with a disability. The following personal appearance guidelines should be followed:

- \* Shoes must provide safe, secure footing, and offer protection against hazards
- \* Canvas or athletic type shoes shall not be worn during business hours.
- \* Shoulders must be covered by clothing during business hours
- \* Shorts may only be worn by positions warranting outdoor assignments for seasonal purposes from May 1 to September 30, as temperatures allow, and Lansing Daze and the Fishing Derby.
- \* Hairstyles are expected to be of natural colors
- \* Offensive body odor or poor personal hygiene is not professionally acceptable
- \* Facial jewelry, such as eyebrow rings, nose rings, lip rings, gauges, and tongue studs, is inappropriate and shall not be worn or displayed during business hours
- \* Torso body piercing with visible jewelry or jewelry that can be seen through or under clothing shall not be worn during business hours
- \* Visible excessive tattoos and similar body art must be covered during business hours
- \* Safety attire or uniforms must be worn at all times

The primary objective is to have employees project a professional image while taking advantage of more casual business wear and relaxed fashions. Casual business wear offers a welcome alternative to the formality of typical business attire.

However, not all casual clothing is appropriate for the office. Casual business wear means clean, neat, professional clothing. It is never appropriate to wear stained, wrinkled, frayed, or revealing clothing to the workplace. Consult a supervisor when not sure if an item of clothing is acceptable.

Listed below is a general overview of acceptable casual business wear as well as a listing of some of the more common items that are inappropriate for an office environment. Neither group is intended to be all-inclusive, but rather is for illustrative purposes. Examples of acceptable casual business wear include:

- \* slacks
- \* dress shorts shall be at or below the employee's middle finger when standing
- \* casual dresses and skirts
- \* golf shirts and polo shirts
- \* turtlenecks
- \* sweaters and cardigans

- \* loafers
- \* deck shoes
- \* boots
- \* dress shoes or heels

Examples of inappropriate clothing items include:

- \* jeans unless required for the position, in which they shall not be excessively worn or faded
- \* sweatpants
- \* warm-up or jogging suits and pants
- \* shorts shall not be above the employee's middle finger when standing
- \* sweatshirts
- \* spandex or other form fitting pants
- \* miniskirts
- \* T-shirts or sweatshirts unless required for the position. They shall not display offensive messages or images
- \* tank tops
- \* halter tops
- \* dresses and tops with bare shoulders unless worn under a blouse or cardigan/jacket
- \* visible undergarments
- \* slippers
- \* casual thong shoes or "flip-flop" style shoes
- \* athletic or tennis shoes

Summer Attire – May 1 to September 30

- \* Casual thong shoes allowed with no foam bottom (i.e. Old Navy flip flop style shoes)
- \* Shorts may be worn by positions warranting outdoor assignments for seasonal purposes, and shall be at or below the employee's middle finger when standing

Fridays shall be designated as jeans day. Occasionally, the City may announce dress-down or casual days where looser, even more informal clothing can be worn in order to allow employees to enjoy a special occasion, to better tolerate excessive heat conditions, or to more comfortably organize one's work area. For some, traditional business attire may simply remain a more favored option on casual days. The choice will be up to individual employees. The City hopes and fully expects that casual days will help make the workplace more enjoyable and productive.

# SAFETY AND SECURITY

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The safety and security of all employees, residents, visitors and other individuals at the City of Lansing is extremely important to us, and we therefore want to assure that everyone is fully aware of our safety and security policies. We also want to assure that you are aware of how to report an illness or injury, as well as other provisions that have been made to ensure your safety and security.

It is the responsibility of each employee to conduct all tasks in a safe and efficient manner complying with all local, state and federal safety and health regulations and program standards. Further, if a safety hazard is observed or there are suggestions concerning improvements to the current safety and security policies and procedures contact the City Clerk.

## ***WORKPLACE INJURIES/ILLNESS REPORTING***

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When an employee is injured in the performance of his or her duties, the employee must immediately report the injury to his or her supervisor. Kansas Workers' Compensation statutes require an employee to notify his or her employer of an accidental injury. For this reason, when an on-the-job injury occurs, the employee shall complete an Employee Accident Report form and forward it to his or her supervisor by the end of the employee's shift. The completion and proper submission of this form shall serve as the required notice.

If an employee is injured on the job the supervisor shall contact the City Clerk immediately after they are notified. If the injury is non-life threatening, the City Clerk will schedule an appointment for treatment. If the injury is life threatening, call 911, or if possible, the employee should be taken to the nearest emergency room. The supervisor should as soon as reasonable notify the City Clerk about the employee's injury.

Should an employee desire treatment by his or her personal physician, he or she may report to the physician of his or her choice after being evaluated by the authorized physician or emergency care facility scheduled by the City Clerk. Following the initial evaluation and treatment, the City reserves its right to have the employee re-examined by the authorized physician for follow-up treatment, evaluation, or for any additional opinions.

Upon receipt of an Employee Accident Report by the injured employee's supervisor, the supervisor shall complete the Supervisor's Report section on the form and ensure that each section of the form has been completed. The Department Director shall forward the completed accident report form to the City Clerk within 24 hours of receipt from the employee for processing. If the employee is unable to complete the accident report form, the supervisor should complete the form and submit it to the City Clerk within 24 hours of the accident.

Any employee, who has sustained an on-the-job injury which requires medical attention, or who is on injury/disability leave, shall only return to work after personally presenting a medical release to the City Clerk and undergoing a return-to-work (due to an on- or off-the-job injury) Physical Capacity Profile examination at a Physical Capacity Profile Testing Center. No employee shall be permitted to return to work following such an injury or period of leave without the express authorization of the City Clerk.

Prior to an employee resuming his or her employment duties, the City Clerk shall review each medical release based upon established guidelines for work performance, the employee's job classification and duties, the medical evidence related to the employee's injury, and the employee's eligibility to return to work. The City reserves its right to have any employee, who requests a return-to-work determination, examined by the authorized physician to determine the employee's current medical condition and fitness for duty. Such requested examination is an attempt to ensure that the employee's return to work will not hamper his or her job performance or create an excessive risk to the employee's health.



When it is determined that an injured employee may resume his or her City duties, the City Clerk will notify the appropriate Department Director. No Department Director shall allow an employee to return to work without approval of the City Clerk.

If an employee is required to be off from work or on light duty for more than three (3) days due to an accident either on- or off-the-job, the employee shall complete a Physical Capacity Test to determine if the employee is physically able to perform his or her employment duties.

### **Safety Awards**

Employees will receive safety awards annually. To be eligible for a safety award, employees must not have an “at fault” accident during the award year of October 1<sup>st</sup> through September 30<sup>th</sup> of the preceding year. Employees who have not had an “at fault” accident for five (5) consecutive years will begin receiving a monetary award in recognition of their dedication to safety. The awards are as follows:

- 5 consecutive years accident free - \$100.00
- 10 consecutive years accident free - \$200.00
- 15 consecutive years accident free - \$300.00
- 20 consecutive years accident free - \$400.00
- 25 consecutive years accident free - \$500.00

## ***SECURITY/VISITORS***

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To provide for the safety and security of employees and the facilities at the City, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances.

All visitors should enter City facilities at the main entrance. Visitors will receive directions or be escorted to their destination. Employees are responsible for the conduct and safety of their visitors.

If an unauthorized individual is observed on the City’s premises, employees shall immediately notify their supervisor or, if necessary, direct the individual to the main entrance.

## ***BUILDING ACCESS KEYS AND CODES***

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Designated employees will be provided with building access keys and/or codes. These keys and codes will allow the designated employee access to the City of Lansing buildings during and after business hours. The keys must be kept in a secure location and not shared with any other employees or non-employees and must immediately notify their supervisor, City Clerk or City Administrator if the key is lost or stolen. Building access codes must also be solely used by the employee and are not to be shared with other employees or non-employees. Employees are prohibited from using another employee’s access key or code. Use of any City facilities for personal reasons is not allowed without permission from their supervisor, City Clerk or City Administrator. Failure to comply with these procedures may result in disciplinary action up to and including termination.

## ***EMERGENCY PROCEDURES***

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In case of an emergency such as an accident, medical situation, bomb threat, threat of violence or potential fire, immediately notify your direct supervisor or the nearest Department Director. The City of Lansing has developed an emergency procedure to be followed in the event of emergencies. All employees must make themselves fully aware of the proper procedures to address these incidents. If you have questions about the City of Lansing emergency procedures, see the Police Lieutenant.

Summon assistance immediately and never try to personally handle a dangerous situation. Only after assistance is summoned should any attempt to deal with the situation be made ***and only when it can be done without risk of personal injury.***

A summary of some emergency procedures is provided below:

### **Fire**

- ***DIAL 911 if warranted.*** Be clear on the exact location and type of fire.
- Evacuate the immediate area if there is any risk to health and safety and remain a safe distance from the building. Make sure all members of the public are evacuated safely as you are exiting. Meet in the designated area and account for all personnel.
- Be sure all non-exit doors are closed as ventilation will feed the fire.

### **Accidents**

- ***DIAL 911 if warranted.*** Be clear on the exact location and type of emergency.
- Make the injured party comfortable, using care not to move anyone in a manner which could exacerbate the injury.
- Report the accident to your direct supervisor, who will commence an investigation.
- Guard the privacy of the injured party by not discussing the incident publicly.

### **Tornadoes**

- Cease operation (turn off any equipment currently in use, only if safely able to do so).
- Close all windows.
- Proceed quickly and in an orderly fashion to an internally located hallway or area without outside windows. Outside windows and glassed areas should be avoided due to the possibility of flying glass and other debris as it presents one of the chief hazards under these conditions.
- Use the telephone to summon help for sick or injured employees if necessary.
- Remain in your safe area until the “All Clear” is given by management.
- Once the “All Clear” is given, return to your normal work duties.

### **Active Shooter**

- ***DIAL 911 if warranted.*** Be aware of your environment and any possible dangers.
- Take note of the two nearest exits in the practice.
- If you are in an office, stay there and secure the door.
- If you are in a hallway, get into a room and secure the door.
- As a last resort, attempt to take the active shooter down. When the shooter is at the close range and you cannot flee, your chance of survival is much greater if you try to incapacitate him/her.

When working out in the field, stay weather aware and make sure you understand emergency procedures to protect yourself in the event of the above situations.

## ***HAZARDOUS COMMUNICATION***

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As a City of Lansing employee, you have certain rights regarding the use of hazardous materials (e.g., cleaning compounds, inks, etc.) in the workplace. The City of Lansing will provide you with information regarding the following:

- What chemicals are used in the workplace;
- Where the chemicals are located;
- Physical and health hazards associated with the chemicals;

- Protection measures that must be taken to prevent exposure;
- What to do in case of exposure to the chemicals.

Employees must follow all labeling requirements for all materials used. Consult with the designated safety coordinator prior to purchasing chemicals for company use or bringing potentially hazardous substances on the premises. A binder with all Safety Data Sheets (SDS) is in work areas where appropriate. For additional information on hazardous materials in the workplace consult your Safety Committee Representative

## ***INCLEMENT WEATHER/EMERGENCY CLOSING***

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At times, emergencies such as severe weather, major snow events, fires, power failures, or earthquakes, can disrupt City operations. In extreme cases, these circumstances may require the closing of a work facility at the discretion of the City Administrator or their designee.

When operations are officially closed due to emergency conditions, the time off from scheduled work will be paid by the City. Staffing will be determined by the following categories: non-essential and essential personnel. Essential personnel will be required to report to work and will not be granted any additional leave or pay. If operations are officially closed on an employee's regularly scheduled day off, the employee will not be granted any additional leave or pay. In cases where an emergency closing, including inclement weather, is not authorized, an employee who fails to report to work or elects to leave early will not be paid for the time off unless vacation, personal leave hours, or compensatory time off are used.

### **Essential Personnel**

- Directors
- Police
- Public Works
- Wastewater
- Public Information Officer

### **Non-Essential Personnel**

- Administrative Staff
- Community & Economic Development
- Finance Department
- Library Staff
- Parks & Recreation

## ***MOTOR VEHICLE POLICY***

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It is the driver's responsibility to operate the vehicle in a safe manner and to drive defensively to prevent injuries and property damage. As such, the City of Lansing endorses all applicable state motor vehicle regulations relating to driver responsibility. The City of Lansing expects each driver to drive in a safe and courteous manner pursuant to the following safety rules. The attitude a driver takes when behind the wheel is the single most important factor in driving safely.

### **Vehicle Use**

Public perception of the City of Lansing is important within the community and our vehicles on the street influence that perception. All those driving on City of Lansing business should operate and park the vehicle in a safe, courteous and thoughtful manner at all times. Employees will be informed of their eligibility and responsibilities related to driving on City of Lansing business based on their job-related duties.

### **Vehicle Appearance**

The vehicles are to be maintained at the highest level of cleanliness and appearance. A cursory vehicle check should be performed to monitor maintenance issues prior to driving each day. City vehicles are to be returned clean at the end of each workday. In general, the exterior vehicle wash is paid for by the City of Lansing on a scheduled basis. The driver &/or crew is responsible to insure the cleanliness of the interior of the vehicle.

### **Fuel**

Assigned personnel will fill up pool vehicles as needed.

### **Personal Vehicle Use**

In general, use of a personal vehicle is highly discouraged for City of Lansing business and should be considered only when there are no other feasible options. However, when a City of Lansing vehicle, including pool vehicle, is not available a personal vehicle may be used for City of Lansing business for a time sensitive matter with pre-approval of the Supervisor or Department Director.

### **Mileage Reimbursement**

In a rare case in which use a personal vehicle is approved in advance for City business a Travel Reimbursement form must be completed to receive the IRS designated mileage reimbursement amount. It should be noted the reimbursement covers expenses associated with the vehicle use no other expenses related to the vehicle use will be approved. The driver must abide by all safety, insurance and license requirements when using this vehicle, as is applicable for City of Lansing owned vehicles.

### **Interim Rental**

In limited circumstances, the City of Lansing may elect to obtain a rental vehicle for City business. An employee who has been authorized to personally rent a vehicle for the City of Lansing business should not elect the extra insurance coverage offered by the vendor, as the City of Lansing maintains enough coverage for this circumstance. The employee must abide by all safety, insurance and license requirements when using this vehicle, just as is applicable for City of Lansing-owned vehicles.

### **Driver's License & Insurance**

All those required or permitted to drive on City of Lansing business must always carry current registration and proof of insurance in their vehicle and a valid driver's license issued by the state in which they reside in their immediate possession, additionally these documents must be registered with the City of Lansing at all times throughout employment. In positions in which driving is a required function of the employee's position, submittal of a valid license and proof of insurance is required prior to commencement of employment in the new position and the continued employment in the position is contingent on these requirements. All drivers must maintain a driving record acceptable to the City of Lansing insurance carrier and the capability of securing personal vehicle coverage, as applicable. MVR audits will be conducted annually and randomly for all permissible, assigned and authorized drivers. Failure to produce valid documents upon request or maintain insurability and the ability to drive will result in disciplinary action, up to and including termination of employment.

### **Vehicle Use on City of Lansing Business**

All employees operating a personal, rental or City vehicle for City of Lansing business are required to comply with applicable state motor vehicle regulations and adhere to defensive driving techniques while driving for the City of Lansing as outlined in following:

- Maintain valid liability and property insurance on a privately-owned vehicle used for City business with limits as specified by the City of Lansing;
- Consent to motor vehicle (MVR) checks;
- Report changes to your driving records to your direct supervisors immediately;
- Abide by all safety regulations;

- Abide by all traffic regulations, laws, and ordinances;
- Drive courteously and to practice defensive driving techniques;
- Wear seat belts (driver and all passengers) always when driving for City of Lansing business;
- Tobacco use is prohibited in company vehicles;
- Refrain from driving after having consumed alcohol and/or drugs, including legal drugs, which may impair his/her ability to operate a motor vehicle;
- Avoid distracted driving;
- Any cell phone use, to include talking is prohibited unless safely pulled off the road the vehicle is placed in “park”;
- Any emailing or text messages, whether reading or writing, is strictly prohibited;
- Maintain the City vehicle in clean, professional, and safe operating condition;
- Exercise caution to reduce exposure to crime and personal injury, especially when selecting travel routes and parking spaces.

### **Reporting Accidents & Collisions**

All accidents or collisions involving City of Lansing vehicles or which occur while driving on City business in a personal or other vehicle (rental), ***regardless of severity***, must be reported immediately from the scene to the police and to the direct supervisor. When calling in to report the incident if you cannot reach your supervisor, contact the City Clerk or Finance Director, who will provide treatment authorization for non-emergency treatment. Accidents involving an employee’s personal injury during business travel must additionally be reported immediately to the City Clerk for Worker’s Compensation purposes. If an employee fails to stop, following an accident and/or failure to timely and appropriately report an accident may result in the delay or denial of worker’s compensation benefits.

In an attempt to mitigate the impact of an accident, the driver must prevent further damages or injuries and obtain all pertinent information and report it accurately. The following steps must be taken at the scene:

- Call for medical aid if necessary.
- Call the police, regardless of severity.
- Call and report the accident to the direct supervisor; or if they cannot be immediately contacted to the City Clerk or Finance Director. Follow-up with a report to the City Clerk or Finance Director; as soon as possible if the initial report was to the supervisor.
- Record driver(s)’ names, address, license numbers; insurance company names, addresses and policy numbers; other involved vehicles’ make, model, and year.
- Record names and contact information for witnesses and occupants of the other vehicles and any medical personnel who may arrive at the scene.
- Record date and time of accident; and overall road and weather conditions.

If requested, provide the other party(s) with your name, address, driver’s license number, and insurance information. Do not accept any responsibility for the accident. Do not discuss the accident with anyone at the scene except the police. Don’t argue with anyone.

Provide a copy of the police report and your written description of the accident to the City Clerk. There will be a formal accident review conducted on each accident to determine cause and how the accident could have been prevented.

### **Reporting Violations, Citations and Convictions**

Drivers must not at any time operate a City of Lansing vehicle or drive on City of Lansing business without a valid driver’s license. Employees driving City vehicles, personal or other vehicles for City business, are required to inform

City Clerk of the receipt of any traffic citations within 72 hours of the citation. The City of Lansing is not responsible for tickets or traffic citations incurred by employees while on City of Lansing business.

Any employee who has a driver's license ***revoked or suspended shall immediately*** notify their direct supervisor or the City Clerk the next business day, and ***immediately discontinue operation of the City vehicle or cease driving any other vehicle on City business while without a license***. Failure to disclose this information in a timely manner will be subject to discipline, up to and including termination.

### **Operation of City of Lansing Owned Vehicle**

The City of Lansing vehicle usage and limitation guidelines are outlined below:

- **Personal use of City Vehicles** – The use of a City vehicle for any purpose not directly related to City of Lansing business is strictly prohibited without specific pre-approval of the Department Director or City Administrator.
- **Impaired Ability** – Drivers will not operate motor vehicles when their ability to do so has been impaired by alcohol, drugs, fatigue, health, or other factors.
- **Employee Handbook Policies** – Employees must comply with all policies outlined in the City of Lansing Employee Handbook, including, but not limited to: Weapons, Substance Abuse, and Vehicle Use.
- **Tobacco Use** – Tobacco use of any kind (i.e. cigarettes, e-cigarettes, chewing tobacco, etc.) in any City of Lansing workplace, including jobsite locations, is prohibited by City policy. Tobacco use by an employee, designated permissible driver, or other passenger is prohibited in a City vehicle.
- **Alcoholic Beverages** – Any alcoholic beverages transported in the company vehicle will be carried unopened and in a locked storage compartment. Transportation of alcohol across state lines is prohibited in accordance with state laws.
- **Radar Detectors** – Drivers are prohibited from using radar detectors in their City vehicle or in any vehicle while on City business.
- **Hitchhikers** – Picking up hitchhikers or giving rides to strangers in the City vehicle is prohibited.

### ***PARKING***

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Employee vehicles may be parked in designated areas. The City of Lansing is not responsible for any loss or damage to employee vehicles or its contents while parked on City property.

### ***VIOLENCE IN THE WORKPLACE***

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The City of Lansing will not tolerate any form of violence, bullying, harassment or other inappropriate behavior by any employee that affects the conditions of employment, unreasonably interferes with another individual's work performance, or creates an intimidating, hostile or offensive working environment. Behaviors that could cause injury or impede the normal course of work, or make any City of Lansing employee, resident, visitor, or vendor fear for their safety is prohibited. Personal conduct detrimental to any employee, resident, visitor or vendor which could cause undue disruption of work or endanger the safety of persons or property of others or exhibiting personal conduct which may be characterized as workplace violence is prohibited.

Threats against or intimidation of the City of Lansing employees, residents, visitors or vendors will not be tolerated whether they are made in person, by mail, over the phone, on e-mail systems or any other form of technology or means of communication. Any threat or act of intimidation or physical violence to any employee, resident, visitor or vendor is prohibited. While we want all employees to enjoy their right of free speech, all employees are expected to treat each other with dignity and will respect and be tolerant of other opinions, in all verbal and written communications that might harm productivity in the workplace, impact resident, client, vendor or similar relationships or otherwise disrupt work.

The City of Lansing defines bullying as “repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment.” All forms of bullying, including verbal abuse, threats or humiliating, embarrassing, intimidation and aggressive language including the use of curse words is prohibited in the workplace. The definition of “workplace violence” applies to all such conduct, whether committed by a City of Lansing employee, resident, visitor or vendor.

Workplace violence includes, but is not limited to, the following conduct, when such conduct is committed on City of Lansing’s premises or in connection with a City of Lansing activity or event or off-site business:

- Offensive and/or unlawful touching or application of force by one person against another when done in a rude, insolent or angry manner;
- Assault or threat of physical assault;
- Damage to work area or property;
- Threats to do bodily harm to another; and
- Wrongfully excluding or disregarding a person in work-related activities.

If an employee believes that he/she has been subjected to workplace violence or the threat of violence, he/she should immediately cease all contact and communication with the threatening or offending person if feasible to do so. Employees are strongly encouraged to promptly report any suspected violation of the workplace violence policy. Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported as soon as possible to your direct supervisor or any company official. When reporting a threat or incident of violence, the individual should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident. If deemed appropriate 911 should be contacted for local law enforcement assistance.

Employees should promptly inform the City Clerk of any protective or restraining order that they have obtained that lists the workplace as a protected area so that appropriate steps can be taken.

The City of Lansing will promptly and thoroughly investigate all reported threats of violence, incidents of actual violence, or suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. The City of Lansing will not retaliate against employees making good-faith reports under this policy. In order to maintain workplace safety and the integrity of its investigation, the City of Lansing may suspend individuals suspected of workplace violence or threats of violence, either with or without pay, pending investigation. The City of Lansing may also request confidentiality to the extent required for a thorough and appropriate investigation. The initiation of a good faith complaint under this policy will not cause any negative reflection on the complainant, nor will it adversely affect a complainant’s employment, compensation or work assignments.

Anyone found to be responsible for threats or actual violence, or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination.

## ***WEAPONS***

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Employees legally possessing a firearm may carry concealed handguns, during the course of their employment consistent with the Kansas Personal and Family Protection Act, in areas outside of buildings, including City and personal vehicles, when not otherwise lawfully prohibited, and in public and unsecured areas of any building open to the public which is not posted as prohibiting the carrying of concealed weapons. Employees who violate this policy may be subject to disciplinary action up to and including termination of employment.

Other than concealed handguns properly carried under the Personal and Family Protection Act, K.S.A. 75-7c01, as amended, the term “weapons” includes, without limitation, firearms of all types and sizes, whether loaded or not and includes air guns, BB-guns, pellet guns, knives, swords, switchblades, razors, clubs, bludgeons, batons,

bats, explosive devices or any sort of martial arts weapons. This list shall not be considered inclusive if an item carried is used for the intent to threaten or intimidate another.

- A. Any employee carrying a concealed handgun within a City building pursuant to the provisions of state law must keep said handgun completely concealed, in a proper holster or similar product, with all safety features in place.
- B. Storage of Concealed/Carry Firearms: It is the sole responsibility of the employee to maintain control of his/her concealed firearm and ammunition by ensuring that such firearm is on his or her person and attended to at all times.
- C. Employees are also permitted while on City owned property to store a firearm within their own vehicle provided that such storage is outside of plain view from the exterior of the vehicle and that the vehicle is locked when the employee is not in the vehicle.
- D. Field workers who choose to carry and drive a City vehicle will be required to provide a gun safe secured to the vehicle they are utilizing should they have to enter a building or facility that prohibits concealed carry of handguns. Except when entering a building where concealed handguns are prohibited, employees will have their weapons within their actual possession and in a concealed condition.
- E. An employee who stores a concealed firearm in a vehicle owned by the City of Lansing during the course of employment must store the firearm in a locked case and place the 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 or her personal expense. The City shall not be responsible for the theft, damage or other loss of a firearm and/or locked case left in a City owned vehicle.
- F. Other than certified law enforcement officers, it is outside of the course and scope of employment for any City employee or contractor to brandish, intentionally display, use, discharge, point or threaten any person with the use of a weapon in the workplace or in the exercise of his or her duties.
- G. An employee's failure to maintain a firearm in a concealed manner or locked as described herein could result in discipline, up to and including termination.

Subject to other policies and procedures of the City of Lansing and Kansas law, law enforcement officers are the only individuals authorized to use deadly force while acting for and on behalf of the City of Lansing. Under no circumstances will any other employees use deadly force as a function of their job. Employees who are not authorized to use deadly force do not have the legal immunities and are not entitled to the same indemnity afforded law enforcement and other employees authorized to carry firearms within the scope of their employment. The City will not provide for, reimburse, or pay attorney fees or other costs in defense of any employee who uses deadly force if the use of deadly force is not a function of said employee's job.

Retaliation against any employee for reporting a violation of this policy or participating in an investigation is strictly prohibited.

## **PROCEDURES:**

- A. Any employee who believes in good faith that an employee has violated this Policy is required to report the matter as soon as possible to the City Clerk or any supervisor or director without regard to the chain of command.
- B. Any supervisor, upon receiving any written or oral notice of an alleged violation of this policy, shall



immediately notify the City Clerk so that guidance and assistance may be provided.

- C. If the report concerns the inadvertent display of a handgun, the supervisor or director shall inform the employee alleged to have inadvertently displayed a handgun that the employee must properly conceal the handgun. Failure to properly conceal the handgun may result in disciplinary action up to and including termination of employment.
- D. In the event that a City employee or official discharges a firearm while on duty, the Lansing Police Department shall investigate the discharge and file a report of investigation with the City Administrator. Based on such report, the City Administrator, or designee, will determine whether it constitutes grounds for disciplinary action, up to and including termination. The discharge of a firearm while on duty may also result in criminal charges.

## ***INTERNAL INVESTIGATIONS & SEARCHES***

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Occasionally, the City of Lansing may be required to conduct internal investigations pertaining to security, auditing, work-related matters, or retrieval of the City of Lansing property. Employees are expected to cooperate fully and assist with the investigation when requested to do so.

As a part of this investigation the City of Lansing may, at its discretion, conduct searches of the City of Lansing premises and equipment, employee work areas and personal belongings (i.e., Purses, brief cases, lunch containers, etc.). All employees and visitors may be asked to cooperate in inspection of their person, work areas and property that might conceal a drug, alcohol, weapons or other contraband. The City of Lansing will conduct searches only when it deems that there is a legitimate business reason to do so. Searches will be conducted in a selective and nondiscriminatory manner and only when there is a reasonable suspicion of a violation of policy. An effort will be made to conduct the search in as unobtrusive manner as possible. An employee who fails to cooperate with such a search will be subject to disciplinary action, which may include separation of services. Any illegal activity discovered as a part of this search process will be communicated to law enforcement authorities.

## ***MONITORING***

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Workplace monitoring may be conducted by the City to ensure quality control, employee safety, security, and customer satisfaction. City employees should have no expectation of privacy while using City owned resources. All City-owned electronic equipment, associated software contained thereon, and any employee-created data files and databases shall be subject to City monitoring and may be seized and accessed at any time. City-owned electronic equipment shall include, but is not limited, to the following employee-issued items: computers, cell phones, text messaging memory storage, flash memory data, SIMS cards, SMS files, PDAs, electronic organizers, etc.

### **Telephone Monitoring**

Further, some company supplied telephones and other resources are subject to recording for resident service and other legitimate business purposes. It is not the City of Lansing's intent to eavesdrop on personal calls. If a personal call is identified at any time during the telephone monitoring process, the monitoring will be immediately suspended. However, a continuous excessive level of nonbusiness-related phone calls by an employee will provide a basis for possible disciplinary action. There should be no expectation of privacy when using an office phone with this capability.

Members of the City of Lansing's management team, or their designees, may listen in on resident service and other identified lines to ensure that employees are being respectful and responsive to residents, or for other legitimate business purposes. Customer service calls may also be monitored for training purposes to critique resident service skills and provide feedback for job performance as needed. The City of Lansing residents will also be notified of possible monitoring as appropriate.

Employees may be monitored at any time during business calls without notification. Disclosure of confidential information and any other recordings of conversations in the workplace by employees without consent by all parties involved in the conversations is prohibited. A violation of this policy is a basis for disciplinary action, as deemed appropriate by management.

### ***PERSONAL PROPERTY***

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Personal property (i.e. belongings, tools, and equipment) maintained on the City of Lansing premises should be clearly marked as personal property to avoid potential confusion or issues. The City of Lansing reserves the right to have employees “check-in” any and/or all personal property. All incidents of theft or damage involving personal or the City of Lansing property should be reported to your direct supervisor. To prevent theft, it is very important that employees secure all records and equipment at the end of their working time. The City of Lansing will not bear any responsibility for replacement of any lost or stolen personal property or equipment. Please note you may want to verify that your personal insurance policy covers items stored at the office.

# TECHNOLOGIES/EQUIPMENT

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## ***TECHNOLOGIES***

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The City of Lansing strives to provide employees with equipment to facilitate the fulfillment of their responsibilities and duties. While the City of Lansing makes this equipment available to employees, all equipment is and will remain the sole property of the City of Lansing. In general, the electronic mail system, fax, computers, laptops, tablets, Internet and telephones and voice mail are to facilitate the conduct of the City of Lansing's business with nominal usage for personal reasons. This equipment should not be used in a manner that is unethical, discriminatory, disruptive, threatening or offensive to others, or in ways that could be harmful to workplace morale. All messages conveyed through technology sources must comply with the policies of the City of Lansing, including but not limited to, City of Lansing's policies on Harassment and Discrimination and Violence.

The City of Lansing owns the e-mail, fax, computer and telephone systems hardware and all messages that are created, sent or received using these systems remain the property of the City of Lansing. All company-supplied technology and company-related work records belong to the company and not to the employee and are therefore subject to review by management. Use of the e-mail system grants consent to the review of any of the messages to or from you in the system in printed form or in any other medium. The City of Lansing routinely monitors accesses, reviews and can disclose all messages created, received or sent over company-supplied technology. Inappropriate or illegal use or communications may be subject to disciplinary action up to and including termination.

The use of passwords does not guarantee confidentiality. Information Technology, with the approval of the employees Department Head, can override any individual password and thus has access to all e-mail and voice mail messages in order to insure compliance with company policy and to conduct business as needed. This means that employees do not have an expectation of privacy in their company e-mail or any other information stored or accessed on company computers or other systems. All password and encryption keys must be disclosed upon request by the employee's supervisor, or Information Technology staff and shall follow any and all Information Technology password requirements.

***Violation of this policy is grounds for discipline, up to and including termination. The guidelines below have been established for using the e-mail, computers, Internet and all other technology in an appropriate, ethical and professional manner.***

Nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment as protected under the National Labor Relations Act. Employees have the right to engage in or refrain from such activities.

## ***E-MAIL SYSTEM***

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E-mail messages are confidential and should be accessed only by the intended recipient unless prior permission is obtained. Due to the chance that messages may get forwarded improperly or opened by an unintended party, an employee should exercise caution when sending confidential materials over the system. The transmission of credit card information, bank account information, or HIPPA information is monitored and is only allowed for authorized personnel. Additionally, transmission of the aforementioned information shall always occur via the Encrypted E-Mail system provided by the City of Lansing. Information related to the City of Lansing business shall not be forwarded to personal email or shared with individuals who do not have a need-to-know.

Internal and external e-mails and Skype for Business conversations are considered business records and may be subject to discovery in the event of litigation. Be aware of this possibility when sending e-mail or using Skype for Business within and outside the City.

## ***COMPUTERS***

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All information stored in the computer system, data files or word processing documents are to be treated as confidential proprietary information of the City of Lansing. ***Employees shall not:***

- Disclose any confidential information to persons outside the City of Lansing except on a “need-to-know” basis;
- Use this information for their own benefit, or for the profit or benefit of persons outside of the City of Lansing;
- Use Internet, company-provided equipment (e.g., phone, laptops, tablets, computers) and services for transmitting, retrieving or storing any communications of a defamatory, discriminatory, harassing or pornographic nature;
- Copy (except where necessary to perform duties on behalf of the City of Lansing while employed at the City of Lansing) any of this information;
- Copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy to reference only;
- Retain the City of Lansing information upon leaving employment;
- Maintain any personal information on City computers, as all information stored on the City computer is considered the property of the City;
- Use of any disparaging, abusive, profane or offensive language;
- Create, view or display materials that might adversely or negatively reflect upon the City of Lansing or be contrary to the City of Lansing’s best interests;
- Engage in any illegal activities, including piracy, hacking, extortion, blackmail, copyright infringement, and unauthorized access of any computers and City-provided equipment;
- Use the system in a way that disrupts its use by others;
- Send or receive large files that could be saved/transferred via portable storage devices (thumb drives);
- Open suspicious e-mails, pop-ups or downloads.
- Modify any share permissions or security permissions both on desktop or network drives without consent from the IT Department.

Disks, hard drives and file folders for saving word processing documents and other documents have been identified for individual and department use. Access to compact disks, hard drives, thumb drives, and file folders not related to the performance of one’s job is inappropriate. All employees should strive to store information on the provided network drives, rather than desktop computers, laptop computers, or other devices assigned to the employee. Data stored on servers is backed up and secured, and information stored on desktop computers, laptop computers, and other devices may not be backed up.

The City of Lansing has selected software which best suits its business needs and is licensed to the City of Lansing. The City of Lansing employees are not to make copies of any company supplied software for use outside of the City of Lansing facilities. Employees should not duplicate the licensed software, as it is a violation of Federal Copyright Law and constitutes the crime of “computer theft.” All computer software must be approved by Information Technology. Employees are restricted from loading their own software package(s), public domain software, shareware, or non-business applications (i.e. games) on City of Lansing’s computers without the consent of Information Technology.

### **Laptop/Tablet**

In some cases, laptop or tablet computers and related technology may be used by employees. Such equipment must be secured carefully on and off-premise to ensure security of the information, including password protections. If the device is lost, stolen or damaged your direct supervisor should be notified immediately. Employees are expected to protect the equipment and data from loss, damage or theft. If this equipment is lost, damaged, or stolen, the

responsible employee may bear the costs of repair or replacement. Such funds would be deducted from the employees' wages. Upon resignation or termination, or at any time upon request, the employees may be asked to produce the computer for return or inspection. Employees unable to present the computer in good working condition within the period requested (generally 24 hours) may be expected to bear the cost of a replacement.

## ***DOCUMENT RETENTION***

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The City of Lansing maintains a formal document retention policy and procedure. All work product must be retained in the manner outlined in the policy for the established timeframe. Never destroy or delete any work product until the retention periods specified have expired. Failure to follow this policy could result in disciplinary action or to and including termination and/or legal action.

## ***INTERNET***

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While an employee is utilizing electronic information resources, such as the Internet, during his/her work at the City of Lansing, the use of such is to be for business-related purposes. Internet usage is filtered and monitored, and reports are available from Information Technology at the request of the employee's Department Head. City employees are expected to use the internet responsibly and productively primarily for work-related purposes. De minimis personal usage is acceptable. Transmission or reception of any material in violation of any governmental regulation is prohibited which includes, but is not limited to, copyrighted material, threatening or obscene material, or material protected as a trade secret. Internet records are subject to disclosure to law enforcement, government officials, or to third parties through subpoena or other processes. Furthermore, accessing websites containing inappropriate content such as sexually explicit, racially derogatory or obscene material is strictly prohibited. Messages or information sent on City of Lansing-provided facilities to one or more individuals via an electronic network—for example, Internet mailing lists such as Hotmail and Yahoo accounts, bulletin boards, Skype for Business, and on-line services—are identifiable and may be traced to the City of Lansing and should not be accessed from City of Lansing equipment. All business information contained in Internet or electronic messages should be accurate, appropriate and lawful.

## ***SOCIAL MEDIA***

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The City of Lansing understands that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media. This policy applies to all employees who work for the City of Lansing.

**Note:** As used in this policy, “social media” refers to blogs, forums, and social networking sites, such as Twitter, Facebook, LinkedIn, YouTube, Instagram, and SnapChat, among others.

Social media includes all means of communicating or posting information or content on social media platforms now or to be developed of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the City of Lansing as well as any other form of electronic communication.

The same principles and guidelines found in the City of Lansing policies and these basic beliefs apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects residents, vendors, visitors and people who work on behalf of the City of Lansing or City of Lansing's legitimate business interests may result in disciplinary action up to and including termination.

Carefully read these guidelines and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

Always be fair and courteous to fellow employees, residents, vendors, visitors or people who work on behalf of the City of Lansing. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with the individual rather than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage, residents, vendors, visitors or others working on behalf of the City of Lansing, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment based on race, sex, disability, religion or any other status protected by law or company policy.

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the City of Lansing, fellow employees, residents, vendors, visitors or others working on behalf of the City of Lansing or competitors.

Maintain the confidentiality of the City of Lansing trade secrets and private or confidential information. Trades secrets may include information regarding the development of systems, processes, products, know-how and technology. Do not post internal reports, policies, procedures or other internal business-related confidential communications.

Do not create a link from your blog, website or other social networking site to a City of Lansing website without identifying yourself as a City of Lansing employee. Express only your personal opinions. Never represent yourself as a spokesperson for the City of Lansing. If the City of Lansing is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the City of Lansing, fellow employees, residents, vendors, visitors or others working on behalf of the City of Lansing. If you do publish a blog or post online related to the work you do, or subjects associated with the City of Lansing make it clear that you are not speaking on behalf of the City of Lansing. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the City of Lansing."

Using social media while on work time and/or on equipment we provide, that is work-related as authorized by your supervisor and consistent with City of Lansing's Policy is permitted. De minimis usage of social media for personal use while on work-time and/or on equipment we provide is permitted, as long as it is used responsibly and productively. Do not use City of Lansing email addresses to register on social networks, blogs or other online tools utilized for personal use.

The City of Lansing prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

Nothing in this policy is meant to, nor should it be interpreted to, in any way limit your rights under any applicable federal, state, or local laws, including your rights under the National Labor Relations Act to engage in protected concerted activities with other associates to improve or discuss terms and conditions of employment, such as wages, working conditions, and benefits.

If you have questions regarding this policy and its application, please contact the City Clerk.

## ***OFFICE SUPPLIES***

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A stock of basic office supplies (e.g. pens, paper clips, staples, etc.) is maintained for day-to-day use. The Department Director and/or Supervisor will provide you with office supplies as required. An item not maintained in stock can be ordered through the Department Director and/or Supervisor. Remember, office supplies are for business use only and should not be removed from the office for non-business use.

## ***TELEPHONES***

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In general, the City of Lansing telephone use is to be confined to legitimate business purposes only. Excessive personal phone calls tie up the telephone lines for residents and co-workers. Personal phone calls should be made during designated breaks or lunch. If your family needs to reach you in the case of an emergency, they should call on the City of Lansing phone line and the call should be kept short. All calls should be answered promptly and courteously.

### **Personal Cellular Phones**

Personal cell phones should not be used in a manner that is disruptive to other employees, residents, vendors or visitors. Employees should keep their personal cell phones on silent mode and placed in a non-disruptive location during work hours. Except in an emergency, all calls and texts can be made and returned solely during break periods.

If using a personal cell phone for City of Lansing business while outside the office, pull over to a safe place and put the vehicle in “park” before using your phone to avoid dangerous distractions. Personal text messages or emails should not be sent or read during work time as this is a distraction from your duties. Further, text messages or emails should never be sent, received or read while driving.

## ***VOICE MAIL***

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The City of Lansing has provided a voice mail system to assist employees in conducting daily business responsibilities. Voice mail messages are considered City of Lansing property and we reserve the right to access any messages created, received and sent via the voice mail system. Messages of a personal nature should not be left on the system. Upon request by the employee’s Supervisor or Department Head, the employee shall provide the password for their voicemail so that the information can be accessed as required in the event of absence. If you need to change a password notify Information Technology via [helpdesk@lansings.org](mailto:helpdesk@lansings.org).

## ***FAX, COPY MACHINES & OTHER OFFICE EQUIPMENT***

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Fax copy machines and other office equipment are to be used only for City of Lansing business. Prior approval should be obtained for any nominal personal use. All equipment of the City of Lansing should be used in a manner that is consistent with all company policies, including harassment and violence.

***Discipline, up to and including termination may result from violations of this technology section or improper use of the aforementioned equipment and systems by employees.***

# HANDBOOK ACKNOWLEDGMENT

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I have entered my employment relationship with the City of Lansing voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the City of Lansing can terminate the relationship at-will, with or without cause, at any time. At-will does not, and is not intended to, interfere with, limit or relinquish an employee's right to join with others to work toward altering the terms or conditions of his/her employment, including at-will status.

I understand and agree that nothing in this Handbook creates or is intended to create a promise or alter my employment-at-will status. Furthermore, I acknowledge that this Handbook is neither a contract of employment nor a legal document. No employee has a contract of employment unless expressly agreed to in writing and signed by the City Administrator and/or Mayor.

I understand that, except for employment-at-will status, all policies and practices may be changed at any time by the City of Lansing and the City of Lansing reserves the right to change my hours, wages and working conditions at any time. All such changes will be communicated through official notices.

I understand that revised information may supersede, modify or eliminate existing policies. Only the City Administrator of the City of Lansing can adopt any revisions to the policies in this Handbook.

I acknowledge that I have received a copy of the City of Lansing Employee Handbook, dated October 14, 2019 to read to fully understand the guidelines contained in the Handbook, and that if any of these policies are unclear to me in any way, I am to ask my direct supervisor for clarification.

An electronic copy is also available in the ADP system.

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Employee's Signature

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Employee's Name (Print)

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Date

Please detach/print this page after signing and return it within five (5) days to the City Clerk to be placed in employee's personnel file.