



**CITY OF GARDNER, KANSAS
PERSONNEL POLICIES
2010 Edition**

Revised October 19, 2015

Welcome!

On behalf of the City of Gardner, Kansas, we welcome you and wish you every success.

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

This Personnel Policies and Rules Handbook was developed to describe some of the expectations of our employees and to outline the policies, programs, and benefits available to eligible employees. Employees should familiarize themselves with the contents of the employee handbook as soon as possible, for it will answer many questions about employment with the City of Gardner.

We hope that your experience here will be challenging, enjoyable, and rewarding. Again, welcome!

TABLE OF CONTENTS

WELCOME.....	i
TABLE OF CONTENTS	iii
SECTION 1.DEFINITIONS	1
SECTION 2. GENERAL PROVISIONS.....	6
2-101 PURPOSE.....	7
2-102 ADMINISTRATION	7
2-103 APPLICATION	8
103.1 Employees Covered	8
103.2 Elected and Appointed Officials.....	8
103.3 Savings.....	8
2-104 EMPLOYEE RELATED POLICIES	8
104.1 General Policy.....	8
104.2 Employee Duty to Assist by Reporting	8
104.3 Equal Employment Opportunity Policy.....	9
104.4 Policy Prohibiting Discrimination and Harassment.....	9
104.5 Anti-Retaliation Policy	10
104.6 Complaint Procedure	11
104.7 Americans With Disabilities Act (ADA) Procedure.....	11
104.8 Open Door Policy	12
104.9 Ethics and Conduct	12
104.10 Outside Employment	13
104.11 Political Activity	13
104.12 Smoking and Tobacco Use Policy	14
104.13 Grooming and Dress Policy	14
104.14 Possession of Firearms.....	15
104.15 Solicitation Policy.....	16
104.16 Flowers/Sympathy Policy	15
104.17 Personnel Records.....	17
104.18 Employee Recognition Program.....	19
SECTION 3. VACANCIES, RECRUITMENT AND APPOINTMENT.....	21
3-101 POLICY	22
3-102 AUTHORIZATION BY THE GOVERNING BODY	22
3-103 RECRUITMENT	22
103.1 Vacancies	22
103.2 Determining Pay For Positions	23
103.3 Initiating Recruitment	23

103.4	Methods of Recruitment	23
103.5	Postponement or Cancellation of Recruitment Process	22
103.6	Application Process	24
103.7	Eligibility Lists.....	24
103.8	Re-Employment	24
3-104	SELECTION.....	24
104.1	Applicant Selection Process.....	24
104.2	Employment of Relatives.....	25
3-105	SELECTION OF FINAL CANDIDATES	25
105.1	General Procedures	25
105.2	Medical Exam	25
105.3	Drug Testing	26
105.4	Driving Record.....	27
3-106	APPOINTMENT	27
106.1	Residency Requirements.....	27
106.2	Types of Appointment	27
3-107	DOCUMENTATION	28
3-108	DISQUALIFICATION OF APPLICANTS.....	28
3-109	BACKGROUND REPORT	29

SECTION 4. TERMS OF EMPLOYMENT30

4-101	POSITION CLASSIFICATION.....	31
4-102	PERFORMANCE EVALUATIONS AND EMPLOYEE DEVELOPMENT	31
102.1	Objectives	32
4-103	DEFINITION OF TERMS.....	32
103.1	Employee	32
103.2	Evaluation Date.....	32
103.3	Evaluation Period (Annual)	33
103.4	Evaluation Period (Interim)	33
103.5	Evaluator	33
103.6	Performance Evaluation.....	33
103.7	Work Performance Criteria.....	33
103.8	Performance Level.....	33
103.9	Goals and Objectives	34
103.10	Performance Standards	34
103.11	Point Values	34
103.12	Reviewer	34
4-104	PERFORMANCE EVALUATION FORMS AND SYSTEM.....	34
104.1	Form A	34
104.2	Form B	35
104.3	Form C	35
104.4	Form D.....	35
104.5	Form E	35
104.6	Form F.....	35

4-105	WORK PERFORMANCE CRITERIA	35
4-106	DEVELOPING GOALS AND OBJECTIVES.....	36
4-107	REVIEW OF GOALS AND OBJECTIVES	36
4-108	PERFORMANCE STANDARDS	36
	108.1 Employee Development Objectives.....	36
	108.2 Employee Comments	36
	108.3 Performance Evaluation Schedule	36
4-109	WORK SCHEDULES	38
	109.1 Hours of Work	38
4-110	ATTENDANCE AND RECORD KEEPING.....	38
	110.1 Break Policy.....	39
	110.2 Overtime Authorization Eligibility	39
4-111	WORK RELATED EXPENSES AND TRAVEL POLICIES	40
	111.1 Policy	40
	111.2 Travel Authorization.....	40
	111.3 Travel Request/Expense Form.....	41
	111.4 Reimbursable Expenses	41
	111.5 Allowable Expenditures Within the Kansas City Metropolitan Area.....	43
	111.6 Compensation of Time.....	43
	111.7 Responsibility for Enforcement	43
	111.8 References.....	43
4-112	LIABILITY INSURANCE/DRIVERS LICENSE	43
4-113	SEAT BELT POLICY	44
4-114	IMMUNIZATIONS.....	44
4-115	CELL PHONE POLICY.....	44
	115.1 Scope.....	44
	115.2 Options.....	44
	115.3 City Issued Phones.....	44
	115.4 Personal Use.....	45
	115.5 Reimbursements.....	45
	115.6 “Pool” Phones	46
	115.7 Responsibility of Enforcement	46
	115.8 Use While Driving.....	46
4-116	USE OF PERSONAL VEHICLE	46
	116.1 Mileage Reimbursement For Use of Personal Automobile.....	46
	116.2 Automobile Allowances.....	46
4-117	USE OF VEHICLES ON CITY BUSINESS	46
4-118	USE OF CITY EQUIPMENT FOR BUSINESS REASONS.....	48
4-119	PERSONAL USE OF CITY TIME AND PROPERTY	48
4-120	CUSTOMER SERVICE	48
4-121	VIOLENCE IN THE WORKPLACE.....	49
4-122	WORKPLACE SEARCHES	50
4-123	PRESENTATION PROCEDURES FOR ISSUES OF CONCERN	50

SECTION 5. COMPENSATION AND BENEFITS	52
5-101 COMPENSATION SYSTEM	53
5-102 DEFINITIONS	53
102.1 Change of Status	53
102.2 Market Adjustment	53
102.3 Entry Level Salary	54
102.4 Lateral Transfer.....	54
102.5 Peer Group	54
102.6 Performance Evaluation Date	54
102.7 Merit Increase	54
102.8 Position Classification	54
102.9 Promotion.....	54
102.10 Re-Classification.....	54
102.11 Re-Grade.....	55
102.12 Salary Adjustment.....	55
102.13 Salary Ranges.....	55
102.14 Transfer	55
5-103 POSITION EVALUATION PROCEDURES	55
103.1 Purpose.....	55
103.2 Procedure	56
103.3 Initiating a Position Evaluation.....	56
103.4 Job Description	57
103.5 Gathering Market Data	57
103.6 Job Evaluation.....	57
103.7 Making The Determination.....	57
5-104 NON-EXEMPT POSITIONS	58
104.1 Overtime For Non-Exempt Employees	58
104.2 Hours Worked By Non-Exempt Employees.....	58
5-105 EXEMPT POSITIONS	58
105.1 Hours Worked For Exempt Employees	59
5-106 SALARY ADJUSTMENTS	59
106.1 Hiring	59
106.2 Promotion.....	59
106.3 Demotion.....	59
106.4 Lateral Transfer.....	59
106.5 Reclassification	60
106.6 Re-Grades	60
106.7 Working Out of Class	61
106.8 Effective Date	61
5-107 ECONOMIC ADJUSTMENTS.....	61
5-108 MERIT INCREASES	61
5-109 ADMINISTRATIVE PAY CORRECTIONS.....	62
5-110 HEALTH AND DENTAL BENEFITS	62
110.1 Employee Health Care Plan.....	62
110.2 Employee Dental Care Plan.....	62
110.3 Flexible Spending Plan	63

110.4	Employee Assistance Program	63
5-111	RETIREMENT BENEFITS.....	64
111.1	Kansas Public Employees Retirement System (KPERS)	64
111.2	Kansas Police and Firemen’s Retirement System (KP&F)	64
111.3	ICMA-RC Section 457 Deferred Compensation Plan	65
5-112	DISABILITY BENEFITS	66
112.1	KPERS and KP&F Disability Insurance.....	66
5-113	LIFE INSURANCE	66
113.1	Term Life Insurance.....	66
113.2	KPERS and KP&F Life Insurance.....	67
113.3	KPERS Optional Group Life Insurance.....	67
5-114	OTHER BENEFITS.....	68
114.1	Educational Assistance	68
114.2	Recreation Discount.....	69
114.3	Uniform Policy.....	70
114.4	Uniforms and Safety Equipment.....	70
114.5	Credit Union Membership	70
114.6	Supplemental Insurance	70
114.7	Direct Deposit	70
 SECTION 6. LEAVE TIME.....		71
6-101	TYPES OF LEAVE	72
6-102	GENERAL PROVISIONS	72
6-103	COURT APPEARANCE.....	73
6-104	HOLIDAYS	73
6-105	MILITARY LEAVE.....	74
105.1	Reserve Duty.....	74
105.2	Active Duty.....	75
105.3	Reinstatement Following Leave	75
6-106	VACATION LEAVE.....	75
106.1	Full-Time Employees.....	76
106.2	Part-Time and Temporary Employees	77
6-107	SICK LEAVE	77
107.1	Full-Time Employees.....	77
107.2	Part-Time and Temporary Employees	77
107.3	Reasons For Taking Sick Leave	77
6-108	FAMILY AND MEDICAL LEAVE ACT (FMLA) POLICY	78
108.1	Definitions.....	79
108.2	Amount of FMLA Available	81
108.3	Certification	82
108.4	FMLA Leave Requests	82
108.5	Interim Benefits	83
108.6	Reinstatement.....	83
108.7	Use of Paid Leave for Family and Medical Leave	83
6-109	LEAVE OF ABSENCE	84

6-110	FUNERAL LEAVE	84
6-111	INJURY LEAVE	84
6-112	ADMINISTRATIVE LEAVE	84
SECTION 7.	DISCIPLINE	86
7-101	SCOPE AND PURPOSE.....	87
7-102	REASONS FOR DISCIPLINARY ACTION.....	87
7-103	TYPES OF DISCIPLINARY ACTION	89
	103.1 Verbal Warning.....	89
	103.2 Written Reprimand.....	89
	103.3 Special Probation	90
	103.4 Suspension	90
	103.5 Demotion.....	90
	103.6 Termination.....	90
7-104	IMPLEMENTATION OF DISCIPLINARY ACTION.....	90
7-105	APPEAL PROCESS	91
SECTION 8.	CODE OF ETHICS	92
8-101	ETHICS AND CODE OF CONDUCT.....	93
	101.1 Employees' Code of Conduct	93
8-102	CUSTOMER SERVICE	94
8-103	ANTI-HARASSMENT POLICY	94
	103.1 Commitment to Harassment Free Workplace.....	94
	103.2 Prohibited Conduct	94
	103.3 Reporting.....	95
	103.4 Determination	96
8-104	E-MAIL, INTERNET, INTRANET AND VOICEMAIL USE	96
	104.1 Electronic Communications.....	96
	104.2 Management Rights	96
	104.3 Public Rights.....	96
	104.4 Responsibilities.....	97
	104.5 Hardware and Software.....	97
	104.6 E-Mail	97
	104.7 Appropriate Use.....	98
	104.8 Examples of Inappropriate Use Include, But Are Not Limited To.....	98
	104.9 Monitoring	98
	104.10 Voicemail.....	99
8-105	DRUG AND ALCOHOL REQUIREMENTS.....	99
	105.1 Objectives	99
	105.2 Definitions.....	100
	105.3 General Rules.....	102
	105.4 Voluntary Admission By An Employee	103
	105.5 Drug and Alcohol Testing Procedures.....	104
	105.6 Current Employees.....	104
	105.7 Cost Coverage For Treatment of Drug and Alcohol Treatment	105

	105.8 Appeal Procedure.....	106
	105.9 Confidentiality of Test Results	106
	105.10 Training For Supervisors	106
SECTION 9.	SEPARATION	108
9-101	RESIGNATION PROCESS	109
	101.1 Notice of Resignation	109
	101.2 Using Vacation Leave After Resignation	109
	101.3 Post-Resignation Notice Procedures.....	109
	101.4 Continuing Health-Care Coverage After Departure (COBRA).....	109
9-102	REDUCTION IN FORCE	110
	102.1 Objective.....	110
	102.2 Scope.....	110
	102.3 Guidelines	110
	102.4 Severance Pay	110
	102.5 Severance Benefits.....	111
	102.6 Reinstatement of Employment.....	111
9-103	ABSENT WITHOUT LEAVE AUTHORIZATION	111
9-104	SEPARATION DUE TO DISCIPLINE	112
9-105	RETIREMENT PROCESS.....	112
9-106	EXIT INTERVIEWS	112
SECTION 10.	HEALTH AND SAFETY	114
10-101	HEALTH AND SAFETY.....	115
	101.1 Objectives	115
	101.2 General Rules.....	115
	101.3 Implementation	116
	101.4 Employees Responsibility.....	116
10-102	ON THE JOB INJURY.....	117
	102.1 Reporting an Incident.....	117
	102.2 Investigation.....	117
	102.3 Lost Time Incidents	118
	102.4 Return to Work	118
10-103	PERSONAL PROTECTIVE EQUIPMENT (PPE).....	119
	103.1 Policy	119
	103.2 General Requirements.....	119
	103.3 Eye and Face Protection.....	120
	103.4 Head Protection.....	121
	103.5 Foot Protection.....	121
	103.6 Hand Protection	122
	103.7 Hearing Protection	122
	103.8 Cleaning and Maintenance.....	123
10-104	BLOODBORNE PATHOGENS EXPOSURE CONTROL PLAN	123
	104.1 Purpose.....	123
	104.2 Scope.....	123

	104.3	Definitions.....	123
	104.4	Responsibilities	127
10-105		CONFINED SPACE ENTRY.....	139
	105.1	Purpose.....	139
	105.2	Definitions.....	139
	105.3	Hazard Identification	141
	105.4	Hazard Evaluation.....	141
	105.5	Procedures and Practices to Enter Confined Spaces.....	142
	105.6	Atmospheric Testing.....	144
	105.7	Attendant.....	145
	105.8	Isolation and Lockout-Tagout.....	146
	105.9	Ventilation.....	147
	105.10	Cleaning/Decontamination	148
	105.11	Personal Protective Equipment (PPE)	148
	105.12	Head Protection.....	148
	105.13	Eye and Face Protection.....	148
	105.14	Hand Protection	148
	105.15	Foot Protection.....	149
	105.16	Protective Clothing	149
	105.17	Respiratory Protection	149
	105.18	Hearing Protection	149
	105.19	Safeguards.....	149
	105.20	Warning Signs and Symbols.....	150
	105.21	Emergency Response.....	150
	105.22	Determination of What Methods of Rescue Must Be Implemented to Retrieve Individuals.....	150
	105.23	Designation of Rescue Personnel That Are Immediately Available Where PRCs Entries Are Conducted.....	150
	105.24	Type and Availability of Equipment Needed to Rescue Individuals...150	150
	105.25	An Effective Means to Summons Rescuers In a Timely Manner.....	151
	105.26	Training.....	151
	105.27	Medical Suitability.....	153
	105.28	Contractors.....	153
10-106		HAZARD COMMUNICATION PROGRAM.....	154
	106.1	Purpose.....	154
	106.2	Scope.....	154
	106.3	Definitions.....	154
	106.4	Hazardous Chemical List.....	154
	106.5	Material Safety Data Sheets.....	155
	106.6	Hazard Determination.....	156
	106.7	Hazard Communication Program Coordinator	156
	106.8	Labels and Other Forms of Warning	157
	106.9	Employee Information and Training.....	157
	106.10	Contracted Employees	158
10-107		HAZARDOUS ENERGY CONTROL PROGRAM.....	158
	107.1	Scope.....	158

	107.2 General Requirements.....	159
	107.3 Exclusions	159
	107.4 Effective Date	160
10-108	LOCKOUT-TAGOUT PROCEDURE.....	160
	108.1 Purpose.....	160
	108.2 Responsibility	160
	108.3 Definitions.....	160
	108.4 Preparation For Lockout and Tagout Procedures	160
	108.5 Sequence of Lockout and Tagout System Procedures	161
	108.6 Restoring Machines or Equipment to Normal Production Operations	161
10-109	CLEARANCES OF LINES AND EQUIPMENT (HOLD PROCEDURES).....	161
	109.1 General.....	161
	109.2 Definitions.....	162
	109.3 Conditions Under Which a Hold is Required	163
	109.4 Obtaining a Hold.....	163
	109.5 Authorized Person’s Responsibility Under a Hold.....	164
	109.6 Worker’s Responsibility Under a Hold.....	164
	109.7 Transferring a Hold.....	165
	109.8 Surrendering a Hold.....	165
	109.9 Special Cases	165
10-110	EMERGENCY ACTION PLAN	186
	110.1 Emergency Escape Procedure and Route Assignments.....	186
	110.2 Emergency Action Plan Guidelines	187
	110.3 Notification	187
	110.4 Exits	187
	110.5 Supervisory Duties.....	187
	110.6 Department Director Duties During Emergency	188

The mission of Gardner, Kansas government is to deliver quality public services to the citizens in an effective, professional and efficient manner.

NOTICE:

ANY VIOLATION OF THESE POLICIES MAY RESULT IN DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION. EMPLOYEES AND PROSPECTIVE EMPLOYEES ARE ADVISED THAT THE POLICIES EXPRESSED HEREIN DO NOT CREATE ANY RIGHT OF EMPLOYMENT NOR DO THE POLICIES CONSTITUTE A CONTRACT OF EMPLOYMENT BETWEEN THE CITY AND EMPLOYEE OR OFFICER THEREOF. THE POLICIES ARE SUBJECT TO AMENDMENT OR ELIMINATION AT THE DISCRETION OF THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS WITHOUT NOTICE TO EMPLOYEES.



SECTION 1 - DEFINITIONS

SECTION 1. DEFINITIONS

1-101 GENERAL TERMS

This Section contains terms of a general nature that apply to the entire document unless a subsequent Section provides specific definitions unique to that Section.

- 101.1 **ACCRUAL:** The collection and accumulation of vacation and sick leave.
- 101.2 **BONA FIDE:** Genuine; sincere.
- 101.3 **CHAIN OF COMMAND:** An employee's chain of command shall be the direct supervisor, the supervisor's supervisor, etc., to the Department Director, then to the City Administrator.
- 101.4 **CHANGE OF STATUS:** A change of status occurs when an individual experiences any change in position or salary due to being hired, promoted, demoted, transferred, awarded a performance increase, or having his or her position being reclassified or moved to a different salary range.
- 101.5 **CHILD:** A biological, adopted, or foster child; a stepchild, or legal ward, or a child who is or was cared for on a day-to-day basis and whose financial support is or was provided by the employee. This includes a child 18 years of age or older who is incapable of self-care because of mental or physical disabilities.
- 101.6 **CITY:** When capitalized refers to the municipal corporation of the City of Gardner, Kansas.
- 101.7 **CITY ADMINISTRATOR:** The chief administrative officer who, under the direction of the City Council, is responsible for all administrative functions of the City and who is the direct supervisor of all Department Directors.
- 101.8 **CITY STRUCTURE:** The City of Gardner, Kansas is organized under a Mayor/Council form of government.
- 101.9 **COMPENSATION:** Salary or wages, per diems, retirement benefits, or other benefits provided to an employee in exchange for work conducted on behalf of, or at the direction of, the City.
- 101.10 **DEMOTION:** A demotion occurs when an employee voluntarily or involuntarily moves to a different position that is in a lower salary range.
- 101.11 **DEPARTMENT:** A major functional unit of the City government.

- 101.12 **DEPARTMENT DIRECTOR:** The individual who is directly responsible for the operation and administration of a department.
- 101.13 **DISCIPLINARY ACTION:** A procedure designated to penalize, modify or correct the actions of an employee for a violation of the City's Personnel Policies & Rules, department policies and procedures, poor performance, or any other conduct that reflects negatively upon the City or which may, at the City's sole determination, be construed as inappropriate or unprofessional.
- 101.14 **DIVISION:** A major sub-unit within a department.
- 101.15 **EMERGENCY:** A sudden and unforeseen happening that requires the unscheduled services of an employee to protect the health, safety, property, and welfare of the community.
- 101.16 **EMPLOYEE:** Any person working for the City but not independent contractors, committees, or volunteers.
- 101.17 **EMPLOYEE, EXEMPT:** An executive, administrative or professional employee who has been identified by the City to be exempt under the provisions of the Fair Labor Standards Act.
- 101.18 **EMPLOYEE, NON-EXEMPT:** An employee who is covered by the provisions of the Fair Labor Standards Act for overtime compensation and minimum wages.
- 101.19 **EMPLOYEE, SEASONAL:** A position which recurs annually, and is seasonal in nature and duration.
- 101.20 **EMPLOYEE, TEMPORARY:** A position in which an employee works the standard daily hours established for the position, but which is either limited by the duration of the work, on-the-job training, an internship, or a student worker position.
- 101.21 **GENDER:** When the masculine pronoun is used in these policies, it also means the feminine; when the plural is used it likewise means the singular.
- 101.22 **GOVERNING BODY:** The City Council, as elected by the residents of Gardner, Kansas.
- 101.23 **HUMAN RESOURCES DIVISION:** The duly appointed manager responsible for the professional and administrative human resources and risk management functions of the City.
- 101.24 **IMMEDIATE FAMILY:** An employee's child, spouse, parents, or siblings as defined herein.

- 101.25 **INCUMBENT:** A person who currently fills a specific position.
- 101.26 **INTRODUCTORY PERIOD:** The first six months of employment for all employees other than Police Officers who remain in a Introductory Period until successful completion of the Academy.
- 101.27 **ISSUES OF CONCERN:** Incident in which an employee disagrees with the interpretation of the provisions of City Personnel Policies and Rules, working conditions, relationship with co-workers or supervisors, or the application of other laws and ordinances. This does not include performance evaluations or issues related to disciplinary action.
- 101.28 **LAYOFF:** The separation of an employee from City employment due to such things as lack of funds, lack of work, termination of a program or other reasons not related to the fault, delinquency, or misconduct on the part of the employee.
- 101.29 **LEAVE:** A period of absence from work.
- 101.30 **MANAGEMENT:** Those employees charged with the direct supervision and responsibility for daily administration of employees within their division and or department.
- 101.31 **MAY:** Is permissive, however, the words “no person may” means that no person is required, authorized, or permitted to do the act referenced.
- 101.32 **PARENT:** The biological parent or the stepparent of an employee or an individual who cared for the employee on a day-to-day basis and provided financial support when the employee was a minor.
- 101.33 **POSITION:** A group of duties and responsibilities assigned or delegated to one employee.
- 101.34 **POSITION DESCRIPTION:** A written document that identifies the purposes, duties, responsibilities, and accountabilities of a job; the knowledge, skills, and abilities needed to perform the job satisfactorily and other special considerations, if any.
- 101.35 **RESIGNATION:** A voluntary separation from City employment by an employee.
- 101.36 **SALARY RANGE:** Salary ranges are established for classes of positions. These ranges are based on position characteristics (background requirements, level of responsibility, and essential duties and responsibilities), market value, organizational fit, and the City’s ability to pay.

- 101.37 **SEPARATION:** When an employee leaves the service of the City for any reason, voluntarily or involuntarily.
- 101.38 **SHALL:** Means imperative; must.
- 101.39 **SIBLINGS:** Brother, sister, stepbrother, and stepsister.
- 101.40 **SOLICITATION:** To request money for any purpose including, but not limited to, miscellaneous charities, outside insurance, raffles, betting pools, magazine clubs, cosmetic sales, jewelry or craft sales, Girl Scout cookies, labor organizations, societies, lodges, etc.
- 101.41 **SPOUSE:** Husband or wife, as defined by Kansas state law or applicable Federal law.
- 101.42 **START DATE:** The date a person begins employment in a position with the City.
- 101.43 **SUPERVISOR:** A person working in a position that is responsible for the work activities of an employee or a group of employees.
- 101.44 **TERMINATION, INVOLUNTARY:** The end of an employee's employment with the City, initiated by the City.
- 101.45 **TERMINATION, VOLUNTARY:** The end of an employee's employment with the City, initiated by the employee.
- 101.46 **TITLE:** When a specific title is referenced any place in these Personnel Polices or Rules, it shall also mean the person acting with authority in that position.
- 101.47 **VACANCY:** An unoccupied budgeted position.
- 101.48 **WEAPON:** Any firearm, stun gun, shotgun, rifle; any type of explosive, any bow and arrow device, any dagger, dangerous knife, sword, straight-edged razor or stiletto, num-chuck stick, chemical or pepper spray, or any other tool, instrument or implement capable of inflicting serious bodily injury.
- 101.49 **WILL:** Means imperative.
- 101.50 **WORKDAY:** The normally scheduled work period within one 24-hour period for a specific position. Workdays are established by Department Directors and Supervisors, subject to approval by the City Administrator, and will vary based on position responsibilities.



SECTION 2 – GENERAL PROVISIONS

SECTION 2. GENERAL PROVISIONS

ARTICLE 2-101	PURPOSE
ARTICLE 2-102	ADMINISTRATION
ARTICLE 2-103	APPLICATION
ARTICLE 2-104	EMPLOYEE RELATED POLICIES

2-101 PURPOSE

These personnel policies and rules express the intent of the City of Gardner, Kansas to establish a uniform and efficient personnel management system for the fair treatment of applicants and employees in all aspects of personnel administration. **THIS DOCUMENT IS NOT A CONTRACT AND NEITHER THESE POLICIES AND RULES NOR ANY OTHER COMMUNICATION BY A CITY REPRESENTATIVE, WHETHER ORAL OR WRITTEN, CREATE CONTRACTUAL EMPLOYMENT RIGHTS NOR DO THEY ALTER THE EMPLOYMENT-AT-WILL RELATIONSHIP IN ANY WAY.** The City or an employee may separate or terminate the employment relationship at any time, with or without cause, for any lawful reason.

The City may add to the Policies and Rules or revoke or modify them at any time without prior notice. The City will attempt to keep the policies current; however, there may be times when policy changes are enacted before the written materials can be revised. This document supersedes all other previous versions of personnel policies and procedures.

2-102 ADMINISTRATION

The City of Gardner, Kansas is organized under a Mayor/Council form of government. Under this form of government, the City Administrator is responsible for the administration of the City including the administration of personnel policies and procedures and employee benefits. The City Administrator delegates responsibility through Department Directors and/or other members of Management, who in turn delegate to Supervisors within their respective departments. Each Department Director and Supervisor is responsible for thorough and consistent implementation of the City Personnel Policies and Rules within his or her area.

These City Personnel Policies and Procedures are intended to establish consistent personnel practices for all City employees. All departments and divisions are encouraged to develop more detailed policies and procedures that address those areas specific to their responsibilities. Departmental policies and procedures shall not conflict in any way with the City Personnel Policies and Procedures. Any departmental policy or procedure shall be made available to all department employees and shall have the force and effect of rules of that department. Disciplinary action may be based upon breach of any such policy or procedure.

2-103 APPLICATION

103.1 EMPLOYEES COVERED

These City Personnel Policies and Procedures shall apply to all persons holding an appointed, paid position within City service, except as those as may be excluded by the Governing Body. For this purpose, City employees shall be defined as those employees in departments and office for which the Governing Body serves as the final budget authority.

103.2 ELECTED AND APPOINTED OFFICIALS

Elected and appointed positions are not subject to the City Personnel Policies and Procedures. Their appointment, conduct on the job, compensation, separation, and removal are determined by Administrative Policies and Procedures, City Code, and other applicable state and federal laws. This includes all persons holding elective office, the City Attorney, Municipal Court Judge and Prosecutor, and persons employed to conduct a special inquiry, investigation or examination of a technical nature where such work should not be performed by employees in the classified service, members of appointed City boards, commissions, and committees.

103.3 SAVINGS

If any City Personnel Policy or Procedure shall be held invalid by judicial or legislative action, the remainder of these rules and policies shall not be affected.

2-104 EMPLOYEE RELATED POLICIES

104.1 GENERAL POLICY

These policies have been written with the realization that the strength of the City government depends directly on the individual contribution made by every employee. In return, the City expects that each employee shall attempt to achieve high levels of productivity and efficiency in carrying out the employee's job in the spirit of job satisfaction, service to the City, and assuring accountability in the services provided to the public.

104.2 EMPLOYEE DUTY TO ASSIST BY REPORTING

Each employee has a duty to report any information that assists the City in administering these policies. Examples include, but are not limited to, reporting possible violations and imminent safety threats. The employee shall report this information to his or her immediate supervisor, Department Head, or the Human Resources Division.

104.3 EQUAL EMPLOYMENT OPPORTUNITY POLICY

The City shall provide for equal opportunity in employment and personnel management for all persons; to provide access to, and full utilization and benefit of, training and advancement opportunities without discrimination because of race, color, national origin, citizenship, religion, age, disability, marital status, military status, gender, genetic information, or based on any other consideration made unlawful by applicable federal, state or local laws; and to encourage that persons applying for or currently employed by, or applying for future vacancies in the employ of the City shall be considered on the basis of individual ability and merit without discrimination or favor.

104.4 POLICY PROHIBITING DISCRIMINATION AND HARASSMENT

Workplace harassment or discrimination can take many forms. It may be, but is not limited to, words, signs, offensive jokes, cartoons, pictures, posters, e-mail jokes or statements, pranks, intimidation, physical assaults or contact, or violence. Harassment and discrimination are not necessarily sexual in nature. They may also take the form of other vocal activity including derogatory statements not directed to the targeted individual but taking place within their hearing. Other prohibited conduct includes written materials such as notes, photographs, cartoons, articles of a harassing or offensive nature, and taking retaliatory action against an employee for discussing or making a harassment complaint.

Sexual harassment may include unwelcome sexual advances, requests for sexual favors, or other verbal or physical contact of a sexual nature when such conduct creates an offensive, hostile and intimidating working environment and prevents an individual from effectively performing the duties of his or her position. It also encompasses such conduct when it is made a term or condition of employment or compensation, either implicitly or explicitly, and when an employment decision is based on an individual's acceptance or rejection of such conduct.

It is important to note that sexual harassment crosses age and gender boundaries and cannot be stereotyped. Among other perceived unconventional situations, sexual harassment may involve conduct between individuals of the same sex. In addition to the above listed conduct, "sexual harassment" can also include the following examples of unacceptable behavior:

- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Visual conduct, leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons, or posters
- Verbal sexual advances, propositions or requests

- Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations.
- Physical conduct-touching, assault, impeding or blocking movement

It is also against the City's policy to view or download inappropriate pictures or materials from computer systems that are inconsistent with the spirit and intent of this policy.

Harassment or discrimination of our employees in connection with their work by a non-employee may also be a violation of this policy. Any employee who experiences harassment or discrimination by a non-employee or who observes such harassment or discrimination should report the incident to his or her supervisor or to any individual in a managerial position. Appropriate action will be taken against violations of this policy by non-employees.

Harassment or discrimination of volunteers, vendors, independent contractors, or suppliers by our employees is also strictly prohibited. Any such harassment or discrimination will subject the offending employee or independent contractor to disciplinary action, up to and including immediate termination.

The City also prohibits discrimination or harassment of employees or applicants for employment on the basis of gender, race, religion, national origin, color, age, citizenship, ancestry, veteran status, genetic information or disability. Prohibited conduct includes, but is not limited to, comments, statements, "slurs" or "jokes" or other statements or types of behavior based on any of these classifications which substantially interfere with an employee's work performance or create an intimidating, hostile, or offensive work environment. Any applicant or employee who believes that he or she has been harassed or discriminated against due to any of the reasons contained in this policy should use the complaint procedure noted below.

Your notification of a problem is essential to us. We cannot help to resolve discrimination or harassment problems unless we know about them. Therefore, it is your responsibility to bring these kinds of problems to the Human Resources Division in a prompt manner.

104.5 ANTI-RETALIATION POLICY

The law prohibits retaliation against any employee who makes a complaint of discrimination or harassment based on gender, race, religion, national origin, color, age, citizenship, ancestry, veteran status, disability or any other protected category. In addition, the City will not retaliate against any individual who participates in an investigation of harassment or discrimination for any of the reasons noted above. If you believe that you have been retaliated against, in violation of this policy, please report the conduct, using the complaint procedure described below, to the Human Resources Division or any other member of management with whom you feel comfortable. The City will not tolerate illegal retaliation.

104.6 COMPLAINT PROCEDURE

Every employee is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. Further, employees are responsible for respecting the rights of their co-workers. If you experience any job-related harassment based on your gender, sex, race, religion, national origin, color, age, citizenship, ancestry, veteran status, disability, or any other factor, or believe you have been treated in an unlawful, discriminatory or retaliatory manner, promptly report the incident to the Human Resources Division, or to any managerial employee who will then be responsible for promptly reporting the incident to the Human Resources Division. The Human Resources Division will promptly investigate complaints and ensure that appropriate action is taken. Your complaint will be kept confidential to the maximum extent possible. You have a duty to report improper conduct promptly, to allow the City to conduct a timely investigation.

If the City determines that an employee has engaged in improper conduct, appropriate disciplinary action will be taken against the offending employee, up to and including termination of employment. Please understand, however, that it will generally be inappropriate to discuss any discipline with the complaining party.

104.7 AMERICANS WITH DISABILITIES ACT (ADA) PROCEDURE

The Americans with Disabilities Act prohibits discrimination in any terms or conditions of employment for qualified individuals with a disability. The Americans with Disabilities Act requires that employment decisions be based on the ability of a person to perform the essential functions of a job and not the person's disability or limitations. Further, it requires management to reasonably accommodate individuals with disabilities, if possible.

To comply with the employment provisions of the Americans with Disabilities Act, the City will:

- Evaluate whether a person with a disability is qualified to perform the essential functions of his or her position with or without accommodation; and
- Determine whether a reasonable accommodation can be made for a qualified individual.

If you believe that you are protected by the provisions of the Americans with Disabilities Act and need some type of accommodation, please notify the Human Resources Division. The City will then work with you to determine if a reasonable accommodation is necessary or possible.

104.8 OPEN DOOR POLICY

Your opinions are important to us. If you ever feel you have not been treated fairly, bring your concerns to the attention of your supervisor and/or to the Human Resources Division. If something is troubling you, take the following steps:

- Think your problem through
- Place your thoughts in logical order
- Schedule an appointment with your supervisor or the Human Resources Division

Your supervisor and the Human Resources Division have an Open Door Policy. This means that we are always open to work related discussions. Your supervisor will listen, understand, correct, and/or explain. Your supervisor will do his or her best to address the problem. If you do not get the problem resolved to your satisfaction, you may talk to the Human Resources Division.

104.9 ETHICS AND CONDUCT

In the discharge of their duties, employees of the City will adhere to the following code of conduct:

- a) Employees of the City shall give fair and equal treatment to every citizen.
- b) Employees shall not grant special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.
- c) Employees shall not engage in any business or transaction, or have financial or other personal interest, direct or indirect, that is incompatible with the proper discharge of official duties in the public interest or would tend to impair independent judgment or action in the performance of official duties.
- d) Employees who have a financial or other private interest in any proposed City legislation shall disclose the nature and the extent of such interest to the Human Resources Division.
- e) It is recognized that the exchange of minor tokens of appreciation is a courtesy common to the business world. City employees are therefore authorized to accept such unsolicited minor tokens of appreciation as long as the acceptance thereof does not tend to influence or appear to influence their judgment. Employees should consult with their Director if they are uncertain about the acceptance of a gift which is greater than \$25.00 in value.

- f) Employees shall not disclose confidential or legally restricted information, nor shall they use such information to advance the financial or other private interest of themselves or others.
- g) Employees shall not derive a financial gain from any purchase or contract issued by the City. Employee shall not purchase goods or services for personal benefit through City contracts or purchase orders.
- h) Employees shall not continue in such position after becoming a candidate for nomination or election to any City office.
- i) Employees shall not request or permit the use of City owned real property for any purpose except the conduct of City business. Employees shall not, directly or indirectly, attempt to obtain any service or benefit from City personnel for the personal affairs of such employees.

104.10 OUTSIDE EMPLOYMENT

Full-time employees of the City may hold an outside job if there is no conflict of working hours; there is no conflict of interest; and the employee's efficiency is not reduced. All outside jobs must be pre-approved by the appropriate Department Director in order to assure that no conflict exists. If a Department Director approves outside employment, he or she is responsible for promptly notifying the Human Resources Division. In the event an outside job affects performance of the employee's City job, to be determined by the City at its sole discretion, the Department Director will require the employee to take whatever action necessary to eliminate further interference. Employees may not engage in private business while on duty.

104.11 POLITICAL ACTIVITY

It is the right of every employee to register and vote on all political issues. Employees are permitted to join political organizations, civic associations or groups and to become involved in political activities subject to the restrictions in this section.

- a) As private citizens, employees may participate in all political activities, including holding public office, except for activities involving the election of candidates for any city office and where holding an appointive or elective public office is incompatible with the employee's city employment.
- b) City employees are not prohibited from supporting candidates for office, nor from contributing labor to candidates and organizations that endorse candidates. Employees are not permitted to be candidates for city elective office or to make public endorsements of a candidate for city elective office.

- c) Any employee desiring to become a candidate for city elective office shall first take a leave of absence without pay or resign. Should an employee on a leave of absence without pay be unsuccessful in seeking such elective office, they shall be returned to employment on the same terms and conditions as any other employee who has taken a leave of absence without pay. An employee is considered to be a candidate for elective office once all statutory requirements have been met to qualify as a candidate.
- d) Political activity must not interfere with job attendance or performance. Employees are not permitted to solicit or handle political contributions in city elections. They are not permitted to wear or display political badges, buttons or signs on their person or on city property during on-duty hours.
- e) No supervisor or other person in authority shall solicit any city employee for contributions of money or labor for any candidate for elective office, or otherwise compel, or attempt to compel, any employee to support a candidate for elective office or to engage in any political activity.
- f) The purpose of this policy is to prevent and avoid the appearance of impropriety on the part of any City employee. City employees are neither appointed to, nor retained in, the City's service on the basis of their political affiliations or activities.

104.12 SMOKING AND TOBACCO USE POLICY

Smoking shall not be permitted in any City building or enclosed facility, including but not limited to community buildings, treatment plants, concession areas, and restrooms. This policy applies to all employees, clients, contractors, and visitors. Smoking shall be permitted only at a reasonable distance of 10 feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to insure that tobacco smoke does not enter those areas.

Smoking is prohibited in any meeting area when employees are required to be present, whether indoors or outdoors.

Smoking is prohibited in city vehicles.

It is the policy of the City to comply with all applicable federal, state, and local regulations regarding smoking in the workplace and to provide a work environment that promotes productivity and the well being of its employees.

104.13 GROOMING AND DRESS POLICY

Employee's grooming and dress should be appropriate to the work situation. It is important to maintain a neat, professional, and clean personal appearance at all times. This includes attention to personal hygiene and clothing. Department Directors will

address the dress code and any uniform requirements for specific positions. Refer to the uniform policy for those specific positions. The City of Gardner reserves the right to determine if an employee's attire is not in keeping with this policy and may ask the employee to return home to change to proper attire. This time may be charged to vacation leave, or if the employee has none, leave without pay.

104.14 POSSESSION OF FIREARMS

(as approved by City Council on October 19, 2015 – Resolution No. 1934)

Employees and officials, who are not otherwise prohibited by state or federal law, may carry a concealed handgun, consistent with Personal and Family Protection Act, as amended, into City buildings, where the carrying of a concealed handgun is allowed under the provisions of state law.

- 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. An employee who stores a concealed firearm in a vehicle owned by the City of Gardner 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.
- e. 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.
- f. 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.
- g. In the event that a City employee or official discharges a firearm while on duty, the Gardner 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.

Subject to other policies and procedures of the City of Gardner 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 Gardner. Under no circumstances will any other employee use deadly force as a function of their job. Employees who are not authorized to use deadly force do not have the 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.

104.15 SOLICITATION POLICY

No employees or other persons shall solicit sales or political contributions or petition for signature of City employees during working hours. Occasional collections for employees of sympathy gifts, going away gifts, get well gifts, and signature on greeting cards, and charitable fund raising, are excluded from the limitations of this policy.

104.16 FLOWERS/SYMPATHY POLICY

104.16.1 Objective

The purpose of this policy is to provide guidelines and procedures to ensure that qualifying occurrences in City Employees lives are recognized appropriately and are not duplicated throughout the City of Gardner.

For purposes of this policy, a qualifying occurrence in which a flower/plant will be sent from the City is defined as sympathy for the death of an immediate family member as defined in the personnel rules, Section 1, Definitions.

For purposes of this policy, a qualifying occurrence in which a card will be sent from the City is defined as congratulations for the birth or adoption of a child to an employee or the illness of an employee which requires hospitalization of more than 24 hours.

104.16.2 Scope

This policy applies to all full time employees of the City of Gardner.

104.16.3 Budget

This expense will be paid out of the Mayor and Council Budget, line item – Donations & Sympathy 001-1110-411.54-93. The Administrative Assistant will be responsible for balancing this line item.

104.16.4 Procedures

When an occurrence happens:

1. Contact the Administrative Assistant in the Administration Department.
2. If the Administrative Assistant is not available, contact the Human Resources Division to assist.
3. Supply the following information:
 - a. Employee's name
 - b. Date and nature of incident
 - c. Address to send flowers or card, i.e. Hospital, Funeral Home, home
4. The Administrative Assistant will send flowers/plant or a card to an employee when a qualifying incident occurs as stated in Section 1. Immediate family is defined as an employee's child, spouse, parents or siblings.
5. When a card is sent, the card will be signed "City of Gardner, Governing Body and City Employees". Cards should fall within the \$2.00-\$4.00 range.
6. Flowers and/or plants should fall in the \$30-\$40 range and will be signed as noted above.
7. Departments and/or employees may wish to collect money from individuals and send something if they so choose. No funds from the City Budget may be used.

104.17 PERSONNEL RECORDS

104.17.1 Personnel Records Custodian

The Human Resources office shall be the central repository for all such personnel files and records as the City Administrator deems necessary.

104.17.2 Personnel Files

All employees shall have a personnel file, confidential file, and a medical file located in Human Resources.

The Personnel File shall contain only documents relevant to the individual's employment with the City, generally application information, credentials, regular

performance evaluations, certificates of City provided training, disciplinary action, and memos of commendation. All memos of commendation shall be approved by the employee's Department Director prior to placement in the employee's file. All original documents shall be kept in an employee's personnel file.

The confidential file shall contain salary and other financial information, withholding forms, insurance enrollment forms provided they contain no medical information, retirement enrollment forms and beneficiary information, notices of garnishment and other court directed withholdings.

Human Resources will maintain a medical file for each employee. This file shall contain medical records of an employee including documentation of the employment physical, drug screen results, insurance enrollment forms that contain medical information, certificates from health care providers related to absence from work and any other medical information that the City has reason to have. Medical records as required by various state and federal regulations for emergency response employees are kept under the supervision of a designated officer of the applicable department. This designated officer is responsible for assuring absolute confidentiality and for appropriately disseminating that information when necessary.

Department Directors or supervisors may maintain a work history file for each employee containing documentation of disciplinary action, departmental information, and other personnel information. Copies of all documents maintained in the work history file should be forwarded to Human Resources. Following separation, an employee's work history file shall be forwarded to Human Resources.

An employee's personnel file and the information therein shall be accessible only to the employee, the employee's supervisor or Department Director, the Human Resources Division, the City Administrator, the City Attorney or other counsel representing the city, or to others with the written release of the employee.

An employee's confidential or medical file and the information contained therein is only accessible through authorization by the Human Resources Division or the City Administrator, or the designated officer for emergency services, as permitted by law.

Authorized persons requesting access to an employee's personnel file, confidential file, or medical file shall provide the Human Resources Division with reasonable notice. All inspections and copying of information contained shall be performed by or under the supervision of the Human Resources Division during regular business hours.

104.17.3 Release of Information

The Human Resources office will provide or verify employment dates, job title, and rate of pay upon verbal or written request for both current and former employees.

104.17.4 Change of Personal Information

All employees shall notify the Human Resources office through department procedures of any change in address, beneficiaries, marital status, additional dependents, or other applicable information necessary to ensure that payroll and benefits are properly administered.

104.18 EMPLOYEE RECOGNITION PROGRAM

104.18.1 Career Service Awards

The City of Gardner recognizes those employees who have demonstrated their loyalty and commitment to the City through their years of service.

The City of Gardner honors its employees for length of service beginning with completion of five years of continuous service and for completion of every five years of continuous service thereafter. The employee is individually honored at a City Council meeting and will receive a payroll check. The value of the award shall be in fifty-dollar increments in direct relation to the number of years of completed service. For example, the award of completion of five (5) years of service would be \$50.00, ten years at \$100.00, after appropriate taxes are withheld.

The City of Gardner participates in the League of Kansas Municipalities service award program. The program provides awards for completion of ten (10), fifteen (15), twenty (20), twenty-five (25), thirty (30), thirty-five (35) or forty (40) years of city employee service. City employees and officers eligible for the program need to have completed the qualifying years of service prior to October 1 of each year. Employees completing ten (10), fifteen (15), twenty (20), twenty-five (25), thirty (30), thirty-five (35) or forty (40) years of service will be presented with a commemorative lapel pin and certificate and have their names included in the League's annual booklet.

104.18.2 Attendance Award

An important part of each employee's responsibility is the need to be at work on a consistent basis. The City of Gardner recognizes those employees who worked the entire previous calendar year and have, through their own initiative, maintained their health and well being to such a degree that it has not been necessary for them to use any accrued sick leave during the previous calendar year.

Full-time exempt employees who worked the entire year and did not use any sick leave during the previous calendar year are presented with a certificate of recognition at a Council meeting and shall be granted one (1) additional Personal Day. Full-time non-exempt employees who worked the entire year and did not use more than eight (8) hours of sick leave during the previous calendar year are presented with a certificate of recognition at a Council meeting and shall be granted one (1) additional Personal Day.

104.18.3 Longevity Bonus

All full-time and part-time employees of the City shall receive an annual longevity bonus of either one-dollar (\$1.00) per month of continuous service, counting the month of hire through the end of the current calendar year, or a minimum of fifty-dollars, whichever is greater. Longevity bonuses will be distributed by December 31st of each year and will be issued only to those employees currently on payroll at the time of issuance. Longevity bonuses are dependent on budgetary resources and this provision does not constitute a guarantee that bonuses will be issued.



Section 3
Vacancies, Recruitment,
and Appointment

SECTION 3. VACANCIES, RECRUITMENT, AND APPOINTMENT

ARTICLE 3-101	POLICY
ARTICLE 3-102	AUTHORIZATION BY THE GOVERNING BODY
ARTICLE 3-103	RECRUITMENT
ARTICLE 3-104	SELECTION
ARTICLE 3-105	SELECTION OF FINAL CANDIDATES
ARTICLE 3-106	APPOINTMENT
ARTICLE 3-107	DOCUMENTATION
ARTICLE 3-108	DISQUALIFICATION OF APPLICANTS
ARTICLE 3-109	BACKGROUND REPORT

3-101 POLICY

It shall be the policy of the City to recruit and select qualified persons for positions in the City service. Recruitment and selection shall be conducted in a manner which fosters open competition, provides equal employment opportunity, and prohibits discrimination because of race, creed, religion, gender, national origin, age, disability, marital status, or any other non-job related factors.

3-102 AUTHORIZATION BY THE GOVERNING BODY

All position openings in all departments, except elected offices, shall be subject to review and approval by the Governing Body. The Governing Body shall give approval to all positions through passage of the annual salary ordinance and amendments thereto on an annual basis.

3-103 RECRUITMENT

103.1 VACANCIES

Upon determination by the Department Director that a budgeted vacancy exists and a need to fill such vacancy is warranted, the Department Director shall complete and submit a Request to Hire Form to the Human Resources Division for approval by the City Administrator. The Governing Body may request Human Resources to provide such information as would be needed in determining the proper classification and compensation of such position opening and to determine the economic impact of approving, or denying the request for the position opening.

There may be occasions when it is in the best interest of the City to fill a position just prior to the time that the incumbent leaves (so that the incumbent may assist in training the new employee). All such circumstances shall be approved, in advance, by the appropriate Department Director and the City Administrator.

103.2 DETERMINING PAY FOR POSITIONS

Salary ranges for all full-time and part-time positions are established through a job evaluation process and studies of internal and external equity. When a new position is developed or an existing position has significantly changed in duties or responsibilities, the position will be evaluated based on technical and professional skills; management ability; ability to work with, influence, and motivate people; scope of problems faced; complexity of solutions; freedom to take actions; scope of responsibility; and impact on the City. Salary is determined based on the position evaluation and internal and external equity. Salaries ranges are reviewed and established by the City Council on an annual basis.

Hourly rates for part-time and temporary positions are based on the market and on comparable wages for similar full and part-time positions.

103.3 INITIATING RECRUITMENT

In order to initiate the recruitment process when a vacancy occurs, the appropriate Department Director shall complete and submit a Request to Hire Form to the Human Resources Division.

103.4 METHODS OF RECRUITMENT

A variety of recruitment sources may be used to obtain qualified applicants to fill vacant positions. All job openings will be posted internally on bulletin boards in common areas. A variety of other recruitment sources and methods may include, but not be limited to:

- Publication in area newspapers;
- Posted announcements on the City's website;
- Posted announcements on department bulletin boards; and
- Other sources and methods deemed necessary for a particular position.

103.5 POSTPONEMENT OR CANCELLATION OF RECRUITMENT PROCESS

In the event a sufficient number of qualified applicants have not made application for the vacant position, the Department Director, after consultation with the Human Resources Division, may extend the closing date and/or re-advertise the position, postponing the screening process. The City reserves the right to cancel any screening process at any time.

103.6 APPLICATION PROCESS

- a) Individuals applying for a non-exempt full-time position, part-time position, or temporary position must complete the appropriate employment application. Resumes will be accepted for application for full-time, exempt positions. Applications or additional information may be requested for full-time, exempt positions during the selection process.
- b) Current employees applying for a vacant position that has been posted or advertised outside the organization must complete the application form appropriate to the vacant position.
- c) Applications will be accepted only when a vacancy exists and the application must state the specific position being applied for. Applications for “any” or “any open” position will not be accepted. Applications will be kept in an active file for a period of not less than sixty (60) days.

103.7 ELIGIBILITY LISTS

For Police Officers, an eligibility list may be created and kept active and may be given further consideration for up to a year of the applicable published closing date if the position re-opens, or another similar vacancy occurs. Other recruitment methods may be waived if consideration is given to an applicant who is currently on the Eligibility List. The City is under no obligation to select from an Eligibility List and may choose to begin a new recruitment process.

103.8 RE-EMPLOYMENT

Former employees with a satisfactory service record may be considered for re-employment for any position. Former employees will be considered as applicants from outside the organization.

Any accrued rights, privileges, or benefits are canceled when an employee separates from the City; and upon re-employment, they are not reinstated.

3-104 SELECTION

104.1 APPLICANT SELECTION PROCESS

Application for a vacant position must be submitted to the City of Gardner by the end of the business day on the published closing date.

An initial screening will be done to determine whether the applicant’s qualifications meet the basic requirements for the position.

The selection process may consist of one or more of any combination of the following methods: ability tests, achievement tests, performance tests, ratings of training and

experience, interviews, evaluation of daily work performance, physical ability tests, work samples and/or other acceptable selection techniques. Any method chosen shall evaluate only those criteria necessary to perform adequately in the position.

Veterans will be given preference in accordance with K.S.A. 73-201, as amended.

104.2 EMPLOYMENT OF RELATIVES

It is the policy of the City not to hire persons for any type of employment within departments who are members of the immediate family of other City full-time employees within the same department, except seasonal positions that are not within the same division as the family member.

Immediate family members of the Governing Body, City Administrator, or Department Directors will not be hired for any type of employment within any department in the City except for non-supervisory seasonal positions.

If two employees (at least one of whom is a full-time employee) become married to each other or become otherwise related as immediate family members, they may continue to be employed by the City, provided that the parties do not work in the same department. Transferring one of the employees so affected to another department will be given priority if such employee is qualified and a vacancy exists to accommodate such transfer. The transfer shall be made as soon as a change can be effected but in no event shall such situation exceed ninety (90) days. If such a transfer of one of the employees cannot be accomplished for whatever reason within the ninety (90) days the affected employees must choose which one will resign their position with the City. If no decision is voluntarily made, the employee with the least seniority will be terminated within seven (7) calendar days following the 90 day grace period.

Relatives of full time employees are not precluded from working on a volunteer basis.

3-105 SELECTION OF FINAL CANDIDATES

105.1 GENERAL PROCEDURES

Individuals will be selected who most closely meet all the position requirements and the needs of the City. All offers of employment are conditional upon the successful completion of a physical examination, drug screen, and a background report including criminal history, verifications of employment and education, driving record, and if applicable, a credit report.

105.2 MEDICAL EXAM

As part of the City's employment procedures, positions which are required by State or Federal law to take and pass a post-offer, pre-employment medical examination will first be offered employment based upon satisfactory completion of the examination and determination by the examining physician selected by the City that the candidate can

perform the essential functions of the position offered, with or without reasonable accommodations. In the case of Police Officers, the post-offer medical examination may include a psychological examination.

For part-time and seasonal/temporary positions, the selected individual may be required to take a post-offer job-related medical exam, based on requirements of the job, to determine whether the individual is physically able to perform the essential functions of the position with or without reasonable accommodation.

A full-time or part-time employee who is being transferred, or demoted into a full-time position with significantly different job requirements (if job related and consistent with business necessity) may be required to take a medical and, in the case of Police Officers, a psychological exam.

All costs associated with medical and psychological exams are the responsibility of the City. All results of these exams are the exclusive property of the City and are considered confidential.

105.3 DRUG TESTING

For all positions of employment with the City that require drug testing, final candidates will be required to undergo a post-offer drug test and may be required to undergo an alcohol test as part of the hiring process.

Before a drug or, if applicable, an alcohol test is administered, final candidates must sign a consent form authorizing the test and permitting release of test results to those City officials with a need to know. All minors must have a release signed by a parent or guardian.

Any job applicant who refuses to submit to, or tampers with a post-offer drug or, if applicable, a post-offer alcohol test will be denied employment with the City.

Employees who are being transferred or demoted into a safety sensitive position from a non-safety sensitive position will be required to submit to a drug and alcohol test.

All information from an applicant's drug or alcohol test is confidential and subject only to the disclosure provisions described in this Handbook.

Final candidates subject to drug or alcohol testing will be denied employment with the City if a positive test result is reported in accordance with the drug and alcohol-testing procedures as set out in this Handbook.

The City will pay the expense of the City-required drug and alcohol tests.

Final candidates for those safety sensitive positions who operate a commercial motor vehicle and hold a commercial driver's license shall be required to execute an authorization for the City to obtain information from their previous employers. The

information which may be requested are the employee's alcohol tests with a concentration result of 0.04 or greater, positive controlled substances test results, and refusals to be tested, within the preceding two (2) years, which are to be maintained by the driver's previous employers. The information must be obtained and reviewed by the City. If it is not feasible to obtain the information prior to the driver performing safety sensitive functions, the City may not permit the driver to perform safety sensitive functions after 14 days, without obtaining the information. The City's policy conforms to the federal requirements established for alcohol and drug testing of all safety sensitive employees as set out in the Omnibus Transportation Employee Testing Act of 1991, Public Law 102-143, Title V.

105.4 DRIVING RECORD

For positions that require driving, an individual's driving record will be a factor in consideration for employment.

3-106 APPOINTMENT

Applicants for Department Director level positions and above shall be appointed by the City Council upon recommendation of the City Administrator. Applicants for full and part-time positions shall be appointed by the City Administrator upon recommendation by the Department Director. Applicants for temporary positions shall be appointed by the Department Director.

106.1 RESIDENCY REQUIREMENTS

Employees in the position of City Administrator and Police Chief have six (6) months from the date of hire to establish residency within the City, except as exempted by the City Council. If the employee is making a reasonable effort to comply, but due to extenuating circumstances has not been able to relocate, the City Council may grant an extension for a determined length of time.

Employees in non-exempt positions, whose positions require them to be available for call back in a reasonable length of time, have six (6) months from the date of hire to reside within callback distance as defined by each respective departmental policy and procedures. If the employee is making a reasonable effort to comply, but due to extenuating circumstances has not been able to relocate, the supervisor, with approval of the Department Director, may grant an extension for a determined length of time.

106.2 TYPES OF APPOINTMENT

The City organization has established the following types of positions:

FULL-TIME: A position regularly scheduled for year-round employment that normally includes eight (8) hours a day or forty (40) hours in a standard workweek of seven (7) days. **EXCEPTION:** Police work schedule shall include not more than eighty (80) hours in a standard two-week work period on a schedule assigned by the Department Director.

PART-TIME: A position that the duties and responsibilities require one person to work an average of less than twenty (20) hours per week. The job may be for a specified period of time or indefinitely.

TEMPORARY/SEASONAL: A position which is scheduled to fill job requirements which occur intermittently for a program, project, or during certain times of the year. The anticipated date of separation is known prior to commencement of employment. During the period of employment, hours of work may vary according to job requirements, but generally are based on a forty (40) hour workweek schedule.

3-107 DOCUMENTATION

Individuals may not be placed on the payroll, transferred or demoted until they have completed the appropriate orientation program and all personnel forms have been completed and signed.

- a) Individuals must complete Form K-4 and Form W-4, Employee's Withholding Allowance Certificate.
- b) Individuals must meet the requirements, furnish appropriate documentation, and complete Form I-9, Employment Eligibility Verification, as required by the U.S. Department of Justice, Immigration and Naturalization Service.
- c) Individuals must sign a Loyalty Oath to the State of Kansas as required by K.S.A. 75-4308.
- d) Individuals must complete other forms and documents necessary to employment.
- e) A Payroll Change Notice stating the position, effective date, salary amount, and other relevant information must be completed and signed by the Department Director, Human Resources Division, and City Administrator.

3-108 DISQUALIFICATION OF APPLICANTS

Applicants may be disqualified from consideration for appointment to a position for several reasons including, but not limited to:

The individual does not meet the requirements established for the position.

The individual cannot, with or without reasonable accommodation, perform the essential functions of the job.

The individual has a job-related criminal conviction record.

The individual has a poor work record or has had previous, unsatisfactory employment with the City.

The individual has an unfavorable interview or receives an unfavorable reference check.

The individual has falsified information on the application form, has failed to submit an application correctly, or has failed to submit it prior to the published closing date.

The individual has used or attempted to use bribery or other unethical means to obtain an advantage in the selection process.

The individual has inadequate training, education, work experience, or skill levels as compared to other applicants for the position.

The individual fails to pass required tests or examinations.

The individual has a poor driving record and driving a vehicle is a requirement of the position. For the purposes of this section a poor driving record shall be defined as:

- a) A conviction for driving under the influence or while impaired by alcohol or drugs, vehicular homicide, manslaughter or assault, reckless or careless driving, hit and run, driving under suspension or revocation, fleeing or eluding a police officer, chemical test refusal, leaving the scene of an accident, passing a stopped school bus, or any other major or capital offense;
- b) More than two (2) at fault or chargeable accidents showing up on a record during the most recent five (5) year period;
- c) Conviction of more than three (3) ordinary traffic violations showing up on a record during the most recent five (5) year period (speeding, failure to yield right of way, etc.); or
- d) Conviction of more than two (2) violations within the past twelve (12) months.
- e) There are other more qualified applicants.

3-109 BACKGROUND REPORT

Job applicants must sign an authorization form before the City can obtain a background report and/or an investigative report. The background report will include, but not be limited to, criminal history, verifications of employment and education, and driving records. A credit report detailing personal financial history will only be obtained for permissible purposes in consideration of jobs meeting specific criteria. In the event that information from the report is utilized in whole or in part in making an adverse decision with regard to potential employment, before making the adverse decision, the City of Gardner will provide the applicant with a copy of the consumer report and a description in writing of his or her rights under the federal Fair Credit Reporting Act.



SECTION 4
TERMS OF EMPLOYMENT

SECTION 4. TERMS OF EMPLOYMENT

ARTICLE 4-101	POSITION CLASSIFICATION
ARTICLE 4-102	PERFORMANCE EVALUATIONS AND EMPLOYEE DEVELOPMENT
ARTICLE 4-103	DEFINITION OF TERMS
ARTICLE 4-104	PERFORMANCE EVALUATION FORMS AND SYSTEM
ARTICLE 4-105	WORK PERFORMANCE CRITERIA
ARTICLE 4-106	DEVELOPING GOALS AND OBJECTIVES
ARTICLE 4-107	REVIEW OF GOALS AND OBJECTIVES
ARTICLE 4-108	PERFORMANCE STANDARDS
ARTICLE 4-109	WORK SCHEDULES
ARTICLE 4-110	ATTENDANCE AND RECORD KEEPING
ARTICLE 4-111	WORK RELATED EXPENSES AND TRAVEL POLICIES
ARTICLE 4-112	LIABILITY INSURANCE /DRIVERS LICENSE
ARTICLE 4-113	SEAT BELT POLICY
ARTICLE 4-114	IMMUNIZATIONS
ARTICLE 4-115	CELL PHONE POLICY
ARTICLE 4-116	USE OF PERSONAL VEHICLE
ARTICLE 4-117	USE OF VEHICLES ON CITY BUSINESS
ARTICLE 4-118	USE OF CITY EQUIPMENT FOR BUSINESS REASONS
ARTICLE 4-119	PERSONAL USE OF CITY TIME AND PROPERTY
ARTICLE 4-120	CUSTOMER SERVICE
ARTICLE 4-121	VIOLENCE IN THE WORKPLACE
ARTICLE 4-122	WORKPLACE SEARCHES
ARTICLE 4-123	PRESENTATION PROCEDURES FOR ISSUES OF CONCERN

4-101 POSITION CLASSIFICATION

The City has established and maintains a position classification pay plan for the purposes of achieving internal equity between positions in the City. The classifications are made by evaluating the duties and responsibilities of the City positions, as well as the requisite skills and qualifications needed to satisfactorily perform the job.

4-102 PERFORMANCE EVALUATIONS AND EMPLOYEE DEVELOPMENT

This performance evaluation and employee development system works with the pay plan as part of the City's compensation program. This system is designed to make the performance evaluation process job-related, rational, and as objective as possible. It helps the employee and management understand more fully what is involved in their jobs, as well as clarifying the relationship of their work to performance standards. This approach helps reduce problems of misunderstanding by requiring that the employee and supervisor/manager meet and jointly review the job description, performance criteria, and performance objectives for the employee's job. The employee should receive feedback on how they are progressing through the use of periodic reviews.

This performance evaluation and employee development system applies to all full-time and part-time positions of the City.

102.1 OBJECTIVES

The performance evaluation and employee development system has the following basic objectives.

- a) To promote productivity and raise the level of performance by establishing standards that reflect acceptable performance and by establishing standards for future performance.
- b) To strengthen employer-employee relations by establishing good communications between supervisors and employees regarding supervisor expectations and how the employee's work contributes to departmental goals.
- c) To provide documentation that will provide the basis for personnel decisions such as transfers, disciplinary action, and career development.
- d) To identify performance objectives and goals for the upcoming year.
- e) In addition, other objectives include:
 - To provide information on the need for change in organization structures.
 - To check on the effectiveness of personnel selection procedures.
 - To serve as a basis for merit pay increases.
 - To evaluate the potential of employees at all levels.
 - To identify training needs.
 - To improve morale.

4-103 DEFINITION OF TERMS

103.1 EMPLOYEE

Any employee of the City of Gardner whose employment is full-time or part-time. Temporary, seasonal, and contract employees are not included in the formal evaluation process.

103.2 EVALUATION DATE

INITIAL – All newly hired, laterally transferred, or demoted employees' performance is evaluated on or about ten (10) days prior to completion of their first six months in the position. Thereafter, performance is evaluated annually.

103.3 EVALUATION PERIOD

ANNUAL – The one-year period following the last evaluation date.

103.4 EVALUATION PERIOD

INTERIM – For new employees the interim evaluation period is at or about the time the employee has completed the introductory period applicable to his or her position. For other employees, within six months of the completion of the annual evaluation, the evaluator and employee will meet and review the annual evaluation. The purpose of the interim evaluation is to check on progress toward improving work performance where deficiencies, if any, were noted in the annual evaluation and to make adjustments to goals and objectives if desirable.

103.5 EVALUATOR

The employee's immediate supervisor; the one who either oversees, reviews, or checks the daily work of the employee or who is most closely acquainted with the employee's daily work performance; and the one who is responsible, with the employee, for developing employee goals and objectives. (If an employee has more than one immediate supervisor during the year, each of those supervisors should evaluate the employee individually and then meet together to develop and agree on a joint evaluation.)

103.6 PERFORMANCE EVALUATION

The systematic evaluating of job performance of an individual employee to determine whether the employee has achieved the predetermined objectives and predetermined standards of performance.

103.7 WORK PERFORMANCE CRITERIA

The factors on which an employee will be evaluated. Examples include job knowledge, quantity of work, quality of work, job interest and self-motivation, responsibility and dependability, attendance and punctuality.

103.8 PERFORMANCE LEVEL

The level the supervisor believes that an employee has achieved on each performance criterion. For each performance criterion, there are three levels:

- a) Below Performance Standards. The employee demonstrates a consistently poor level of performance during the evaluation period.
- b) Meets Performance Standards. The employee performs at a satisfactory level during the evaluation period.
- c) Exceeds Performance Standards. The employee demonstrates a consistently high level of performance and goes well beyond the performance standards set during the evaluation period.

103.9 GOALS AND OBJECTIVES

Targets or results the employee is expected to accomplish during the evaluation period.

103.10 PERFORMANCE STANDARDS

Measures that indicate whether goals and objectives have been accomplished.

103.11 POINT VALUES

Points awarded by evaluator from 1-3 for each performance criterion rated and the overall rating attained by dividing the total points awarded by the number of criterion rated.

103.12 REVIEWER

The Evaluator's immediate supervisor who will review the completed performance evaluation form with the Evaluator prior to the Evaluator meeting with the employee. The Evaluator is also required to obtain the signature of his or her immediate supervisor on the completed performance evaluation prior to the time the Evaluator meets with the employee. A copy of the signed performance evaluation is required to be submitted to the Human Resources Division prior to the time the Evaluator meets with the employee.

4-104 PERFORMANCE EVALUATION FORMS AND SYSTEM

Each employee shall be evaluated by their supervisor and Department Director based on the duties and responsibilities of the employee's position and their individual goals and objectives. The performance evaluation system consists of seven forms as set forth below.

104.1 Form A

The base form to be used in evaluating all employees. The basic form consists of the following sections:

- a) Performance Evaluation Cover Sheet
- b) Work Performance Criteria
- c) Review of Goals and Objectives
- d) New Goals and Objectives
- e) Employee Development Objectives
- f) General Comments
- g) Employee Comments

104.2 Form B

Police Add-On - To be used in conjunction with Form A in evaluating sworn Police personnel other than supervisors.

104.3 Form C

Office and Administrative Support Add-On - To be used in conjunction with Form A in evaluating all office and administrative support personnel other than supervisors.

104.4 Form D

Technical/Professional Add-On - To be used in conjunction with Form A in evaluating all technical and professional personnel other than supervisors.

104.5 Form E

Labor and Trades Add-On - To be used in conjunction with Form A in evaluating all labor and trades personnel other than supervisors.

104.6 Form F

Management and Supervisory Add-On - To be used in conjunction with Form A in evaluating supervisory personnel and Department Directors in all departments.

4-105 WORK PERFORMANCE CRITERIA

Forms A through F all contain Work Performance Criteria. Each criterion contains a definition and three performance levels. Each performance level contains a statement that helps the evaluator decide how to evaluate the employee on that particular criterion. In addition, the employee and supervisor should review the job description in preparation for the evaluation. The employee and supervisor should discuss, and if possible, agree upon what constitutes improved work performance that meets standards for the coming year. If the supervisor and employee do not agree on what constitutes improved performance, the decision of the supervisor will prevail.

In some situations a Work Performance Criterion is not applicable or the evaluator may not have had the opportunity to observe an employee's performance on a particular criterion. In those situations the employee will not be evaluated on that Work Performance Criterion.

The evaluator is to indicate any comments that pertain to the reasons for evaluating the employee at a particular level on a Work Performance Criterion. Comments must be written if an employee is determined to be "Below Performance Standards" or "Exceeds Performance Standards." Comments should denote specific incidents, examples, events, series of events, and/or actions that justify the rating. Any aspects of the employee's work, knowledge, competencies, skills, and abilities that are set forth in the job description that need improvement should also be listed.

4-106 DEVELOPING GOALS AND OBJECTIVES

The evaluator will establish goals and objectives that the employee is expected to accomplish during the upcoming evaluation period. Performance objectives should convey to the employee exactly what the employee should accomplish. Project or program objectives may be new activities that the employee is expected to develop or implement during the evaluation period or existing activities that require major change during the period. Routine task objectives that are recurring and represent at least ten (10) percent of the employee's time can also be used as the basis for writing objectives.

4-107 REVIEW OF GOALS AND OBJECTIVES

The employee's success in meeting the goals and objectives set during the last evaluation period will be reviewed and indicated by the evaluator.

4-108 PERFORMANCE STANDARDS

Goals and objectives tell the employee what is expected during the evaluation period. Performance standards tell the employee when it should be done, how much should be done, how well it should be done, and the resources that should be used to do it. Performance standards should be set high enough to provide the employee with an incentive to perform at their maximum potential but not so high as to serve as a disincentive to performance.

There are four basic types of standards: time, quantity, quality, and cost of resources.

108.1 EMPLOYEE DEVELOPMENT OBJECTIVES

The evaluator and employee should plan for training or education that the employee could receive in the following year. Training or education can be in-house, on-site, or may be received at colleges, universities, technical schools, professional associations, etc. The goal of training and education should be to improve employees' ability to perform their present work or prepare them for future assignments. All training or education that the evaluator and employee plan for is subject to budgetary authorization. Human Resources will assist the departments in determining what training or education is mandatory.

108.2 EMPLOYEE COMMENTS

The employee may wish to make comments regarding the evaluation and what they will do to improve performance. If an employee wishes to discuss the evaluation further they may request a meeting with the Human Resources Division.

108.3 PERFORMANCE EVALUATION SCHEDULE

The following evaluation schedule is established:

108.3.1 New Employees

New employees (new hires, laterally transferred, or demoted): The employee's performance is evaluated at or about the time the employee completes the applicable *introductory* period for his or her position or about ten (10) days prior to the completion of their first six months in the position, whichever is sooner. The evaluator and the employee will meet to jointly review the employee's performance. The employee may be eligible for a merit increase at that time depending upon performance and available budgetary resources. If the individual's performance level is below performance standards and the Director and Human Resources Division may extend the evaluation period. During this time, the employee is not eligible for a performance increase until the employee satisfactorily completes the extended evaluation period. In such cases the supervisor will inform the employee of the action and state the reason(s) for the extension of the evaluation period. The employee's performance will be evaluated again at or about the time the employee completes half of the extended evaluation period and again on or about ten (10) days prior to the completion of the extended evaluation period.

108.3.2 All Other Employees

The employee's performance is evaluated annually. The employee may be eligible for a merit increase at that time depending upon performance and available budgetary resources. Supervisors are encouraged to conduct interim performance evaluations midway during the evaluation period. The purpose of the interim evaluation is to review the last evaluation to check on progress toward improving work performance where deficiencies were noted and to make adjustments to goals and objectives if desirable. Employees are not eligible for merit increases at the time of the interim evaluations.

108.3.3 Employees On Approved Leave

Employees who are on an approved leave at the time of their annual evaluation will be evaluated upon their return. If a merit increase is awarded, it will be retroactive to compensation received through city payroll to the date the annual increase became effective.

108.3.4 Employees on Disciplinary Probation

Any employee on disciplinary probation is not eligible for a merit increase. The individual is evaluated on a schedule established in the terms of the disciplinary probation. When an employee's disciplinary probation ends and the employee returns to non-probationary status, the employee then becomes eligible for an annual performance evaluation and, if warranted, a merit increase as of the date the *introductory* period ends.

Nothing in this policy shall restrict a Department Director or supervisor from evaluating an employee prior to either the regular or interim evaluation dates, either formally or informally. These mid-term evaluations are useful to document performance and to alert the employee of performance deficiencies.

4-109 WORK SCHEDULES

Work Weeks and Normal Work Schedule:

- a) All position work weeks begin Saturday at 12:00 AM
- b) Department Directors are responsible for establishing normal work schedules (days and times for scheduled work) for all positions.

109.1 HOURS OF WORK

The City has four (4) established types of positions:

1. FULL TIME:

A position regularly scheduled for year-round employment that normally includes eight (8) hours a day or forty (40) hours in a standard workweek of seven (7) days. **EXCEPTION:** Police work schedule shall include not more than eighty (80) hours in a standard two-week work period on a schedule assigned by the Department Director.

2. PART TIME:

A position that the duties and responsibilities require a person to work an average of less than twenty (20) hours per week. In order for a part-time employee to be eligible for benefits he or she must work over 1000 hours per year. The job may be for a specified period of time or indefinitely.

3. TEMPORARY/SEASONAL:

A position which is scheduled to fill job requirements which occur intermittently for a program, project, or during certain times of the year. The anticipated date of separation is known prior to commencement of employment. During the period of employment, hours of work may vary according to job requirements, but generally are based on a forty- (40) hour workweek schedule.

4-110 ATTENDANCE AND RECORD KEEPING

All Department Directors shall be required to maintain current work schedules of all employees under their supervision. Regular and punctual attendance at work shall be required of all employees. Employees are to be present at work during all regularly scheduled hours, unless arrangements in accordance with leave policies have been made. Unexcused absence and tardiness shall be reasons for disciplinary action. Assignment of scheduled working hours shall be made by the employee's Department Director. The employee shall use established procedures for recording and reporting all attendance.

110.1 BREAK POLICY

All Non-exempt employees, except Police officers, shall have a one-hour lunch period and 30 minutes of break time to be divided equally between morning and afternoon. Department Directors will establish the break policies for their departments. Lunch periods and break time for Police officers shall be as defined by departmental policies and procedures.

110.2 OVERTIME AUTHORIZATION AND ELIGIBILITY

110.2.1 Non-Exempt Positions

- a) Certain positions are classified as non-exempt positions and are subject to the Fair Labor Standards Act. All regular, part-time, and temporary positions except for those classified as exempt positions are considered non-exempt. Employees working in those positions shall track their time worked in one quarter hour (15 minute) increments.
- b) Employees shall not be permitted to work in excess of their normal work scheduled except when an emergency exists or overtime work is necessary to carry out normal and essential services of the City and is assigned by their supervisor. All overtime shall be pre-approved by the employee's supervisor. Employees who work in excess of their normal work schedule without the approval of their supervisor may be subject to appropriate disciplinary action, up to and including termination.
- c) Non-exempt employees shall be paid overtime pay for hours worked over forty (40) in a workweek. EXCEPTION: Police officers shall be paid overtime pay for hours worked over eighty (80) in a two-week work period.
- d) Overtime pay is one and one half times the employee's hourly rate. Alternatively, overtime may be compensated with compensatory time off at one and one half times the hours worked at the request of the employee and the approval of management or the Department Director. Employees may accrue a maximum of 24 hours compensatory time. The use of comp time must be approved in advance by the employee's immediate supervisor. Comp time must also be tracked through payroll on a time sheet so that the City may be able to determine when comp time has been used and/or accrued.
- e) Hours worked are hours that employees are actually at work or on authorized paid leave, including civil, holiday, military, vacation, sick, leave of absence, administrative, workers' compensation or funeral leave.
- f) Overtime pay is paid in fifteen (15) minute increments.

- g) Non-exempt employees who are called in to work at a non-scheduled time will be paid for a minimum amount of time as defined by department rules and procedures.

110.2.2 Exempt Positions:

- a) Certain positions are classified as exempt positions and are not subject to the overtime provisions of the Fair Labor Standards Act. Other positions may be considered exempt status as duties and responsibilities change. The appropriate Department Director and the City Administrator will make those determinations based on standards set out in the FLSA.
- b) Employees in exempt positions are expected to accomplish the duties and responsibilities of their position during a normal work schedule that has been set out by their supervisor. However, it is anticipated that exempt employees will experience periods during which it will be necessary to work in excess of forty (40) hours per week.
- c) At no time are exempt employees compensated for time worked in excess of forty (40) hours per week. Exempt employees may take reasonable amounts of time off, not to exceed 4 hours at a time, without using vacation or personal leave as long as it does not interfere with performance of their duties and responsibilities. Exempt employees who wish to take leave without using vacation or personal leave, must obtain approval in advance from the employee's immediate supervisor and the immediate supervisor must keep a written log of any such occasions.

4-111 WORK RELATED EXPENSES AND TRAVEL POLICIES

111.1 POLICY

The purpose of this policy is to provide budgetary guidelines and procedures for reimbursement of expenditures for employees conducting business on behalf of the City of Gardner. All reasonable costs associated with travel and training will be paid in advance, through city credit card, advance check, advance cash, or reimbursement with receipt.

111.2 TRAVEL AUTHORIZATION

For travel outside the Kansas City Metropolitan area, a "Travel Request/Expense Form" must be approved by the employee's supervisor prior to the travel occurring. In the case of elected or appointed boards and/or commissions, approval is given as the travel being part of an authorized budget item or authorized by City Council; however, completion of the "Travel Request/Expense Form" is encouraged for trips over a day in length.

111.3 TRAVEL REQUEST/EXPENSE FORM

The Travel Request/Expense form should present all known costs associated with the trip, even if some items are prepaid or will be paid using a City credit card and are not being requested as part of the cash advance. Upon return from a business trip, appropriate receipts shall be attached to the expense form. Claimed expenses without receipts may not be reimbursed. If a travel cash advance is requested, a Travel Request/Expense form must be submitted to the Finance Department as soon as possible, preferably at least fourteen (14) days prior to the departure date.

Purchase cards may be used to pay for traveling and meal expenses while away conducting City Business. However, IRS per diem rates do apply. Prior to travel, employees are required to know the meal allowance for the City nearest the travel destination on the IRS publication #1542. The employee is responsible for the account of meals exceeding the daily allowance set forth by the IRS. The employee shall pay the difference to the restaurant at the time of purchase.

Alcoholic beverages are not an allowable expense and shall never be paid for with a City purchasing card, nor should they be shown on any city receipt.

111.4 REIMBURSABLE EXPENSES

The most reasonable method of travel will be used based on time, money, and location.

111.4.1 Ground Transportation:

The most reasonable method of ground transportation including, shuttle, mass transportation, taxi or rental car should be used, after flying into a location.

1. City vehicle - should be used whenever possible, especially within the metropolitan area. The cost of gasoline, maintenance, or repair, if needed, will be reimbursed for City vehicles used to travel outside of the metropolitan area. Receipts are required.
2. Private vehicle - usage will be reimbursed based on the rate determined by the Internal Revenue Service. Employees, elected or appointed boards and/or commissions that receive a car allowance are not eligible for reimbursement for travel within the metropolitan area.
3. Rental Car – Is allowed only if adequate shuttle or local transportation is not reasonable. Prior approval must be obtained through the “Travel Request/Expense Form” for reimbursement and should be prepaid through a City credit card. Receipts are required.
4. Other Ground Transportation Cost – Incidental travel costs such as parking and toll fees are reimbursable with receipt.

111.4.2 Airfare

Authorization will be given for the most economically available flight to and from the destination location. A trip may be extended if the savings on airfare is greater than the cost of the additional days' lodging, meal allowances, and salary in order for the extension to be granted. If there is a net savings, the City will pay for those additional days' lodging, meal allowances, and salary. In some cases an employee, elected or appointed board and/or commissioner electing to extend a trip may be required to schedule vacation and be responsible for their own living expenses. Airline tickets should be prepaid through a City credit card.

111.4.3 Lodging

Lodging will be paid for the nights the person is on City business, including "travel days". Lodging generally includes the cost of a single room and any taxes and governmental charges, but does not include personal items such as movies, etc. Additional charges due to a guest, such as a spouse staying in the room shall be paid by the individual.

The most reasonable method of lodging will be used based on location and price. Conferences hotels are preferred, if available.

111.4.4 Meals

Meals will be reimbursed based on the Per Diem Rates established by the Internal Revenue Service. For partial days of travel or those receiving meals as part of the registration, the meal allowance is broken down by meal, including tips, as follows:

<u>Example:</u>	<u>Area Per Diem Rate</u>	<u>\$42.00</u>
Breakfast	20%	\$ 8.40
Lunch	30%	\$12.60
Dinner	50%	\$21.00

111.4.5 Registration

The cost of registration is a prepaid expense. Entertainment type activities that are included as additional registration fees are the individual's responsibility.

111.5 ALLOWABLE EXPENDITURES WITHIN THE KANSAS CITY METROPOLITAN AREA

111.5.1 Mileage

Mileage expense to local seminars and training sessions will be reimbursed at the current mileage rate set by the Internal Revenue Service only when a City owned vehicle is not available. Employees elected or appointed board and/or commissioners receiving a car allowance are not eligible for reimbursement for mileage within the metropolitan area.

111.5.2 Parking and Toll Fees

Parking and toll fees for business activities are reimbursable. Receipts are required.

111.6 COMPENSATION OF TIME

While traveling, employees will be compensated for time which solely benefits the City. In most cases, this will be time spent traveling to and from the destination and time devoted to training and/or work at the destination. Elected or appointed boards and/or commissions are not additionally compensated beyond any rate set by the City Council as part of the annual salary ordinance.

111.7 RESPONSIBILITY FOR ENFORCEMENT

Department Directors will be entrusted with the responsibility of enforcing the policy within their departments and to ensure compliance of the specified procedures before reimbursement. The City Council will be responsible for oversight of elected boards and/or commissions travel.

111.8 REFERENCES

Appendix A - Travel Request/Expense Report Form

A copy of the current Internal Revenue Service Per Diem Rates are available on the Internal Revenue web page.

4-112 LIABILITY INSURANCE /DRIVERS LICENSE

Employees who drive vehicles (personal or City-owned) on City business must have a valid Kansas driver's license of the appropriate classification. Driving records of City employees who use vehicles for City business may be checked as needed, and will be checked yearly. In no case shall an employee drive a City vehicle or his/her personal vehicle during paid time when (s)he has lost driving privileges unless (s)he possesses a Kansas Department of Public Safety Work Permit entitling him/her with driving privileges while working. Written notification by the employee must take place prior to the start of his/her next shift immediately after being notified of a suspension/revocation or pending suspension/revocation of driving privileges. Failure to

notify a supervisor may result in disciplinary action. Department directors shall assure that for those positions where a valid driver's license is a minimum qualification for the performance of essential job duties, the requirement is included in their job description. Employees are required to have liability insurance in effect on all personal vehicles used for City purposes or while performing City business. The City may at any time require proof of such insurance.

4-113 SEAT BELT POLICY

All City employees are required to use the appropriate passive restraint and/or seat belt when operating a motor vehicle in connection with City business regardless of whether or not he/she is operating a City-owned vehicle or using his/her own personal vehicle to perform City functions.

4-114 IMMUNIZATIONS

Immunizations that are deemed necessary by the City Administrator for specific positions will be paid for by the City.

4-115 CELL PHONE POLICY

The purpose of this policy is to provide guidelines and procedures to ensure that cellular phones and similar devices and related equipment and services are acquired and used in the best interests of the City while concurrently complying with Internal Revenue Service requirements regarding the taxability of fringe benefits.

For purposes of this policy, cellular phones are portable communication devices such as, but not limited to, cellular phones and hybrid cellular phones such as "Blackberry" style devices, or radio-phone devices such as "Nextel" or other "Push-to-Talk" devices.

115.1 SCOPE

This policy applies to all employees who have been provided with a cellular phone or similar device for the convenience of the City.

115.2 OPTIONS

The City reserves the right, at its sole discretion, to determine which cell phone option, device, and carrier will be provided to the employee in order to maintain established business practices, required job functions, and compatibility with the City's information technology structure and support.

115.3 CITY ISSUED PHONES

An employee is issued a City-owned cellular phone and the City pays for the monthly service. Personal use is forbidden, and any incidental use must be reimbursed by the employee as provided below.

- a) The cellular phone and/or related equipment and services will be obtained by, paid for, and owned by the City. Employees with a City-owned phone may not receive reimbursement for business use of their phone.
- b) All City-owned phones and/or related equipment and services must be approved by the Department Director.
- c) Employees are responsible for the care of the cell phone and related equipment and services. Employees are required to immediately (by the next business day) report the damage, loss, or theft of City-owned cell phones and related equipment to their department and must immediately contact the service provider to prevent unauthorized use. In the event of theft, a copy of a police report must accompany a request for a replacement phone.

115.4 PERSONAL USE

The Internal Revenue Service states that any personal use of a City-owned cell phone is a taxable fringe benefit, therefore, in order to avoid adding the value of the total amount of the monthly cell phone service to the employee's taxable income, the employee must sign an agreement that NO PERSONAL USE is allowed.

- a) In the event an incidental personal call is made, the employee will be required to provide documentation of the personal call and must reimburse the City for the call plus a pro rata share of all other fees and charges associated with the monthly cost of cell phone service for the employee's phone.
- b) Habitual violators of the agreement may be subject to disciplinary action.

115.5 REIMBURSEMENTS

An employee uses their personal cellular phone for infrequent City business use and is reimbursed for the business minutes used.

- a) An employee uses their personal cellular phone for infrequent City business use and is reimbursed for the business minutes used.
- b) Employees should obtain departmental approval prior to using personal cell phones for City business purposes. Personal cell phone use for City business should be limited to only necessary and immediate needs and should only be done when land-line phones are not available. Departments have the right to review, question, and limit reimbursement requests of employee's cell phone charges.

115.6 “POOL” PHONES

Phones assigned to vehicles or functions (not people) within a department. (For example, a phone that is assigned to the Public Works “after hours” function.) Personal use is forbidden, and any incidental use must be reimbursed by the employee as provided in the paragraph below.

These are phones assigned to vehicles or functions (not people) within a department.

Personal calls are strictly prohibited on pool phones. Departments will monitor all calls on pool phones to determine if personal usage has occurred. Employees who make personal calls on pool phones will be required to reimburse the City for the call and may be subject to disciplinary action.

115.7 RESPONSIBILITY FOR ENFORCEMENT

The City Administrator shall be responsible to the Governing Body for the enforcement of the Cellular Phone Policy.

115.8 USE WHILE DRIVING

Any employee driving on City business, whether using a City owned vehicle or personal vehicle, is prohibited from using any cell phone, PDA, or other electronic device for purposes of conversations, texting, or reviewing information. This prohibition applies even if the individual has a hands-free device with which to make phone calls.

4-116 USE OF PERSONAL VEHICLE

116.1 MILEAGE REIMBURSEMENT FOR USE OF PERSONAL AUTOMOBILE

Individuals shall be compensated for using their personal vehicle for authorized City business. Persons claiming a reimbursement should document the necessary information on the appropriate form to their Department Director. Individuals will be reimbursed at the prevailing per-mile rate of the federal government.

116.2 AUTOMOBILE ALLOWANCES

Automobile and vehicle allowances may be authorized for designated employees on a need basis by the City Administrator.

4-117 USE OF VEHICLES ON CITY BUSINESS

The following regulations must be adhered to by all employees who operate vehicles (personal or City-owned) on City business:

- a) All employees who operate vehicles on City business must have a valid driver’s license that entitles them to drive the class of vehicle they are assigned to operate.

Employees are responsible for knowing all state and local motor vehicle laws, including the latest amendments. This includes wearing seat belts at all times.

- b) Employees are responsible for paying fines for traffic violations, whether such fines arise from the operation of a vehicle on City business or otherwise. The City will not reimburse employees for such fines. Employees are also responsible for any damage to their personal vehicle even if that damage occurs while operating the vehicle on City business.
- c) Employees who drive vehicles on City business must immediately report to their supervisors any on-duty traffic citation or motor vehicle accident; or any on- or off-duty driving under the influence citation or conviction, driver's license suspension, or moving violation by the next regular work day of when such charge, conviction, suspension, or moving violation occurred.
 - i) Employees who drive as an essential function of their position and whose driving privileges are suspended shall be subject to disciplinary action up to and including termination.
 - ii) Employees whose driving privileges are suspended will be required to report to work on their regular schedule and will be assigned work on an as-available basis, subject to any disciplinary action. This work may be in other divisions of the department. If work is not available, employees will be sent home without pay. Employees will be compensated at their regular hourly rate for actual hours worked.
- d) Annual checks of Motor Vehicle Records will be performed for all current employees.
- e) Employees who are required to use a City-owned vehicle for transportation from home to work must have prior authorization from the City Administrator. The use of City-owned vehicles by City employees must conform to the regulations as outlined by the Internal Revenue Service (IRS 1.274-57), that qualify them as "non-personal use vehicles". The City Administrator and the appropriate Department Director will employ criteria, such as the following, when determining if a City-owned vehicle shall be used:
 - Vehicle assignment during duty hours;
 - Frequency of "call-back" duty;
 - Placement on emergency call lists;
 - Requirement of inspection of facilities/activities during off-duty hours;
 - Special equipment on the City vehicle;

- Use of unmarked law enforcement vehicles;
 - Radio monitoring activities;
 - Location of employee's residence; and
 - Any other so determined by the City Administrator and the appropriate Department Director.
- f) Employees shall report any damage to City-owned vehicles or equipment to their supervisor immediately. Employees shall inspect and report any vehicle deficiencies or unsafe equipment to their supervisor before driving the vehicle.
- g) Employees are expected to use city vehicles and equipment in a safe and responsible manner. If an employee intentionally or through gross negligence causes unjustifiable damage to a city vehicle or equipment, they may be subject to disciplinary action up to and including termination. Employees are expected to keep their work vehicle and equipment in a neat and tidy manner. All vehicles belonging to the City are subject to inspection at any time without notice and no employee using, or a passenger in, a City vehicle has any expectation of privacy while in that vehicle.
- h) Employee shall not use City-owned vehicle for personal use.

4-118 USE OF CITY EQUIPMENT FOR BUSINESS REASONS

Employees are expected at all times to use City equipment in a safe and responsible manner. If an employee intentionally or through gross negligence causes damage to city equipment, they will be expected to reimburse the City for the cost to repair or replace the equipment; and may be subject to further disciplinary action.

Employees are expected to keep their work areas and equipment in a neat and tidy manner.

4-119 PERSONAL USE OF CITY TIME AND PROPERTY

Personal telephone calls, including the use of personal cell phones, should be minimized. Personal toll calls, if absolutely needed, shall be paid for by the employee.

4-120 CUSTOMER SERVICE

Employees should always have as their goal to make every customer contact (whether inside or outside the organization) as positive as it can be.

Employees shall make every effort to ensure that customers obtain the requested information with a minimum of hassles, phone transfers, and red tape. Employees shall follow up with the fellow employee or with the customer to ensure that they received what was needed.

4-121 VIOLENCE IN THE WORKPLACE

The City of Gardner seeks to provide a work environment that is free from violence or threats of violence. Threats of violence and acts of violence by or against any employee of the City of Gardner will not be tolerated. Violence or the threat of violence is a violation of city policy and employees who violate this policy will be subject to disciplinary action up to and including termination of employment and possible criminal charges. Threats of violence and acts of violence compromise the safety of employees and can affect morale, productivity, absenteeism, turnover, litigation costs, and worker's compensation costs. Ignoring threats of violence can result in physical harm to employees, customers, and the general public. In the case of true emergency employees are encouraged to call 911 for emergency assistance.

A threat is the expression of an intent to cause physical or mental harm and can include any expression which constitutes a threat regardless of whether the party communicating the threat has the present ability to carry it out or whether the expression is contingent on something else happening, or whether it may occur in the future. The following may be considered to be violence or threats of violence but it should be understood that this is not a complete list and other conduct may also constitute violence or the threat of violence:

- a) Physical harm or beatings including striking, pushing, and other aggressive physical acts.
- b) Verbalized threats, abusive or offensive language, intimidation, etc.
- c) Property damage due to violence.
- d) Property theft due to employer-directed violence.
- e) Rape, sexual assault or sexual abuse.
- f) Verbal abuse.
- g) Harassment, intimidation, and other disruptive behavior.

Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both.

Employees are required to report all violent incidents or threats of violent incidents to their supervisor regardless of whether physical injury occurs. If, because of special circumstance, an employee feels it is necessary, the employee may bypass their supervisor and take the complaint up through the department chain of command or directly to the Human Resources Division or City Administrator. Threats must be reported and documented when the behavior has been observed on the job or the threat has the potential to be carried out on city property or in the course of conducting city business. In case of true emergency employees are encouraged to call 911 for emergency assistance.

Employees should verbally report any behavior they have witnessed which they regard as threatening or violent to their supervisor. These threats may be made outside of work but have

potential to be carried out in the workplace and include threats made by family members, spouses, ex-spouses, boyfriends, girlfriends, employees, and members of the public.

All reports of threats will be taken seriously. In the case of true emergency employees are encouraged to call 911 for emergency assistance. The City of Gardner will not retaliate against employees who report real, perceived, or implied violent behavior or threats in good faith. Employees who intentionally make false reports or accusations will be subject to disciplinary action.

EXCEPTION: Due to the nature of their jobs, this policy is not meant to address violence for Police officer positions.

4-122 WORKPLACE SEARCHES

The City of Gardner reserves the right to search any employee's office, desk, files, locker, or any other area or property on City premises. All offices, desks, files, lockers, and equipment are the property of the City and are issued for the use of employees during and for their employment with the City. Inspections may be conducted at any time and employees shall have no expectation of privacy in the possession or use of such property. The City further reserves the right to inspect any packages, parcels, purses, handbags, briefcases, lunchboxes, or any other possessions or articles carried to and from the City of Gardner property as permitted by law, in an attempt to safeguard the property of the City of Gardner and its employees and to help prevent the possession, sale, and use of illegal drugs or any other illegal or improper activity on City premises.

4-123 PRESENTATION PROCEDURES FOR ISSUES OF CONCERN

Because the City values the opinions of its employees and wishes to provide a working environment conducive to a loyal, satisfied, and productive work force, the following procedure shall be provided for expression of concerns by employees:

- a) Presentation of issues of concern must be initiated within a reasonable period of time of the event or situation occurring that caused the concern. Issues related to performance evaluations and/or disciplinary actions are not included in this policy. Issues related to discrimination or harassment will be handled in accordance with the procedure set forth for such matters.
- b) An employee who has a specific issue of concern regarding any aspect of the work environment should discuss it with their immediate supervisor, if possible. If the specific concern is in regard to their immediate supervisor, the employee should follow through the department chain of command or bring the concern to the attention of the Human Resources Division.
- c) If, after that discussion, the employee is not satisfied with the information gained, the employee should follow through the department chain of command.

- d) If progressive discussions with the supervisors and the Department Director do not offer information or action which satisfies the employee, the employee may request a meeting to discuss the concern with the Human Resources Division and/or the City Administrator, as appropriate. The decision of the City Administrator is final.



SECTION 5 - COMPENSATION AND BENEFITS

SECTION 5 – COMPENSATION AND BENEFITS

SECTION 5. COMPENSATION AND BENEFITS

ARTICLE 5-101	COMPENSATION SYSTEM
ARTICLE 5-102	DEFINITIONS
ARTICLE 5-103	POSITION EVALUATION PROCEDURES
ARTICLE 5-104	NON-EXEMPT POSITIONS
ARTICLE 5-105	EXEMPT POSITIONS
ARTICLE 5-106	SALARY ADJUSTMENTS
ARTICLE 5-107	ECONOMIC ADJUSTMENTS
ARTICLE 5-108	MERIT INCREASES
ARTICLE 5-109	ADMINISTRATIVE PAY CORRECTIONS
ARTICLE 5-110	HEALTH AND DENTAL BENEFITS
ARTICLE 5-111	RETIREMENT BENEFITS
ARTICLE 5-112	DISABILITY BENEFITS
ARTICLE 5-113	LIFE INSURANCE
ARTICLE 5-114	OTHER BENEFITS

5-101 COMPENSATION SYSTEM

The City of Gardner's compensation system is designed to reflect the primary core values of recruiting and retaining competent employees, identifying, measuring, and rewarding individual performance, setting salaries to remain competitive while keeping with the City's fiscal capabilities, and being a system that is understandable and consistent. The pay plan works in harmony with the performance evaluation and employee development system and other City personnel procedures to establish a framework for salary increases depending on job performance, labor market conditions, organizational needs, and available budgetary resources. This pay plan applies to all full-time and part-time positions of the City.

5-102 DEFINITIONS

102.1 CHANGE OF STATUS

A change of status occurs when an individual experiences any change to position or salary due to being hired, transferred, receiving a performance increase, or their position being reclassified or re-graded. A written notice of the change of status must be completed and approved by the Department Director, City Administrator, and Human Resources Division for every change of status.

102.2 MARKET ADJUSTMENT

This refers to the percentage of adjustment made to the overall pay plan structure based on such factors as changes in the cost-of-living, changes or increases in salaries and benefits in the City's peer groups, changes or increases in the cost of employee benefits, and the City's financial condition and is subject to approval by the Governing Body.

102.3 ENTRY LEVEL SALARY

This refers to the minimum of the salary range for a position and is generally the starting salary for a new employee.

102.4 LATERAL TRANSFER

A lateral transfer occurs when an employee changes from one position to another within the same salary range.

102.5 PEER GROUP

For the purposes of this Section, peer group means the groups of cities and utilities in close proximity to the City of Gardner designated by the Governing Body to be used for salary and benefit comparison purposes.

102.6 PERFORMANCE EVALUATION DATE

The performance evaluation date refers to the date of an individual's scheduled evaluation, which is either the date of the initial evaluation that occurs at the end of the first six months in the position or thereafter at one-year intervals.

102.7 MERIT INCREASE

This refers to the percentage of salary increase that employees receive as a result of their performance evaluations, subject to appropriation in the annual budget as approved by the City Council.

102.8 POSITION CLASSIFICATION

All positions within the pay plan are classified into salary ranges according to organizational fit, internal equity, labor market conditions, and the position evaluation process.

102.9 PROMOTION

A promotion is the upward movement of an employee into a new or existing position in a higher pay range.

102.10 RE-CLASSIFICATION

Re-classification is an action taken to recognize that the duties, responsibilities and qualifications of an existing position have substantially changed over time to the extent that the position no longer resembles others of its class. A reclassification is the upward or downward movement of a position into a new or existing pay range.

102.11 RE-GRADE

A re-grade occurs when the value of a position changes due to labor market conditions or internal equity considerations. The distinguishing factor between a re-grade and a re-classification is that the job duties of the position have not significantly changed. Department Directors may request that the City Administrator order a review of the position and a salary survey to determine if a re-grade of a position is warranted. If a re-grade is warranted, the position will be placed in a different salary range.

102.12 SALARY ADJUSTMENT

A salary adjustment is any alteration of an individual's salary that is not associated with performance such as a re-classification or re-grade.

102.13 SALARY RANGES

a) **Salary Ranges**

Salary ranges are established for classes of positions. These classifications are based on position characteristics (background requirements, level of responsibility, mental and physical demands and working conditions), market value, organizational fit, and the City's ability to pay and Governing Body approval.

b) **Salary Growth within a Range**

Employees move through the salary range of their position as a function of their performance. On an annual basis, employees may be eligible to earn merit increases.

102.14 TRANSFER

Movement of an employee into a new or different position.

5-103 POSITION EVALUATION PROCEDURES

103.1 PURPOSE

The purpose of the Position Evaluation Procedure is to provide a consistent tool to fairly and objectively determine the appropriate salary range for positions within the City organization.

The salary determination provided for by this process is based on the "size" of the position, the external value of the position, the internal value of the position, and the internal equity of the organization. This procedure should be used for:

- a) Determining a salary range for a new position; or
- b) Re-evaluating a current position for which responsibilities have changed or if the market has created a need to review the salary.

The procedure itself is consistent for all positions, however it should be recognized that it is impossible to totally eliminate subjectivity.

It is important to remember that the process of position evaluation is truly to evaluate the position not the current individual occupying the position. The performance evaluation process provides a means of evaluating the employee. The process is also not a method to provide an increase to an employee who has reached the top of his or her salary range. That process is a different type of situation and not amendable for what this procedure is intended to accomplish. It is important to remember also that the Position Evaluation Process is to provide a “value” for the position within the parameters of the process. Information gathered may show that a position is in a high, low, or appropriate salary range.

103.2 PROCEDURE

The procedure consists of several phases:

- c) Initiation of the evaluation;
- d) Studying and re-writing, if necessary, the job description;
- e) Gathering market data;
- f) Performing a job factor evaluation;
- g) Evaluating organizational fit of the position; and
- h) Making a salary range determination that equitably incorporates the information into the position classification system.

103.3 INITIATING A POSITION EVALUATION

A position evaluation can be initiated for two different reasons:

- i) Salary determination for a new position; or
- j) Re-evaluation of a current position for re-classification determination.

A request for a new position salary determination or a re-classification determination must be made by a supervisor or Department Director. These types of requests may be made at any time. All requests must be approved by the appropriate Department Director and submitted to the City Administrator.

103.4 JOB DESCRIPTION

The first phase of the position evaluation is to write a job description (if it is a new position), or to review the current job description. This is the responsibility of the supervisor of the position. The supervisor should receive input from the employee currently occupying the position.

A revised job description should be submitted to Human Resources by the supervisor. The supervisor should specifically cite (or highlight in the job description) any new duties or responsibilities added to an existing job description. Human Resources will review the format and content of the job description and submit it to the appropriate Department Director for approval.

103.5 GATHERING MARKET DATA

The supervisor shall work with the Human Resources office to gather the salary information necessary for comparison. In gathering salary information, it is important to look for similar positions with similar responsibilities in similar organizations. At least 3 (three) position comparisons should be made.

103.6 JOB EVALUATION

The job evaluation portion of this process allows for assessment of the value of the various responsibilities of the position. This provides a means to compare the position to other positions in the organization. The values chosen are job elements that are shared across department lines, i.e. know how, problem solving, and accountability.

The City Administrator shall determine who shall perform the job evaluation for the position. In most cases, the job evaluation shall be completed by the supervisor or the Department Director, and the Human Resources Division.

103.7 MAKING THE DETERMINATION

The Human Resources Division shall be responsible for summarizing the information from the job description changes, the salary survey, and the job evaluation and making a recommended salary range determination to the appropriate Department Director and the City Administrator. The City Administrator will review and endorse the recommendation, endorse the recommendation with changes, or delay endorsement and request further study. If endorsed, the City Administrator shall determine the date the salary range determination shall become effective (based on budget constraints) and what, if any, changes should be made to the current salary of an individual occupying the position, and make a recommendation to the City Council for authorization. In most cases, if an adjustment is approved, it will be made the first day of the pay period most immediately following completion of the process. The amount of the adjustment will be based on the location of the current employee in the range, but will not usually exceed the amount of a normal merit increase. If substantial discrepancies are shown between the existing salary and the salary range determination, any approved salary change may be implemented over 1 to 2 years.

5-104 NON-EXEMPT POSITIONS

Certain positions are classified as non-exempt positions and are subject to the Fair Labor Standards Act. All regular, part-time, and temporary positions except for those classified as exempt positions are considered non-exempt. Employees working in those positions shall track their time worked in quarter hour increments.

104.1 OVERTIME FOR NON-EXEMPT EMPLOYEES

Employees shall not be permitted to work in excess of their normal work scheduled except when an emergency exists or overtime work is necessary to carry out normal and essential services of the City and is assigned by their supervisor. All overtime shall be pre-approved by the employee's supervisor. Employees who work in excess of their normal work schedule without the approval of their supervisor may be subject to appropriate disciplinary action, up to and including termination.

Non-exempt employees shall be paid overtime pay for hours worked over forty (40) in a workweek. EXCEPTION: Police officers shall be paid overtime pay for hours worked over eighty (80) in a two-week work period.

Overtime pay is one and one half times the employee's hourly rate. Alternatively, overtime may be compensated with compensatory time off at one and one half times the hours worked at the request of the employee and the approval of management or the Department Director. Employees may accrue a maximum of 24 hours compensatory time. The use of comp time must be approved in advance by the employee's immediate supervisor. Comp time must also be tracked through payroll on a time sheet so that the City may be able to determine when comp time has been used and/or accrued. Comp time must be used in one hour increments.

Overtime pay is paid in fifteen (15) minute increments.

104.2 HOURS WORKED BY NON-EXEMPT EMPLOYEES

Hours worked are hours that employees are actually at work or on authorized paid leave, including civil, holiday, military, vacation, sick, leave of absence, administrative, workers' compensation or funeral leave.

Non-exempt employees who are called in to work at a non-scheduled time will be paid for a minimum amount of time as defined by department rules and procedures.

5-105 EXEMPT POSITIONS

Certain positions are classified as exempt positions and are not subject to the overtime provisions of the Fair Labor Standards Act. Other positions may be considered exempt status as duties and responsibilities change. The appropriate Department Director and the City Administrator will make those determinations based on standards set out in the FLSA.

105.1 HOURS WORKED FOR EXEMPT EMPLOYEES

Employees in exempt positions are expected to accomplish the duties and responsibilities of their position during a normal work schedule that has been set out by their supervisor. However, it is anticipated that exempt employees will experience periods during which it will be necessary to work in excess of forty (40) hours per week.

At no time are exempt employees compensated for time worked in excess of forty (40) hours per week. Exempt employees may take reasonable amounts of time off, not to exceed 4 hours at a time, without using vacation or personal leave as long as it does not interfere with performance of their duties and responsibilities. Exempt employees who wish to take leave without using vacation or personal leave, must obtain approval in advance from the employee's immediate supervisor and the immediate supervisor must keep a written log of any such occasions.

5-106 SALARY ADJUSTMENTS

106.1 HIRING

Starting salaries will be determined at the time of hire based on the beginning of the range, the individual's knowledge, skills, ability, and experience in the job duties and responsibilities, and the prevailing market conditions. The starting salary must be approved by the appropriate Department Director and the City Administrator prior to making a job offer.

106.2 PROMOTION

Employees promoted to a position in a higher pay range shall receive a salary increase. The increase shall be sufficient to bring the employee's salary to the minimum of the new range or five percent (5%) whichever is greater. The City Administrator may vary from the terms of the preceding sentence to the extent necessary, in order that the raise be consistent with internal and external equity.

106.3 DEMOTION

In the event an employee is demoted to a lower classification, the employee's salary may be reduced to a point within the lower classification. In no event shall the employee's salary be fixed at an amount greater than they were earning immediately prior to the demotion.

106.4 LATERAL TRANSFER

Employees transferring into a position at the same range shall receive no salary adjustment associated with the transfer.

106.5 RECLASSIFICATION

- a) Employees holding positions designated for reclassification who are performing the duties of the new position at the time of the reclassification will be reclassified with the new position.
- b) Employees holding positions reclassified due to labor market conditions shall receive a salary increase only if their current salary falls below the entry of the new range. The amount of increase shall be sufficient to place the employee's salary at the minimum of the new range.
- c) Employees holding positions reclassified due to a change in duties, responsibilities or qualification shall receive an increase only if the reclassification results in the position being placed in a higher pay range. The increase shall be sufficient to bring the employee's salary to the minimum of the range or five percent (5%) whichever is greater. The City Administrator may vary from the terms of the preceding sentence to the extent necessary, in order that the raise be consistent with internal and external equity.
- d) If a reclassification results in an employee's position being placed in a lower pay range, the employee's salary shall not be reduced. However, if the employee's salary is higher than the maximum salary provided for in the new pay range, the employee's salary shall remain the same until a change in the City's pay and classification system provides for a greater salary for the position.
- e) If it is determined through the position evaluation process that the duties and responsibilities of the position have changed to a significantly different position, but that position is in the same pay range, the employee will receive a lateral transfer to the new position.
- f) The reclassification process should not be used to reward an employee who is performing well in a properly classified position but who possesses potential to perform in a higher level position which the City does not need. It is also inappropriate to use reclassification to provide additional salary growth to an employee who has reached the top of their salary range. Re-classifications will be implemented in accordance with the City Position Evaluation Procedure.

106.6 RE-GRADES

- a) When it is determined that a position should be re-graded, the individual occupying a position that is re-graded may or may not receive a salary increase depending on the difference in current pay and the pay recommended.

- b) Employee salaries that are less than the newly established range minimum for the position shall be brought to the range minimum in the first pay period in which the salary range is effective.

106.7 WORKING OUT OF CLASS

- a) Any employee who is temporarily designated to work longer than ten (10) consecutive working days in a position in a salary range with a higher maximum salary than their own will be compensated at the greater of the minimum of the higher salary range or a five percent (5%) increase while performing in the higher salary range beginning on the eleventh consecutive working day.
- b) No employee shall be assigned to a higher-level position entitling them to “working out of class” pay without approval of the City Administrator.

106.8 EFFECTIVE DATE

All salary adjustments become effective on the date the change of status occurs.

5-107 ECONOMIC ADJUSTMENTS

Employees may receive a salary increase when a market adjustment is made to their job classification or to the overall pay plan structure. Economic market adjustments will be based on several factors including, but not limited to, an employee’s compa-ratio, changes in the cost-of-living, changes and increases in salaries and benefits in similar cities for similar municipal job classifications, changes and/or increases in the cost of employee benefits, and the city’s financial condition.

Based on an analysis of the market factors and upon the recommendation of the City Administrator, the City Council will determine if there should be a general economic adjustment to the salary range structure and set the percentage of increase. All employees will receive a percentage increase that is equal to the overall adjustment to the pay ranges when salary ranges are adjusted. Generally, adjustments to the salary ranges will take place at the beginning of the new fiscal year, however, the City may determine that a general adjustment to the ranges may begin at some other date as the City Council may determine.

5-108 MERIT INCREASES

Any merit pay increases based on performance shall be effective January 1 of the following fiscal year. Merit increases are granted based on the employee’s performance evaluation, however, the performance evaluation may or may not result in a merit increase depending upon performance and available budgetary resources.

5-109 ADMINISTRATIVE PAY CORRECTIONS

The City takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. It is the City's policy to comply with the salary requirements of the Fair Labor Standards Act.

In the unlikely event that there is an error in the amount of pay or if it appears an improper deduction has occurred, the employee should promptly bring the discrepancy to the attention of his Department Director so that corrections can be made as quickly as possible.

5-110 HEALTH AND DENTAL BENEFITS

110.1 EMPLOYEE HEALTH CARE PLAN

110.1.1 Eligibility

All full-time and part-time employees and their qualified dependents are eligible to participate. Elected officials may participate at full cost. The waiting period ends the first day of the month coinciding with or following the date of employment. Eligible employees may enroll within thirty (30) days of the date of hire or during the next open enrollment.

110.1.2 Benefits

The City offers health care coverage. Benefit levels depend on the plan selected.

110.1.3 Cost

Monthly employee costs depend on the coverage plan selected. The City pays an amount fixed annually by the Governing Body for full time employees. The City pays a proportionate amount for part-time employees based upon the average number of hours worked per week. All premiums are deducted pre-tax, as allowed by the Internal Revenue Service.

110.1.4 Plan Documents

Plan documents are available from Human Resources.

110.2 EMPLOYEE DENTAL CARE PLAN

110.2.1 Eligibility

All full-time and part-time employees and their qualified dependents are eligible to participate. Elected officials may participate at full cost. The waiting period ends the first day of the month coinciding with or following the date of employment. Eligible employees may enroll within thirty (30) days of the date of hire or during the next open enrollment.

110.2.2 Benefits

The City offers a dental care plan.

110.2.3 Cost

The employee pays 100% of the costs. All premiums are deducted pre-taxes under a “125 Tax Code”.

110.2.4 Plan Documents

Plan documents are available from Human Resources.

110.3 FLEXIBLE SPENDING PLAN

110.3.1 Eligibility

All full-time and part-time employees are eligible to participate. Eligible employees may enroll within thirty (30) days of the date of hire or during the next open enrollment.

110.3.2 Benefits

The medical account allows employees to make pre-tax deductions for qualified unreimbursed medical and dental costs. The dependent care account allows employees to make pre-tax deductions for qualified dependent care costs.

110.3.3 Cost

The City pays 100% of the administrative costs. The employee chooses their payroll deduction up to a maximum per year as allowable by IRS regulations for unreimbursed medical expenses and dependent care expenses.

110.3.4 Plan Document

Plan document is available for inspection in the Human Resources office.

110.4 EMPLOYEE ASSISTANCE PROGRAM

110.4.1 Eligibility

All full-time and part-time employees and their qualified dependents are eligible to participate. There is no waiting period.

110.4.2 Benefits

The City offers an employee assistance program.

110.4.3 Cost

The City pays 100% of the costs.

110.4.4 Plan Documents

Information is available from Human Resources.

5-111 RETIREMENT BENEFITS

111.1 KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM (KPERS).

111.1.1 Eligibility

KPERS is a mandatory retirement plan administered by the State of Kansas. All employees working in covered positions EXCEPT those employees working as commissioned Police Officers, including individuals in all other full-time and regular part-time positions of the City who meet the KPERS membership requirements, are required to participate. Participation begins on the first day of employment.

111.1.2 Benefits

KPERS is a defined benefit pension plan. Monthly retirement benefit is based on final average salary and years of service. Vesting time for retirement is 5 years. Normal retirement age is 65.

111.1.3 Cost

Employer and employee contributions are determined by the State of Kansas and information will be provided by Human Resources or KPERS.

111.1.4 Plan Documents

The plan is established by state statute. (K.S.A. 74-4901:4998g; 74-49,102:49,117; 74-49a173:49a174, and amendments thereto). The employee will receive an annual statement from KPERS detailing vesting and contribution information. KPERS Employee informational handbooks are available from Human Resources.

111.2 KANSAS POLICE AND FIREMEN'S RETIREMENT SYSTEM (KP&F)

111.2.1 Eligibility

KP&F is a mandatory retirement plan administered by the State of Kansas. All employees working in positions as commissioned Police Officers, including individuals in full-time and regular part-time positions of the City who meet the membership requirements, are required to participate. Participation begins on the first day of employment.

111.2.2 Benefits

KP&F is a defined benefit pension plan. Monthly retirement benefit is based on final average salary and years of service. Vesting time for retirement is 15 years. Normal retirement age varies with age and years of service in the retirement system.

111.2.3 Cost

Employees contribute a percentage of their gross salary as determined by the State of Kansas. The City contributes a percentage that is legislated by the State of Kansas.

111.2.4 Plan Documents

The plan is established by state statute. (K.S.A. 74-4901:4998g; 74-49,102:49,117; 74-49a173:49a174, and amendments thereto). The employee will receive an annual statement from KP&F detailing vesting and contribution information. KP&F Employee informational handbooks are available from Human Resources.

111.3 ICMA-RC SECTION 457 DEFERRED COMPENSATION PLAN

111.3.1 Eligibility

All full-time and part-time employees are eligible to participate. There is no waiting period.

111.3.2 Benefits

ICMA-RC is a voluntary program that allows an employee to save money, tax deferred, for retirement purposes. Employees choose from the investment options available through the plan. There are no vesting requirements.

111.3.3 Cost

There is an administration fee. The employee chooses the amount to be set aside by payroll deduction not to exceed the maximum allowed by law per year. The City will make contributions for those employees working in KPERS covered positions, including individuals in all full-time and regular part-time positions *except* those covered under the KP&F system, who meet or will meet the membership requirements based on the following employee contributions:

KPERS participating employees:

Employees contribute a minimum of 1% of their gross salary to earn the City's 1% match.

111.3.4 Plan Documents

ICMA-RC employee informational handbooks are available from Human Resources.

5-112 DISABILITY BENEFITS

112.1 KPERS AND KP&F DISABILITY INSURANCE

112.1.1 Eligibility

An employee must be member of the KPERS or KP&F Retirement Program to be eligible.

112.1.2 Benefits

Annual benefits for KPERS and KP&F differ. Benefits available under each program are legislated by the State of Kansas.

112.1.3 Cost

The cost is included in the employer's contribution mentioned under the KPERS and KP&F Retirement Plan benefits.

112.1.4 Plan Documents

KPERS and KP&F employee informational handbooks are available from Human Resources.

5-113 LIFE INSURANCE

113.1 TERM LIFE INSURANCE

113.1.1 Eligibility

All full-time and part-time employees are eligible to participate. The waiting period ends on the first day of the month coinciding with or following the date of employment.

113.1.2 Benefits

Fifteen thousand dollars (\$15,000) of group term life and accidental death insurance. Optional spouse/dependent child coverage is available.

113.1.3 Cost

Premiums are paid 100% by the City for the employee. Optional coverage for spouse and/or dependent child(ren) is funded 100% by employee.

113.1.4 Plan Documents

Plan document is available from Human Resources.

113.2 KPERS AND KP&F LIFE INSURANCE

113.2.1 Eligibility

Must be eligible for the KPERS or KP&F Retirement Program to participate.

113.2.2 Benefits

Benefits available through KPERS and KP&F differ. Benefits available under each program are legislated by the State of Kansas.

113.2.3 Cost

The cost is included in the employer's contribution mentioned under the KPERS or KP&F Retirement Plan benefit.

113.2.4 Plan Documents

KPERS and KP&F employee informational handbooks are available from Human Resources.

113.3 KPERS OPTIONAL GROUP LIFE INSURANCE

113.3.1 Eligibility

Employee becomes eligible for KPERS Optional Group Life Insurance on their KPERS or KP&F membership date.

113.3.2 Benefits

Coverage is available to eligible employees in five thousand dollar (\$5,000.00) increments from a minimum base of \$5,000.00 to the maximum coverage of \$250,000.00. Employees are guaranteed \$50,000.00 coverage if coverage is applied for within 30 (thirty) days of their KPERS/KPF membership date without proof of good health. Insurance coverage over \$50,000.00 requires proof of good health.

113.3.3 Cost

The employee pays 100% of the premiums and administrative costs.

113.3.4 Plan Documents

KPERS Optional Group Life information is available from Human Resources.

NOTE: In accordance with I.R.S. regulations, the cost of group-term life insurance that is more than the cost of \$50,000 of coverage must be included in the employee's wages subject to social security and Medicare taxes.

5-114 OTHER BENEFITS

114.1 EDUCATIONAL ASSISTANCE

Full time employees are encouraged to take advantage of education and vocational courses which will help improve their performance in their current positions and/or better themselves for a higher level position with the City.

- A. For purposes of payment for attending courses there are two categories of attendance:
1. Required: The City directs an employee to attend a course, seminar or workshop.
 2. Voluntary: The Employee freely elects to attend a course at a vocational school or institute of higher learning.
- B. Reimbursement for course attendance is as follows:
1. Required: 100% of all course registration costs, books and other required material will be reimbursed.
 2. Voluntary: The City reimburses one hundred percent (100%) of tuition to a maximum of one hundred dollars (\$100) per under-graduate credit hour and one hundred fifty dollars (\$150) per graduate credit hour, and related book fees with the following provisions:
 - a) When taken for credit, the employee must complete the course with a 2.75 grade for undergraduate courses, and a 3.0 grade for graduate courses. When taken as a pass-fail, employee must show proof of passing the course. When taken for non-credit, the employee must show proof of completion.
 - b) Single courses (not part of a degree program) must be shown to be job related.
 - c) Courses taken for a degree (major courses and general requirements) must be for a major in a field directly related to the employee's position or his/her work for the City.
 - d) Total reimbursement per employee will be limited to a maximum of \$1500 per calendar year, and a lifetime maximum reimbursement of \$6,000 provided employee satisfactorily completes the course.

- e) Expenses relating to registration fees, library fees, graduation fees, life learning experiences, calculators, etc., are not eligible for reimbursement.
 - f) Expenses which exceed the limits of this policy may not be carried forward for reimbursement at a future time.
 - g) The granting of assistance is based upon the availability of funds, and this provision does not constitute a guarantee that funds will be available.
- C. All employees must complete a Letter of Intent for Educational Assistance. This application must be submitted and approved by the Department Director and the Human Resources Division prior to course registration. In the event the Human Resources Division rejects the application, the employee may appeal the decision to the City Administrator who will make the final determination.
- D. Separation of Employment:
- 1. If the employee voluntarily leaves the employment of the City of Gardner within 1 year of the completion of the last course for which Educational Expense Reimbursement was paid, the employee shall be liable for all costs of fees and books that have already been reimbursed to the employee by the City for that year. The employee shall only refund to the City the cost for courses completed in the 1 year time period prior to voluntary departure from City employment and for which the employee received reimbursement. The employee must sign an agreement that any refund of Educational Expense Reimbursement will be deducted from the final paycheck. Should the refund total a greater amount than the final paycheck, the employee shall pay the balance before leaving or make arrangements to pay with the City Administrator.
 - 2. If the employee is involuntarily terminated by the City, there will be no liability for costs of books and fees to the City by the employee.
 - 3. An employee who is liable for refund to the City may have a review by the City Administrator for final determination of liability.

114.2 RECREATION DISCOUNT

114.2.1 Eligibility

All full-time and part-time employees and their immediate families. Eligibility begins with the first day of employment.

114.2.2 Benefits

Employees are eligible to receive free individual or family season swimming pool passes for up to a total of five (5) family members limited to themselves, their spouse, and/or their children and step-children eighteen (18) years of age and younger. Additional children and/or stepchildren may be added to the pass for fifteen-dollars \$15.00 each.

114.2.3 Cost

Benefit paid by the City.

114.3 UNIFORM POLICY

The Uniform Policies are available in Appendix.

114.4 UNIFORMS AND SAFETY EQUIPMENT

Whenever the City requires the use of uniforms or safety equipment, the City will pay for its purchase and any maintenance (except laundry and dry cleaning) when such equipment requires it. **EXCEPTION:** In the case of Police, laundry and dry cleaning expenses are included.

114.5 CREDIT UNION MEMBERSHIP

Employees are eligible for membership in a Credit Union. Please see Human Resources for information.

114.6 SUPPLEMENTAL INSURANCE

Employees are eligible for membership in a group employee's supplemental insurance plan. The City will, upon written request of the employee, make deductions from the salary of that employee for group supplemental insurance.

114.7 DIRECT DEPOSIT

Employees are eligible to participate in the City's direct deposit program. The direct deposit program enables the deposit of all or a portion of an employee's net pay to be made in the employee's choice of financial institutions. Employees may split the amount of their direct deposition into a maximum of five accounts. The deposit is accomplished through an electronic funds transfer and is available in the employee's designated account(s) on the morning of the normal payday. The City has no responsibility for liability for the deposits once they are made to the designated account(s). Direct deposit forms are available from Human Resources.



SECTION 6 – LEAVE TIME

SECTION 6. LEAVE TIME

ARTICLE 6-101	TYPES OF LEAVE
ARTICLE 6-102	GENERAL PROVISIONS
ARTICLE 6-103	COURT APPEARANCE
ARTICLE 6-104	HOLIDAYS
ARTICLE 6-105	MILITARY LEAVE
ARTICLE 6-106	VACATION LEAVE
ARTICLE 6-107	SICK LEAVE
ARTICLE 6-108	FAMILY AND MEDICAL LEAVE ACT (FMLA) POLICY
ARTICLE 6-109	LEAVE OF ABSENCE
ARTICLE 6-110	FUNERAL LEAVE
ARTICLE 6-111	INJURY LEAVE
ARTICLE 6-112	ADMINISTRATIVE LEAVE

6-101 TYPES OF LEAVE

101.1 Types Of Leave

The following types of leave are allowed for full-time and part-time employees:

- a) Civil
- b) Holidays
- c) Military (Reserves and Active Duty)
- d) Vacation
- e) Sick
- f) Family and Medical
- g) Leave of Absence
- h) Administrative
- i) Worker's Compensation
- j) Funeral

Seasonal and temporary employees are not eligible for paid leave.

6-102 GENERAL PROVISIONS

Employees must complete an "Employee Leave Request Form" as far in advance as possible of the requested time off and submit it to their supervisor for approval.

All leave time must be recorded by each department and forwarded to the Finance Department with bi-weekly payrolls.

The Finance Department will maintain records for the period of time prescribed by law.

All leave time shall be recorded to the nearest quarter hour (fifteen minutes).

Benefit continuation varies depending on the type of leave.

No employee shall be permitted to use any leave time for participating in any unlawful work stoppage.

At no time shall any employee in an exempt position be docked pay for any part of one working day.

6-103 COURT APPEARANCE

Full-time employees who are summoned to serve jury duty or subpoenaed to appear as a witnesses in cases where they are neither the plaintiff nor defendant, shall make arrangements with their supervisor to comply with the order. Employees shall provide a copy of any payment for service (excluding expense reimbursement) to their supervisor for inclusion with the affected payroll. The City will subtract that amount from the employee's regular pay based on their normal work schedule. Employees selected for jury duty or subpoenaed to appear as a witness in a case where they are neither the plaintiff nor defendant, or who are required to make a court appearance in an official capacity in connection with City business will be considered to be on duty. Employees shall give notice as far in advance of the court date(s) as possible.

6-104 HOLIDAYS

All full-time and part-time employees of the City shall be scheduled off or receive compensation for the following holidays:

- | | | |
|----|------------------------|--|
| a) | New Year's Day | January 1 |
| b) | Martin Luther King Day | Third Monday in January |
| c) | Memorial Day | Last Monday in May |
| d) | Independence Day | July 4 |
| e) | Labor Day | First Monday in September |
| f) | Veterans' Day | November 11 |
| g) | Thanksgiving Day | Fourth Thursday in November |
| h) | Day after Thanksgiving | Friday after Fourth Thursday in November |
| i) | Christmas Eve | December 24 |
| j) | Christmas Day | December 25 |
| k) | Personal Day | Unspecified |

From time to time on special occasions, the Governing Body may designate other days as special holidays.

Holidays that fall on a Saturday will normally be observed on the preceding Friday and those which fall on a Sunday will normally be observed on the following Monday. In the case of Christmas Eve and Christmas Day falling on Friday and Saturday, the holidays will be observed on the preceding Thursday and Friday. In the case of Christmas Eve and Christmas Day falling on Sunday and Monday, the holidays will be observed on Monday and the following Tuesday. All holidays begin at 12:01 a.m. and end at 12:00 midnight.

Non-exempt employees who are required to work on a City-observed holiday will be paid one time their hourly rate for hours worked up to eight (8) hours, in addition to the holiday pay. Work performed over eight (8) hours will be paid at double the hourly rate. Non-exempt employees must actually be on duty to receive the above pay.

EXCEPTION: Police Department personnel working shifts that include holidays and weekends, and are not scheduled to work the holiday, shall receive additional pay at their regular hourly rate for eight (8) hours of holiday pay. Police Department personnel must have eighty (80) hours recorded on their timesheet in order to receive eight (8) hours of holiday pay. Vacation, personal leave or overtime can be used to complete the eighty (80) hours. Work performed over eight (8) hours will be paid at double the hourly rate.

Personal Days must be used within the calendar year. Upon termination or resignation, an employee shall be compensated for any unused Personal Days. Employees are eligible for the Personal Day if they are employed on January 1 (or the first business day) of the current year. Personal days must be used within the calendar year.

6-105 MILITARY LEAVE

Employees serving in the uniformed services of the United States and the State of Kansas including the Armed Forces, the Army National Guard and the Air National Guard and the Kansas National Guard on active duty, active duty for training, inactive duty for training, National Guard duty, Kansas National Guard or other Kansas state guard duty, and time taken off for an examination to determine fitness to do any of the above shall be granted military leave in accordance with applicable state federal law.

105.1 Reserve Duty

- a) Employees who are members of the reserve components of any branch of the United States military service of National Guard will be granted military leave for the purpose of participating in required weekend and annual training.
- b) Employees may elect to receive the difference between the military pay received and their authorized salary from the City of Gardner. This difference may not be paid to exceed 10 (ten) regular working days in any one (1) calendar year and will be determined on a daily salary comparison of base pay. In order to receive compensation, employees must present a statement of earnings from the military to their Department Director.
- c) Employees may, at their option, use vacation leave to fulfill military duty.
- d) Employees involved in the reserves shall give notice as far in advance of weekend and annual training as possible.

105.2 Active Duty

- a) Employees who are called to active duty (full-time, long-term active military service that doesn't allow work at other occupations) will be granted military leave in accordance with applicable state and federal law.
- b) Employees may elect to take military leave for active duty without pay. If an employee elects to take military leave for active duty without pay, the City will pay the employee's and the City's portion of health insurance for a period of six months. After six months, employees may elect to continue health insurance coverage at their own expense. Employees will not receive holiday pay while on military leave for active duty without pay.
- c) Employees may elect to use their accrued vacation leave while on active duty. All benefits continue in the same manner as if the employee is actively at work.

105.3 Reinstatement Following Leave

Employees returning from active duty will be reinstated in accordance with the provisions of the federal Uniform Services Employment and Reemployment Rights Act of 1994 or the Kansas military leave laws, depending on whether the employee is serving in the federal or Kansas military service. To be eligible for reinstatement, the employee must provide notice of intent to return within certain time limits as specified by law.

6-106 VACATION LEAVE

Vacation leave shall be earned and accrued from the most recent date of employment under the conditions hereinafter stated. Vacation will be considered to be earned and accrued at the end of the last day of the payroll period. Approved vacation may be used as soon as it is accrued. Vacation may not be taken during the same period during which it is being earned.

Vacation leave accrual will begin the first day of the first complete pay period the employee works. Changes in vacation accrual will be effective the first pay period following the individual's employment anniversary date (27th pay period).

Employees shall not accumulate more than one and one-half times the amount of their annual vacation accrual at any time. Vacation accrual will cease until the accumulation is within the established limits. Employees may not waive vacation leave for the purpose of receiving pay in lieu of time off. Employees who are making a reasonable effort to use accrued vacation leave, but due to extenuating circumstances are unable to use the leave within the allotted time-frame may be granted additional time in which to use the accumulated leave by the City Administrator.

Employees must use vacation in one quarter hour (15 minute) increments, or as determined by departmental guidelines.

Vacation requests may be denied based on workload needs of the department. Employees may be recalled from vacation leave or may have their scheduled vacation leave postponed in the event the Department Director declares that an emergency situation exists. When an employee is recalled from vacation leave, the employee's vacation leave will be re-scheduled at the earliest convenient time.

The Finance Department is responsible for maintaining adequate records for each employee that reflects accrual, usage, and accumulation of vacation time for all employees. Supervisors are responsible for monitoring balances and considering those when reviewing vacation leave requests.

Department Directors shall establish guidelines for scheduling vacations, including prior notification requirements. Employees are urged to take vacations during "off-peak" periods of their department's workload.

Paid holidays that occur during a vacation leave are not counted as a day of vacation.

Sick leave may be substituted for scheduled vacation leave if the employee is unexpectedly faced with a situation that is considered sick leave. A written substantiation of the situation may be required upon the employee's return to work.

Upon resignation or termination an employee will be compensated for any accumulated unused vacation leave.

106.1 FULL-TIME EMPLOYEES

Each full-time employee shall accrue vacation leave at the following rate:

a)	Before 1 year service	3.077 hrs/pay period
b)	After 1 year service	3.231 hrs/pay period
c)	After 2 years service	3.385 hrs/pay period
d)	After 3 years service	3.539 hrs/pay period
e)	After 4 years service	3.693 hrs/pay period
f)	After 5 years service	3.847 hrs/pay period
g)	After 6 years service	4.000 hrs/pay period
h)	After 7 years of service	4.154 hrs/pay period
i)	After 8 years service	4.308 hrs/pay period
j)	After 9 years service	4.462 hrs/pay period
k)	After 10 years service	4.616 hrs/pay period
l)	After 11 years service	4.770 hrs/pay period
m)	After 12 years service	4.924 hrs/pay period
n)	After 13 years service	5.077 hrs/pay period
o)	After 14 years service	5.231 hrs/pay period
p)	After 15 years service	5.385 hrs/pay period
q)	After 16 years service	5.539 hrs/pay period
r)	After 17 years service	5.693 hrs/pay period
s)	After 18 years service	5.847 hrs/pay period

- t) After 19 years service 6.000 hrs/pay period
- u) After 20 years service 6.154 hrs/pay period

EXCEPTION: All exempt positions may be granted accumulated vacation leave and may be allowed to accrue vacation leave at an alternative rate as may be approved by the City Administrator.

106.2 PART-TIME AND TEMPORARY EMPLOYEES

All part-time employees accrue vacation leave at a proportional rate.

Temporary employees do not accrue vacation leave.

6-107 SICK LEAVE

107.1 FULL-TIME EMPLOYEES

All full-time employees accrue sick leave at a rate of 3.692 hours per pay period. All part-time employees accrue sick leave at a proportional rate.

Sick leave will be considered to be earned and accrued at the end of the last day of the payroll period. Approved sick leave may be used as soon as it is accrued. (Sick leave may not be taken during the same period during which it is being earned).

107.2 PART-TIME AND TEMPORARY EMPLOYEES

All part-time employees accrue sick leave at a proportional rate.

Temporary employees do not accrue sick leave.

107.3 REASONS FOR TAKING SICK LEAVE

Sick leave may be used for the following purposes:

- a) Personal illness or injury, including maternity.
- b) An appointment with a health care provider. Employees are expected to attempt to schedule medical appointments at the beginning or end of their normal work schedule.
- c) To attend to a member of the employee's immediate family whose illness requires the employee's presence.
- d) To attend to wife or family in the case of a new child.
- e) Any other leave provided for by the Family Medical Leave Act.

Employees must use sick leave in one quarter hour (15 minute) increments.

To be eligible for paid sick leave employees shall notify their immediate supervisor of their intention and reason for taking sick leave as far in advance as possible of the time needed. Employees must notify their supervisor of an intended absence no later than within fifteen (15) minutes of their regular shift start. Employees who do not notify their supervisor of sick leave within the required time limits will be considered on unauthorized leave. Employees must keep the supervisor informed of their condition each day of their absence.

An employee who takes sick leave may be required to submit a statement from a health care provider within 24 hours after returning to work.

Employees have the option of using accrued vacation leave when sick leave has been exhausted. Employees may request a leave of absence without pay if all paid leave has been exhausted.

Employee shall be allowed to accumulate a sick leave reserve up to a maximum of 1040 hours (130 days).

Employees who have accumulated the maximum sick leave reserve shall be compensated annually for sick leave that would have otherwise been accumulated, at a rate of twenty dollars (\$20.00) per day (8 hours).

Upon termination or resignation, an employee will not be compensated for any accumulated unused sick leave.

6-108 FAMILY AND MEDICAL LEAVE ACT (FMLA) POLICY

The Family Medical Leave Act (FMLA) is a federal statute that originally took effect on August 5, 1993. The purpose of the Act is to assist employees in balancing work, life and family matters by providing for unpaid leave for special health or family-related needs. Upon returning to work from FMLA leave, employees may be reinstated in their own or equivalent positions without requalifying for benefits.

Our Family and Medical Leave policy will be interpreted in accordance with the federal Family and Medical Leave Act, its current regulations and all other applicable laws. To the extent that these policies may conflict with those laws, those laws shall control. Further, we retain all rights and defenses under applicable law, whether or not specifically set forth in these policies.

Consistent with Federal Law, after a 12-month wait for initial eligibility (having worked at least 1,250 hours), an employee may take as much as 12 work weeks of unpaid leave within 12 months 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 with a serious health condition;

- to deal with the employee's serious health condition that renders the employee unable to perform the essential functions of the employee's job; and/or,
- A "qualifying exigency" as defined below and related to an employee's spouse, son, daughter or parent's active duty in the United States Armed Forces, and deployed to a foreign country.

An employee who is the spouse, son, daughter, parent or next of kin to a covered service-member is also entitled to a total of twenty-six (26) weeks of unpaid leave during a single 12-month period for the following reasons:

- Leave to care for a covered service member on the temporary disability retired list, who has a serious injury or illness or is in outpatient status ("military caregiver leave").

During this period, the City will continue its contribution to the employee's health insurance premium at the rate that existed prior to the absence. Employees are required to use accrued sick leave until Short Term Disability begins on the 15th day, as part of the FMLA leave. During Short Term Disability, the use of accrued vacation and sick leave is optional. If the employee is not eligible for Short Term Disability during their FMLA leave, he or she is required to use all vacation and sick leave accruals until it is exhausted.

108.1 DEFINITIONS

"Spouse" means a husband or wife as defined or recognized under State law for purposes of marriage, including common law marriage in states where it is recognized.

"Parent" means a biological, adoptive, step or foster father or mother, or any individual who stood in as a parent when the employee was a son or daughter. The term "parent" does not include parents "in law" (e.g. mother-in-law or father-in-law).

"Son" or "daughter" means a biological, adopted, or foster child; a step-child; a legal ward; or a child of a person or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability" at the time that FMLA leave is to commence.

"Next of kin of a covered service member" means the nearest blood relative of that individual other than the covered service member's spouse, parent, son, or daughter in the following order of priority: blood relatives who have been granted legal custody of the covered service member, brothers and sisters, grandparents, aunts and uncles, and first cousins unless the covered service member has designated in writing a specific blood relative as his next of kin for purposes of military caregiver leave under the FMLA.

"Covered service member" means a member of the Armed Forces including the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is on the temporary disability retired list, for a serious injury or illness.

A **“covered military member”** is defined as an employee’s spouse, son, daughter or parent who is on active federal military duty or has been called to active federal military duty status for the United States Armed Forces.

A **“qualifying exigency”** includes:

- a) Short notice deployment: to address issues arising when a covered military member is called to active duty within 7 or less days of such deployment. Leave for a short notice deployment may be taken for seven (7) calendar days or less beginning on the date of the covered military member’s notice of such leave;
- b) Military events and related activities: to attend official ceremonies, programs or events sponsored by the military that are related to the active duty status of a covered military member or to attend programs and informational briefings sponsored or promoted by the military, military service organizations or the American Red Cross that are related to active duty status of a covered military member;
- c) Childcare and school activities: to arrange for or provide urgent childcare when the call to active duty of a covered military member necessitates a change in an existing childcare arrangement for a covered military member’s child; to enroll in or transfer to a new school a covered military member’s child; and to attend meetings with school or daycare staff of a covered military member’s child;
- d) Financial and legal arrangements: to make or update financial or legal arrangements to address the covered military member’s absence while on active duty or to act as the covered military member’s representative for the purpose of obtaining benefits;
- e) Counseling: to attend counseling for the covered military member or a covered military member’s child;
- f) Rest and recuperation: to spend time with a covered military member who is on short-term, temporary, rest and recuperation leave during a period of deployment. Eligible employees may take up to five (5) days of leave for rest and recuperation;
- g) Post-deployment activities: to attend official ceremonies or programs sponsored by the military in the 90 days following the termination of the covered military member’s active duty status or to address issues that arise from the death of a covered military member; and
- h) Additional activities: to address other events that arise out of the covered military member’s active duty or call to active duty provided that the

employer and employee agree that the leave shall qualify as an exigency and agree to the timing and duration of such leave.

A “serious health condition” is defined as a condition involving “inpatient care” or “continuing treatment” by a health care provider. Where inpatient care is not involved, the Act requires three (3) or more days absence from work (or incapacity to perform daily activities, in situations of caring for a family member) before a health condition will qualify for leave. Continuing treatment generally means two (2) or more visits to a health care provider, the first of which must occur within seven (7) days of the first day of incapacity and the second within thirty (30) days of incapacity.

A “serious injury or illness” means an injury or illness incurred by a covered service member in the line of duty on active duty in the United States Armed Forces that may render the individual medically unfit to perform the duties of the individual’s office, grade, rank or rating.

“Outpatient status” means the status of a covered service member assigned to either a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control to members of the United States Armed Forces receiving care as outpatients.

A “contingency operation” means a military operation that is (a) designated by the Secretary of Defense as an action where the United States Armed Forces are or may become involved in military actions or b) results in members of the United States Armed Forces being called to active military duty, as defined by law.

108.2 AMOUNT OF FMLA AVAILABLE

An eligible employee may take up to 12 work weeks of unpaid leave during the “12-month period” for any one, or combination, of leave for birth or adoption of a child, for the serious health condition of the employee or the employee’s spouse, child or parent or for a qualifying exigency. The 12-month period is a “rolling” 12-month period measured backward from the date an employee uses any FMLA leave.

An eligible employee may also take up to twenty-six (26) weeks in a single 12-month period for military caregiver leave. The 12-month period is a “rolling” 12-month period measured forward from the date an employee uses any military caregiver leave. Any employee who is eligible for and takes a portion of his or her twenty-six (26) weeks of military caregiver leave, but not the entire twenty-six (26) weeks forfeits the remaining portion of the leave that was not used within one (1) year.

FMLA leave for the birth or placement of a child must conclude 12 months after the birth or placement. Leave for the birth or placement of a child may only be taken on an intermittent basis with the City’s approval.

If spouses are both employed by the City, they may take a combined total of 12 weeks of FMLA leave within the “12-month period” for any birth or placement of a child or to

care for a seriously ill parent or dependent or a combined total of twenty-six (26) weeks within the “12-month period” to care for a covered service member, both of which can be split between spouses in any proportion. Any such leave taken by each employee shall be charged against that employee’s available 12 weeks of FMLA leave for his/her own serious health condition or to care for a child or spouse with a serious health condition or 26 weeks of FMLA leave to care for a covered service member.

108.3 CERTIFICATION

The City requires an employee seeking leave of more than 3 days for any medical purpose to submit medical or other documentation on a special form at the time of:

- initial request;
- 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; or,
- re-certification routinely during FMLA leave.

The City can seek clarification through its own provider and/or require the employee to undergo a second independent examination at the City’s cost.

Certification forms can be obtained from Human Resources. All certification (and re-certification) forms must be submitted to Human Resources within 15 calendar days of the City’s request for a certification.

108.4 FMLA LEAVE REQUESTS

Employees should request FMLA leave by completing the Request for Family Medical Leave form and submitting it to Human Resources. Employees should provide notice at least 30 days in advance of the requested leave, whenever possible. When an unexpected situation develops, the employee should notify the City as soon as possible. The employee will be notified whether the leave has been designated as FMLA. When possible, employees should schedule foreseeable medical treatments so as to minimally disrupt the City’s operations.

All requests for FMLA leave must fully explain the reasons for leave to allow the City to determine whether the leave actually qualifies under Federal Law. If an employee refuses or fails to give reasons for requesting FMLA leave or refuses or fails to provide a proper certification, the City may deny leave until such information is provided

In cases of leave for the employee’s own serious health condition or that of a spouse, child, or parent, or to care for a covered service member or a qualifying exigency, the eligible employee may take FMLA leave intermittently or on a reduced schedule, when such leave is certified as medically necessary where appropriate. If an employee requests intermittent or reduced-schedule leave for a planned medical treatment, the City may

temporarily transfer the employee to an alternative position, for which the employee is qualified, and which has equivalent compensation and benefits, which better accommodates such irregular leave. Please keep in mind that during FMLA leave, the employee is deemed unable to work unless written approval has been obtained from a doctor.

108.5 INTERIM BENEFITS

Under FMLA, the City will maintain the same level of coverage under the group health plan for the duration of an employee's FMLA leave.

The employee is responsible for payment of his/her portion of health insurance premiums during such leave just as if he/she were still on the City's payroll. Employees will receive advance notice of the costs, and a schedule for remitting these payments will be provided. If the payment is more than 30 days overdue, the City's obligation to continue health-care coverage ceases. If health coverage is discontinued because the employee has not made the required interim payments while on FMLA leave, upon the employee's return from FMLA leave, health benefits will be restored to the employee as if the leave had not been taken and the premium payment(s) had not been missed. The City will then recoup the missed payments through payroll deductions.

If the employee does not return from scheduled FMLA leave, except for circumstances beyond the employee's control, the City Affiliates may consider the employee to have voluntarily resigned and recover all health premiums it paid on the employee's behalf during the FMLA leave. The City may require medical certification of any alleged, continued serious health condition.

108.6 REINSTATEMENT

An employee is entitled to return from a qualifying FMLA leave to the same or equivalent position with equivalent benefits, pay and other terms and conditions of employment, and without loss of job seniority or any other status or benefits accrued prior to FMLA leave, if all FMLA leave requirements are met, and provided the employee would still be employed if FMLA had not been taken.

Certain "key employee" (for example, a salaried employee who is among the highest paid 10% of all employees at the work site) may be denied reinstatement, if necessary, to prevent substantial and grievous economic injury to the City's operations.

An employee who gives notice of intent not to return to work or fails to return to work will be considered to have voluntarily resigned. Such voluntary resignation may be a qualifying event entitling the employee to the option of continuing his or her health-care coverage under COBRA.

108.7 USE OF PAID LEAVE FOR FAMILY AND MEDICAL LEAVE

Employees must use all accrued paid leave concurrently with any FMLA leave. Paid leave includes sick leave, vacation leave, personal days, and comp time prior to using

unpaid leave. All paid and unpaid leave meeting the FMLA criteria will be considered as family and medical leave and will be counted toward the 12-week period. While paid leave is being taken, employees will continue to accrue vacation and sick leave, and can use that accrual in the next pay period if applicable. Performance increases which would have been effective during a time when an employee is on approved family and medical leave will be enacted upon their reinstatement and made retroactive related to any paid time that the employee received during their family and medical leave.

6-109 LEAVE OF ABSENCE

Employees, upon written request, and with the approval of their Department Director, may be granted a leave of absence without pay for a period of up to 30 (thirty) days. No leave of absence without pay will be authorized until all paid leave has been exhausted. Leaves of absence for periods up to 60 (sixty) days may be granted by the City Administrator. Leaves of absence for periods greater than 60 (sixty) days may be granted by the City Council upon recommendation by the City Administrator.

At the expiration of the leave of absence without pay, employees have the right to be reinstated to the position vacated. During the employee's absence, the position may be filled by temporary appointment.

Benefits Available: No sick or vacation leave will accrue to an employee during a leave of absence without pay. Employees will not be paid for holidays that occur during a leave without pay. All other benefits will continue.

6-110 FUNERAL LEAVE

If an employee wishes to take time off due to the death of a family member, the employee should notify his or her supervisor immediately. Up to three days of bereavement leave will be provided to eligible employees for the death of their spouse, parent or child, or other family members (as defined below). Any employee may, with management or the Department Director's approval, use any available paid leave for additional time off as necessary.

The City defines "other family members" as the employee's spouse's parent; the employee's and employee's spouse's siblings, grandparents, grandchildren, stepparents, stepchildren, and the employee's child's spouse.

6-111 INJURY LEAVE

Any employee injured on the job shall be eligible to receive injury leave with pay during the seven (7) day waiting period for worker's compensation claims.

6-112 ADMINISTRATIVE LEAVE

The Human Resources Division and a Department Director may institute an administrative leave with or without pay when:

- a)** An employee has been arrested for a serious crime and is imprisoned pending trial or released on bail pending trial; or
- b)** An employee has been charged with misconduct while on the job and the misconduct is being investigated or a disciplinary action is pending.
- c)** An employee has filed a complaint of misconduct and the misconduct is being investigated.
- d)** Reasonable suspicion that an employee is under the influence of drugs or alcohol;
- e)** An employee endangering themselves, other employees, or members of the public; or
- f)** An employee being grossly insubordinate and causing disruption of normal operations.

Employees may be granted administrative leave for up to a maximum of 30 (thirty) days. All normal benefits will continue during the administrative leave.



SECTION 7 - DISCIPLINE

SECTION 7. DISCIPLINE

ARTICLE 7-101	SCOPE AND PURPOSE
ARTICLE 7-102	REASONS FOR DISCIPLINARY ACTION
ARTICLE 7-103	TYPES OF DISCIPLINARY ACTION
ARTICLE 7-104	IMPLEMENTATION OF DISCIPLINARY ACTION
ARTICLE 7-105	APPEAL PROCESS

7-101 SCOPE AND PURPOSE

The purpose of this policy is to provide the process for how the City Administrator, Department Directors, and supervisors shall implement disciplinary action. Further, it outlines the process by which employees may request review by the City Administrator regarding disciplinary action imposed upon them.

All city employees are expected and required to meet acceptable performance standards and otherwise conduct themselves in an appropriate manner during the course of their employment.

7-102 REASONS FOR DISCIPLINARY ACTION

The following may be reason for disciplinary action, but it should be understood that this is not a complete list and other conduct may be subject to disciplinary action up to and including immediate termination.

- a) Any violation of the Personnel or Administrative Policies and Rules of the City of Gardner, or any department or division policies, procedures, rules or regulations.
- b) Commission of a criminal act and the subsequent finding of guilt by a court of law when the criminal act directly affects the employee's ability to perform the duties of his or her position; or directly relates to the duties and responsibilities of the position.
- c) Being in the possession of or drinking alcoholic or cereal malt beverages, being intoxicated or being in the possession of or using or being under the influence of illegal drugs while on duty or while on public property during the work day, including meal breaks.
- d) Refusing to work when called back for an emergency by the Department Director or supervisor or failing to appear when scheduled for emergency work.
- e) Exhibiting offensive conduct or using offensive or inappropriate language toward the public, City officials, or other employees.
- f) Insubordination or violation of any lawful and reasonable official regulation made by the employee's supervisor.

- g) Inducing, or attempting to induce, any City official or employee to commit an illegal act or to act in violation of any lawful and reasonable departmental or official regulation, or to participate therein.
- h) Willfully or corruptly deceiving or obstructing any person in respect to that person's right to take part in any examination for admission or promotion in the City service.
- i) Furnishing special or confidential information for the purpose of either improving or injuring the prospects or chances of a person tested or to be appointed.
- j) Failure to follow prescribed safety procedures including failure to notify the supervisor or Department Director of unsafe working conditions, or engaging in unsafe acts.
- k) Damaging City property either intentionally or as a result of negligence.
- l) Taking leave without authority, failure to notify supervisor of intended absence, walking off the job without permission, tardiness, excessive absenteeism, or any absence in excess of two consecutive days not specifically covered by authorization or excused by the employee's supervisor.
- m) Violation of the Ethics and Conduct Policy set forth herein which includes, but is not limited to, solicitation or receipt from any person of, or participation in, any fee, gift or other valuable thing that is given in the hope or expectation of receiving a favor or better treatment than that given to other persons.
- n) Knowingly falsifying information on a job application or other required personnel forms, or other City document.
- o) Unauthorized possession of firearms or other weapons on the job.
- p) Engaging in physical fighting with a supervisor, co-worker, or citizen.
- q) Harassing, molesting, or bothering other employees or any action or omission of action to the extent the employees are unable to complete their assigned tasks, or the effective operation of City services is impaired.
- r) Engaging in activities which disrupt or interfere with the regular work activities of a section, division, or department including failing to report for duty or not to work at usual capabilities in performance of normal duties.
- s) Using official position with the City government or using City equipment without authorization for personal purposes or activities.
- t) Using information obtained as an employee of the City to advance personal, financial, or other private interests.
- u) Writing a personal check for payment to the City for which there are insufficient funds in the employee's bank account.
- v) Stealing City funds or property or removing City funds or property without authority.
- w) Theft or any criminal act.

- x) A traffic violation.
- y) Theft of City funds or property.
- z) Commission or omission of acts by an employee which makes the taking of a disciplinary action necessary or desirable for the efficient conduct of the business of the City or for the best interest of the City government.
- aa) Revocation or suspension of a certification or license, including a driver's license, when such is required as a condition of city employment, or failure to obtain or renew any necessary or required license or certification.
- bb) Any act which reflects negatively upon the City.
- cc) Any act of inappropriate discrimination by an employee of the City of Gardner.
- dd) Failure to cooperate with other employees, citizens or other members of the public in a professional, courteous, and polite manner.
- ee) Allowing a personal relationship with a co-worker, contractor, or customer to interfere with the satisfactory performance of job duties.
- ff) Unsatisfactory performance of job duties and responsibilities.
- gg) Abuse of leave time or claiming leave time under false pretenses.
- hh) Falsifying any City record or other City document.
- ii) Sleeping on the job.
- jj) Having sex or performing sexual acts while on duty or on City property.
- kk) Any type of fraud, including that which benefits the City.
- ll) Witnessing another employee violating the law while on duty and/or on City property and not reporting the violation to a supervisor, Department Director, or City Administrator.
- mm) Violating any lawful or reasonable order, rule or regulation.

7-103 TYPES OF DISCIPLINARY ACTION

103.1 VERBAL WARNING

A verbal warning is an oral reprimand given by the employee's supervisor. All verbal warnings shall be documented in writing.

103.2 WRITTEN REPRIMAND

A written reprimand is a written notification of the employee's unsatisfactory performance or other violation of the Personnel Policies, Administrative Policies and Procedures, and/or other City or departmental policies.

103.3 SPECIAL PROBATION

A special probation is a period of a specified length of time during which the employee is required to fulfill a set of conditions to improve work performance or on-the-job behavior. Failure to meet the special probationary requirement will result in additional disciplinary action up to and including termination. An employee may be placed on special probation in conjunction with another form of disciplinary action as defined in this section. An employee is not eligible for any performance salary increase during a special probation. The notice of special probation will state the length of time for the probation and when the employee will be eligible for the next performance increase.

103.4 SUSPENSION

A suspension is the removal of an employee from the workplace for a specified period of time with or without pay. The length of suspension will reflect the severity of the employee's misconduct.

103.5 DEMOTION

A demotion is a placement of an employee into a lower job classification as a result of disciplinary action.

103.6 TERMINATION

A termination is the permanent removal of an employee from the City's employment.

7-104 IMPLEMENTATION OF DISCIPLINARY ACTION

Disciplinary action should occur in a timely fashion.

The disciplinary action taken should correspond to the degree of the violation, the situation and context in which the violation occurred, the impact on the organization, the employee's past work performance and disciplinary history, and the expected effect of such actions on the future job performance of the employee.

The City Administrator and the Department Directors shall have responsibility for all disciplinary action but may delegate this authority to supervisors. Supervisors' authority with regard to implementing disciplinary action should be guided by department policy. Department Directors and supervisors are required to consult with Human Resources prior to the implementation of disciplinary action.

In all cases of disciplinary action, the supervisor shall meet with the employee to discuss the reasons for the action and explain, in full, the disciplinary action taken.

In all cases of disciplinary action, a written notice of the action, signed by the Department Director or supervisor stating the reasons for such action will be given to the employee. The employee shall sign an acknowledgment of receipt. The employee's signature does not

necessarily indicate agreement. A copy of the written notice and original acknowledgment shall be provided to the Human Resources Division for inclusion in the employee's personnel file.

In cases of suspension, demotion, or termination, the notice of disciplinary action shall contain information explaining the employee's right to appeal the action and a form that allows the employee to waive their right to that appeal.

7-105 APPEAL PROCESS

The appeal process is available to all full and part-time employees, except sworn officers of the Police Department. Sworn officers of the Police Department shall abide by specific policies and procedures related to discipline and review as set out departmentally.

An eligible employee may request a review of the disciplinary action before the City Administrator in cases of suspension, demotion, and termination.

The employee must submit a written request for a review to the City Administrator within seven (7) calendar days of the date they are notified of the disciplinary action. The request shall include the issues in question and what relief is sought. The City Administrator shall arrange a hearing within two (2) weeks of receipt of the written request. This time can be extended for reasonable cause.

A hearing will be held offering the opportunity for the employee and the supervisor to present the facts and considerations surrounding the disciplinary action.

- a) The Human Resources Division will serve as an impartial facilitator of the review process. Responsibilities shall include establishing a fair and reasonable schedule, approving in advance and coordinating any witnesses, and providing documentation for the hearing. The judgment of the Human Resources Division is final with regard to review protocol.
- b) No legal counsel will be allowed to represent either party at the hearing.
- c) The City Administrator may interview the employee, supervisor, Department Director, or any other parties involved prior to making a decision.

At the conclusion of the review process, the City Administrator shall render a decision to uphold, overturn, or modify the disciplinary action imposed. The decision shall be put in writing and a copy provided to the employee, the Department Director, and filed in the employee's personnel file. The decision of the City Administrator is final.



SECTION 8 - ETHICS

SECTION 8. CODE OF ETHICS

ARTICLE 8-101	ETHICS AND CODE OF CONDUCT
ARTICLE 8-102	CUSTOMER SERVICE
ARTICLE 8-103	ANTI-HARASSMENT POLICY
ARTICLE 8-104	E-MAIL, INTERNET, INTRANET AND VOICEMAIL USE
ARTICLE 8-105	DRUG AND ALCOHOL REQUIREMENTS

8-101 ETHICS AND CODE OF CONDUCT

101.1 EMPLOYEES' CODE OF CONDUCT

In the discharge of their duties, employees of the City of Gardner will adhere to the following code of conduct:

- a) Employees of the City shall give fair and equal treatment to every citizen.
- b) Employees shall not grant special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.
- c) Employees shall not engage in any business or transaction, or have financial or other personal interest, direct or indirect, that is incompatible with the proper discharge of official duties in the public interest or would tend to impair independent judgment or action in the performance of official duties.
- d) Employees who have a financial or other private interest in any proposed City legislation shall disclose the nature and the extent of such interest.
- e) It is recognized that the exchange of minor tokens of appreciation is a courtesy common to the business world. City employees are therefore authorized to accept such unsolicited minor tokens of appreciation as long as the acceptance thereof does not tend to influence or appear to influence their judgment. Employees should consult with their supervisor if they are uncertain about the acceptance of a gift.
- f) Employees shall not disclose confidential or legally restricted information, nor shall they use such information to advance the financial or other private interest of themselves or others.
- g) Employees shall not derive a financial gain from any purchase or contract issued by the City. Employee shall not purchase goods or services for personal benefit through City contracts or purchase orders.
- h) Employees shall not continue in such position after becoming a candidate for nomination or election to any City office.
- i) Employees shall not request or permit the use of City owned real property for any purpose except the conduct of City business. Employees shall not,

directly or indirectly, attempt to obtain any service or benefit from City personnel for the personal affairs of such employees.

8-102 CUSTOMER SERVICE

Employees should always have as their goal to make every customer contact (whether inside or outside the organization) as positive as it can be.

Employees shall make every effort to ensure that customers obtain the requested information with a minimum of hassles, phone transfers, and red tape. Employees shall follow up with the fellow employee or with the customer to ensure that they received what was needed.

8-103 ANTI-HARASSMENT POLICY

103.1 COMMITMENT TO HARASSMENT FREE WORKPLACE

The City of Gardner is committed to providing a work environment free of unlawful harassment. The City of Gardner prohibits sexual harassment, same sex harassment, and harassment based on pregnancy, childbirth or related medical conditions, race, religious creed, color, national origin or ancestry, citizenship, physical or mental disability, medical condition, marital status, age, military status, or any other basis protected by federal, state or local law or ordinance or regulation. The City of Gardner's anti-harassment policy applies to all persons involved in the operations of the City including employees, applicants, other non-employees, customers, vendors and suppliers. The City of Gardner prohibits unlawful harassment by any employee of the City. Any such harassment will subject the offending employee to disciplinary action, up to and including immediate termination. The City of Gardner also prohibits harassment of any employee in connection with their work by an applicant, other non-employee customer, vendor or supplier. Appropriate action will be taken against the offending party for violations of this policy.

103.2 PROHIBITED CONDUCT

Prohibited harassment includes, but is not limited to, the following behaviors:

- a) Verbal conduct such as words, epithets, offensive or derogatory jokes or comments, slurs, suggestive or insulting sounds, or other vocal activity, including derogatory statements not directed to the targeted individual but taking place within their hearing;
- b) Visual conduct or written materials such as denigrating, derogatory and/or sexually-oriented posters or signs, pictures, cartoons, drawings, or offensive gestures including e-mail jokes or statements, downloading inappropriate pictures or materials from computer systems, or articles of a harassing or offensive nature.
- c) Physical conduct such as pranks, threats, intimidation, physical assault, violence, unwanted touching, blocking normal movement

or interfering with work, or any behavior that denigrates or shows hostility or aversion toward an individual because of their pregnancy, childbirth or related medical conditions, race, religious creed, color, national origin or ancestry, citizenship, physical or mental disability, medical condition, marital status, age, military status, or any other basis protected by federal, state or local law or ordinance or regulation.

- d) Sexual harassment such as unwelcome or unwanted sexual advances, requests for sexual favors, offering employment benefits in exchange for sexual favors, visual conduct, leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons, or posters, verbal sexual advances, propositions or requests, verbal abuse or a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations, physical conduct, touching, assaulting, impeding or blocking movement, or other verbal or physical contact of a sexual nature when such conduct creates an offensive, hostile and intimidating working environments and prevents an individual from effectively performing the duties of their position. It also encompasses such conduct when it is made a term or condition of employment or compensation, whether implicitly or explicitly, and when an employment decision is based on an individual's acceptance or rejections of such conduct. Sexual harassment crosses age and gender boundaries and may include conduct between individuals of the same sex.
- e) Harassment of employees in connection with their work by a non-employee, customer, vendor or supplier.
- f) Harassment of non-employees, customers, vendors, or suppliers by employees.
- g) Retaliation for having reported or threatened to report harassment.

103.3 REPORTING

Employees who believe that they have been unlawfully harassed should provide a written complaint to the Human Resources Division as soon as possible after the incident. The complaint should include details of the incident or incidents, names of the individuals involved and names of any witnesses. The City will immediately undertake an investigation of the harassment allegations. The Human Resources Division will advise all parties concerned of the results of the investigation to the extent necessary, while maintaining confidentiality to the extent possible.

103.4 DETERMINATION

If the City determines that unlawful harassment has occurred, remedial action will be taken in accordance with the circumstances involved. Any employee determined by the City to be responsible for unlawful harassment will be subject to appropriate disciplinary action, up to and including termination. The Human Resources Division will advise all parties concerned of the results of the investigation to the extent necessary, while maintaining confidentiality to the extent possible.

8-104 E-MAIL, INTERNET, INTRANET AND VOICEMAIL USE

104.1 ELECTRONIC COMMUNICATIONS

The City utilizes computers and computer systems in the work place to facilitate communications, improve employee productivity, and fulfill its government functions. It is the intent of this policy to provide an overall framework for computer usage within the City. The use of the computer systems in violation of this policy could result in discipline up to and including termination of employment. This policy applies to all employees; contractors, part-time employees, volunteers or other individuals who are provided access to the City's computer system. Third parties should only be permitted access to the City's computer system as necessary for their business purpose within the City and only if they abide by applicable rules.

104.2 MANAGEMENT RIGHTS

The City is the owner of the computer systems it provides to its employees to conduct City business. The City, as the owner of this equipment and the employer of the City employees, is responsible for the lawful and appropriate use of the City's computer systems. Accordingly, the City must maintain the right to oversee use of the City computer system by City employees to protect ownership rights to the computer system and to prevent illegal or inappropriate use of the computer system.

Management may access computer systems of all individuals as covered by this policy for any purpose not specifically prohibited by law. All passwords/codes used on City equipment shall be provided to the Department Director.

104.3 PUBLIC RIGHTS

Information contained on the City's computer system may be accessible to the subject of the information, authorized third parties, or the general public. Access to this information is governed by state laws, federal laws, and ruling by the courts. The City, its officers, and employees shall implement their best judgment and discretion in protecting the rights of the public and privacy of individuals when administering information contained on the City's computer system. All e-mail is subject to the Kansas Open Records Act (KORA).

104.4 RESPONSIBILITIES

It is the responsibility of the Governing Body to establish policies concerning computer usage within the City. It is the responsibility of Department Directors, individually and through the Governing Body, to assist in formulating the City's Computer Policy. Department Directors shall be responsible for setting specific departmental policies on computer usage within the framework of the overall City policy. Under no circumstance is anyone to access any City owned or operated electronic file/system without the written consent of their respective department head and executing the respective agreement established by the Finance Department.

City employees shall be responsible for utilizing City computers and systems to further the goals of the City in providing services to its citizens. The Finance Department shall be responsible to maintain and operate the City's hardware and software systems. This includes the appropriate backup of systems and information for purposes of disaster recovery. Backup of such a nature is not intended to create data.

104.5 HARDWARE AND SOFTWARE

The City is the owner of all equipment provided to employees and constituting the City's computer system. The City also provides software for use on individual computers and within the system. Employees should be responsible for understanding and respecting the terms of such software licenses. Use of hardware and software beyond that provided to employees by the City shall require IS and Department Director approval; this includes but is not limited to the access to e-mail servers. City support staff will not service privately owned hardware and software not licensed to the City. Personal use of the City's hardware and software is permitted. However, such shall be limited in time and frequency in accordance with City/Departmental policies and common sense. It shall be conducted in a manner to limit the interruption of City business.

104.6 E-MAIL

The e-mail system is City property and primarily to be used for City business. The system is not to be used for employee personal gain or to support or advocate for non-City related business or purposes. All use of the e-mail system is subject to management access pursuant to this policy.

Incidental and occasional personal use of e-mail is permitted, but such messages will be treated no differently from other messages. The employee assumes personal responsibility for the cost of any such personal use of e-mail and will pay any cost incurred for such use upon demand by the City.

The City will assign E-mail addresses to all individuals requested by the Department Director. Only E-mail addresses assigned by the City will be authorized on City owned computers. All E-mail is subject to the Kansas Open Records Act (KORA).

104.7 APPROPRIATE USE

City employees need to use good judgment in Internet access and e-mail use. They are expected to ensure that e-mail messages are appropriate in both the types of email messages created and the tone and content of those messages. Employee's use of e-mail and the Internet must be able to withstand public scrutiny without embarrassment to the City.

104.8 EXAMPLES OF INAPPROPRIATE USE INCLUDE, BUT ARE NOT LIMITED TO:

- Illegal activities
- Wagering, betting, or selling
- Harassment and illegal discrimination
- Fund-raising for any purpose unless agency sanctioned
- Commercial activities, e.g., personal for-profit business activities
- Promotion of political or religious positions or activities
- Receipt, storage or transmission of offensive, racist, sexist, obscene or pornographic information
- Downloading software (including games, wallpaper, and screen savers) from the Internet unless agency-sanctioned
- Non-City employee use

The traditional communication rules of reasonableness, respect, courtesy, common sense, and legal requirements also apply to electronic communication. For example, actions that are considered illegal such as gambling and harassment are not up to the discretion of individual agencies or individual managers or supervisors; these actions break the law whether the behavior is conducted on e-mail or by another means of communication, and they may subject the employee to disciplinary action up to and including discharge.

Employees should be aware that they may receive inappropriate and unsolicited email messages. Any such messages should be reported immediately to the employee's supervisor and any other designated official within the employee's agency.

While employees may make personal use of City technology such as e-mail and Internet access, the amount of use during working hours is expected to be limited to incidental use or emergency situations. Excessive time spent on such personal activities during working hours will subject the employee to disciplinary action.

104.9 MONITORING

The City of Gardner retains its right to review any electronic communications or voice communications sent or received over any system owned or managed by the City. Employees should not expect any right to privacy in any voicemail or electronic communications sent to or received from City systems.

Electronic communication devices such as telephone, voicemail, wireless telephones, facsimile machines, pagers, city e-mail systems and Internet access are city property. Like other city resources, they are intended to be use for city business. The City reserves the right to monitor all use of email and Internet resources at the time of use, during routine post-use audits, and during investigations. Employees should understand that electronic data are not completely secure. For example, e-mail messages can be altered by a recipient and retransmitted as if from the original sender, or data can be illegally accessed. They should also understand that e-mail messages and Internet transactions, including those they delete or erase from their own files, may be backed up or recorded and stored centrally for system security and investigative purposes. They may be retrieved and viewed by someone else with proper authority at a later date. It is the user's responsibility to use care in communicating information not meant for public viewing.

Because the e-mail and Internet systems are not secure, employees should not send any data classified as not public (private or confidential data on individuals or nonpublic or protected nonpublic data not on individuals) over the e-mail or Internet systems unless the data are encrypted or encoded.

104.10 VOICEMAIL

All telephone communication and fax systems and all communications and information sent through, received or stored in these systems are the property of the City of Gardner and are provided to be used for job-related purposes. The use of voicemail or fax to communicate obscene, harassing, or otherwise offensive language or communications is prohibited. The City retains the right to monitor all of its communications systems at its discretion, including listening to voicemail messages stored in the systems. By using these systems, employees consent to such monitoring of these systems by the City.

8-105 DRUG AND ALCOHOL REQUIREMENTS

105.1 OBJECTIVES

The City of Gardner has the public trust to provide a variety of services to the community in the most efficient and effective manner possible. The City of Gardner has an obligation to ensure public safety and to provide a safe working environment for all employees. In order to achieve those goals, it is imperative that the City ensure that all employees are able to perform their job duties safely.

There is sufficient evidence to conclude that the use of illegal drugs/alcohol and drug/alcohol abuse seriously impairs an employee's performance and general physical and mental health. Therefore, the City of Gardner has adopted this written policy to ensure an employee's fitness for duty as a condition of employment; to ensure drug tests are ordered as the result of reasonable suspicion by supervisory personnel and based on observed behavior or work performance; to inform employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance or alcohol is prohibited in the work place; whereby employees know that testing may be a requirement of continued employment; and whereby applicants know that testing is a

requirement of employment. The City's policy also conforms to the federal requirements established for alcohol and drug testing of all safety sensitive employees as set out in the Omnibus Transportation Employee Testing Act of 1991, Public Law 102-143, Title V.

105.2 DEFINITIONS

Alcohol Concentration (Or Content) - The alcohol in a volume of breath as indicated by an evidential breath test.

Breath Alcohol Technician (BAT) - A person trained to proficiency in the operation of the EBT they are using and in alcohol testing procedures. Proficiency shall be demonstrated by successful completion of a course of instruction which, at a minimum, provides training in the principles of EBT methodology, operation, and calibration checks, the fundamentals of breath analysis for alcohol content; and the procedures required in this part for obtaining a breath sample, and interpreting and recording EBT results. Only courses of instruction for operation of EBTs that are equivalent to the DOT model course as determined by the National Highway Traffic Safety Administration (NHTSA) may be used to train BATs to proficiency. On request, NHTSA will review a BAT instruction course for equivalency.

Controlled Substance – A controlled substance in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812) and as further defined in regulation 21 CFR 1308.11-1308.15.

Employee Assistance Program (EAP) - A counseling program that offers assessment, short-term counseling, and referral services to employees for a wide range of drug, alcohol, and mental health problems and monitors the progress of employees while in treatment.

Evidential Breath Testing Device (EBT) - A device approved by the National Highway Transportation and used to measure breath alcohol concentration.

Medical Review Officer (MRO) - The individual who is responsible for receiving laboratory results generated from the City's drug testing program under this Policy and who is a licensed physician in either medicine or osteopathy with knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate all positive test results together with an individual's medical history and any other relevant biomedical information.

Possession – Having controlled substances which are not obtained whether directly from a doctor or pharmacist using a valid prescription or having controlled substances, the possession or use of which is unlawful.

Refuse To Submit - (To an alcohol or drug test) Means that an employee (1) failed to provide adequate breath for testing without a valid medical explanation; (2) failed to provide adequate urine for drug testing without a valid medical explanation; or (3) engages in conduct that clearly obstructs the testing process.

Safety Sensitive Employee - Any employee who operates a commercial motor vehicle and holds a commercial driver's license. Such an employee includes but is not limited to full time, regularly employed drivers; casual intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to the City or who operate a commercial motor vehicle at the direction of or with the consent of the City.

Safety Sensitive Function - Any of the following on-duty functions which 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 which is 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 or unloading, 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 which includes the following:
 - (i) Stopping immediately;
 - (ii) Taking all necessary precaution to prevent further accident at the scene;
 - (iii) Rendering all reasonable assistance to injured persons;
 - (iv) Giving any person demanding the same, their name, address, the name and address of the City, the state tag and registration number of the vehicle involved; and if requested, exhibiting their chauffeur's or operator's license;
 - (v) Locating and notifying the custodian of an unattended vehicle which is stricken in the accident; and
 - (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 upon a disabled vehicle.

NOTE: An employee is considered to be performing a safety-sensitive function during any period in which they are actually performing, ready to perform, or immediately available to perform any safety sensitive functions.

Substance Abuse Professional (SAP) - A licensed physician or certified psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug disorders.

105.3 GENERAL RULES

- a) City employees will be subject to discipline, up to and including termination, if they report for work under the influence of alcohol or controlled substances; or if they use alcohol, or possess, buy or sell controlled substances during working hours (including lunch or break periods) or on City property or while on City business. City employees who are subject to callback must adhere to department policies addressing drug and alcohol use during times when they may be called in to work.
- b) Employees who are required by a licensed health care provider to take prescription medicine (either temporarily or on an ongoing basis) that may cause behaviors that affect their work performance or which would cause a direct threat to the health or safety of themselves or a co-worker, shall notify their immediate supervisor of the medication prescribed. Any documentation of this information will be maintained confidentially in the employee's medical file.
- c) All property belonging to the City is subject to inspection at any time without notice as there is not an expectation of privacy. Property includes, but is not limited to, vehicles, desks, containers, files, and storage lockers.
- d) City employees who have reason to believe another employee is illegally using alcohol, drugs, or narcotics shall report the facts and circumstances immediately to a supervisor and/or the Human Resources Division.
- e) Employees must abide by the terms of this drug and alcohol policy. Employees must notify the City immediately if charged or convicted of any misdemeanor or felony drug or alcohol statute violation.
- f) Employees must cooperate in any investigation relating to conduct prohibited by this Policy. Failure to cooperate may result in discipline up to and including termination.
- g) An employee who refuses to submit to a drug or alcohol test or as a result of testing is found to have engaged in the use of controlled substances or having an alcohol concentration in the blood or breath of 0.04% or greater shall be removed from service and shall be disciplined, up to and including termination. Tampered tests shall be considered a refusal to test. An employee who is found to have switched or tampered with a test shall be disciplined.

- h) An employee who, as a result of testing just before, during, or just after performing safety sensitive functions, is found to have alcohol concentration of 0.02% and greater but less than 0.04% shall be removed from performing such duties for at least twenty-four (24) hours and placed on unpaid Administrative Leave.
- i) An employee must not consume alcohol four (4) hours prior to performing safety sensitive functions and up to eight (8) hours following an accident or until the employee undergoes a post-accident test, whichever occurs first.
- j) All employees are subject to testing for the use of drugs and alcohol post accident or whenever there is reasonable suspicion of drug or alcohol use. Department of Transportation regulations require that at a minimum, safety sensitive employees must be tested for the use of drugs and alcohol in three (3) situations, post accident, whenever there is reasonable suspicion, and random:
 - (i) **Post Accident:** As soon as practical, after accidents where there is a traffic fatality or the employee receives a citation under state or local law for a moving violation arising from the accident. If an alcohol test is not administered within two (2) hours following the accident, the City shall prepare and maintain a log stating the reasons for the delay. If the test is not administered within eight (8) hours following the accident, the City shall cease attempts to administer an alcohol test and prepare and maintain the same log.
 - (ii) **Reasonable Suspicion:** When a supervisor or Department Director observes behavior or appearance that is characteristic of alcohol or drug misuse.
 - (iii) **Random:** On a random, unannounced basis just before, during or just after performance of safety sensitive functions. The safety sensitive employee shall be randomly selected from a pool of safety sensitive employees subject to testing. Testing dates and times shall be unannounced and be with unpredictable frequency but shall be reasonably spread throughout the year. The number of random alcohol tests conducted shall equal at least 25% of all the safety sensitive employees within the City or if a consortium is developed, then 25% of the consortium sample. The number of random drug tests conducted shall equal at least 50% of all the safety sensitive employees within the City or if a consortium is developed, then 50% of the consortium sample.

105.4 VOLUNTARY ADMISSION BY AN EMPLOYEE

Employees are encouraged to voluntarily identify themselves as drug users or alcohol abusers and to obtain counseling and rehabilitation through the Employee Assistance Program available through the City or other program sanctioned by the City.

Employees who voluntarily identify themselves as having a drug or alcohol problem and obtain appropriate counseling and rehabilitation may be reinstated to their current position upon full release by the selected program according to federal and state laws. Public health and safety responsibilities of the position will be taken into consideration when making this determination.

Employees shall be subject to unannounced follow-up tests for up to sixty (60) months after the employee has returned to work. A minimum of six (6) tests will be conducted in the first twelve (12) months after a return to duty. If any subsequent test results are positive on any employee, the employee may be subject to termination.

105.5 DRUG AND ALCOHOL TESTING PROCEDURES

A copy of the current procedures for drug and alcohol testing are included in the Appendix.

105.6 CURRENT EMPLOYEES

- a) The City may require a current City employee to undergo a drug or alcohol test if there is reasonable suspicion that the employee is under the influence of drugs or alcohol during working hours. "Reasonable suspicion" means a belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol. Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to:
 - (i) A pattern of abnormal or erratic behavior;
 - (ii) A work-related accident;
 - (iii) Direct observation of drug or alcohol use;
 - (iv) Presence of the physical symptoms of drug or alcohol uses (e.g. glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).
- b) Whether a drug or alcohol test is warranted shall be determined by the employee's immediate supervisor, with approval by the appropriate Department Director and shall be coordinated through the Human Resources Division or the City Administrator.
- c) An employee, who refuses to consent to a drug or alcohol test and sign a consent form when reasonable suspicion of drug or alcohol use has been identified, may be terminated.
- d) If a positive test result is reported in accordance with the drug and alcohol testing procedures set out in this Policy, the employee shall be referred to a Substance Abuse Professional (SAP) for an assessment and is required to obtain appropriate counseling and rehabilitation through the Employee Assistance Program available through the City or a program sanctioned by the City. Refusal to obtain an evaluation by a SAP and to obtain

counseling and rehabilitation as recommended may be grounds for termination.

- e) Employees released from an approved rehabilitation program may be reinstated to their current position. The City may hold the employee's position open for a period of time determined by the supervisor and the Department Director based on the needs of the City and other applicable policies. Reinstatement will be based on the employee's work history, length of employment, current job performance and existence of past disciplinary actions. Public health and safety responsibilities of the position will also be taken into consideration when making this determination.
- f) If it is determined that an employee in a safety sensitive position will be returned to work, the employee must: (1) be evaluated by a SAP; (2) comply with any recommended treatment; (3) take a return to duty drug test and/or alcohol test with a result of less than 0.02; and (4) be subject to unannounced follow-up drug and/or alcohol tests.
- g) Any time off from work that an employee must take to comply with the referral and testing requirements will be charged to vacation leave unless, based on the assessment by the SAP, the condition meets the requirements for sick leave. If the employee's appropriate leave balances are not sufficient, the time will be leave without pay. The time off will be counted as leave under the Family and Medical Leave Act (FMLA) if the employee qualifies for leave under the Act.
- h) Employees shall be subject to unannounced follow-up tests for up to sixty (60) months after the employee has returned to work. A minimum of six (6) tests will be conducted in the first twelve (12) months after return to duty. If any subsequent test results are positive on any employee, the employee may be terminated.
- i) Disciplinary action based on a violation of the City's Drug and Alcohol Policy is not precluded by the employee's participation in an Employee Assistance Program or other sanctioned program. The employee may be subject to disciplinary action up to and including termination. Factors to be considered in determining the appropriate disciplinary response include the employee's work history, length of employment, current job performance and existence of past disciplinary actions.

105.7 COST COVERAGE FOR TREATMENT OF DRUG AND ALCOHOL TREATMENT

The City shall pay the laboratory cost of obtaining all drug and alcohol tests required or provided for in the Policy. In addition, the City shall compensate all employees for the time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post-accident, or follow-up testing required by this Policy. In all situations where treatment is

required, employees are eligible to receive normal benefits provided to employees of their type of position (full-time, regular part-time, part-time, or temporary). Employees are obligated to cover all portions of the treatment cost which are normally charged to the employee.

105.8 APPEAL PROCEDURE

If an employee's positive test results have been confirmed and disciplinary action is taken the employee is entitled to follow the appeals process regarding the disciplinary action taken.

105.9 CONFIDENTIALITY OF TEST RESULTS

All information from an employee's drug or alcohol test is confidential. All information related to the drug or alcohol test of an employee will be maintained in the employee's confidential medical file. Anyone disclosing drug test results, as prohibited by this Policy, will be subject to disciplinary action.

An employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or drugs, including any test records. Records shall also be made available when requested by the Secretary of Transportation, DOT agency, National Transportation Safety Board (NTSB), or and State or local officials with regulatory authority over safety sensitive employees. Test results may only be released to the City, the SAP or to the decision maker in a lawsuit, grievance or other proceeding initiated by or on behalf of the individual, and arising from the results of an alcohol and/or controlled substance test administered under this Policy; from the employer's determination that the employee engaged in conduct prohibited by this Policy; or a request which is otherwise required by law to be released. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee.

Records shall be made available to a subsequent employer upon receipt of a written request from a previous or existing employee but such disclosure is expressly limited to the terms of the employee's request and the disclosure permitted by law. The City shall maintain the information regarding alcohol and drug tests on safety sensitive employees for a minimum period of two (2) years.

105.10 TRAINING FOR SUPERVISORS

The City will provide initial and ongoing training to all supervisors of the City regarding enforcement of this Policy. At least one hour of training will be provided to supervisors on drug and/or alcohol misuse symptoms and indicators used in making determinations for reasonable suspicion testing. Every safety sensitive employee shall participate in a drug and alcohol training and education program for a minimum of one hour. The program shall include the distribution of information material and a classroom type instruction.

Attendance logs from the training sessions shall be maintained for at least two (2) years.

All questions regarding the Drug and Alcohol Policy and testing procedures may be directed to the Human Resources Division.



SECTION 9 - SEPARATION

SECTION 9. SEPARATION

ARTICLE 9-101	RESIGNATION PROCESS
ARTICLE 9-102	REDUCTION IN FORCE
ARTICLE 9-103	ABSENT WITHOUT LEAVE AUTHORIZATION
ARTICLE 9-104	SEPARATION DUE TO DISCIPLINE
ARTICLE 9-105	RETIREMENT PROCESS
ARTICLE 9-106	EXIT INTERVIEWS

9-101 RESIGNATION PROCESS

101.1 NOTICE OF RESIGNATION

It is requested by the City that employees who resign notify their Department Director two (2) weeks prior to the effective date. Individuals in exempt positions are requested to give thirty (30) days notice. The resignation should be made in writing, signed, and dated. The original resignation will be forwarded to Human Resources for inclusion in the employee's employment records.

The Department Director may approve the withdrawal of a resignation prior to the effective date of such resignation provided that a conditional offer of employment has not been made to fill the pending vacancy.

101.2 USING LEAVE AFTER RESIGNATION

Use of vacation leave or compensatory time during the minimum notice period shall not be permitted unless prior approval of the Department Director is obtained. An employee may use sick leave during the minimum notice period only with a statement from a healthcare provider stating that the employee's condition prevented the employee from working.

101.3 POST-RESIGNATION NOTICE PROCEDURES

Employees who resign must return all City-identification, keys, equipment, or documents and City owned property.

Employees who resign will receive a final paycheck on the next regular payroll date upon which they would have been paid if still employed.

101.4 CONTINUING HEALTH-CARE COVERAGE AFTER DEPARTURE (COBRA)

Full or part-time employees who resign and/or their eligible dependents are eligible to continue their health care coverage through COBRA for a designated period of time and must complete the necessary paperwork to indicate if they decline or accept continued coverage. The employee bears the entire cost of COBRA coverage.

9-102 REDUCTION IN FORCE

102.1 OBJECTIVE

This procedure establishes a consistent and equitable method for reduction in force when it is required due to financial necessity, a lack of work, reorganization, or changes in needs or technology.

102.2 SCOPE

Reduction in force could impact any employee. It can take the form of elimination of a position or a reduction in hours. Transfers to an open position may be offered to an employee in order to prevent or postpone a termination.

102.3 GUIDELINES

The City Administrator, with the consent of the City Council, may institute a reduction of force. Staff members may be terminated as the result of a decision to effect a reduction in force, subject to the provisions in this policy.

The identification of position to be terminated due to a reduction in force in any operating unit will be based first on position elimination. After the positions to be eliminated are identified and when there is more than one incumbent in such position the basis upon which staff members to be terminated are:

1. Individual performance
2. Seniority
3. Current Active Duty

In the event that a reduction in force is required the City Administrator may offer the employee an appointment to a vacant position or a part-time position for which the employee is qualified in lieu of termination. If the employee does not accept the transfer, the severance pay and benefits below would be offered. Should the employee be offered a position of a higher pay grade, the employee's pay would be brought to the minimum of the range or an increase of 5%, whichever is greater. If the position is of a lower pay grade, the employee's current pay would be grandfathered for two years, not to exceed 15% above the maximum of the range. During this period the employee is not eligible for any wage increases until the wages fall within the current range. Upon the duration of this time, if the employee is still in said position, their wage would be adjusted to the maximum of the range.

102.4 SEVERANCE PAY

Regular full time employees who are terminated due to a reduction in force will receive severance pay equivalent to one (1) week for every year of service, not to exceed 16 weeks but no less than 8 weeks. The severance will be paid in installments every two weeks for the number of weeks of severance that was offered.

Additionally, regular full time employees will be compensated for their accrued vacation, comp time (non exempt), and personal days. All vacation, comp time, and personal days will be included in a lump sum on the first pay check of the severance pay following the notification of the termination.

No further accrual of vacation, comp time, and personal days will occur following notification of termination.

102.5 SEVERANCE BENEFITS

For regular full time employees who are terminated due to a reduction in force and any eligible dependents currently enrolled in the health care plan, the City will continue to pay the City's portion of the health care premium for ninety (90) days. The terminated employee remains responsible for the employee portion of the health care premium. At the end of 90 days, the terminated employee may elect to continue coverage through COBRA, and the employee must complete the necessary paperwork to indicate if they decline or accept COBRA coverage.

The Employee Assistance program through New Direction can be utilized by the terminated employee, employee spouse, and eligible dependants for 90 days.

The City will continue to pay all federal and state mandated benefits through the term of the severance pay.

The City will not continue to pay the City's matching contribution of the employee's deferred compensation program during the term of the severance pay.

Information regarding Severance Benefits will be provided by Human Resources at the time of the reduction in force notification.

102.6 REINSTATEMENT OF EMPLOYMENT

Should a terminated employee be hired back within eight (8) weeks of notification of the reduction in force all accrued sick leave will be reinstated. The employment date will be reinstated to the original hire date and the vacation accrual rate will be assigned accordingly.

9-103 ABSENT WITHOUT LEAVE AUTHORIZATION

Absence without leave shall be construed to be any absence in which the employee has failed to secure prior approval or, in the case of illness or emergency, has failed to notify their immediate supervisor of such absence no later than within fifteen (15) minutes after their regular shift start, except in extenuating circumstances.

Any unauthorized absence of an employee from duty shall be determined as absence without pay and may be grounds for disciplinary action, up to and including termination, by the Department Director. In the absence of such disciplinary action, employees who absent themselves for 3 (three) or more days without authorized leave, shall be deemed to have resigned, except in

extenuating circumstances. To be reinstated, with or without pay, employees must provide evidence of extenuating circumstances acceptable to the Department Director.

A written statement from the Department Director regarding the unauthorized absence by the employee will be placed in the employee's personnel file.

Employees who have resigned due to an absence without leave and/or any of their eligible dependents are eligible to continue their health coverage through COBRA for a designated period of time and must complete the necessary paperwork to indicate if they decline or accept coverage.

9-104 SEPARATION DUE TO DISCIPLINE

Employees who are terminated as a disciplinary measure:

- Must return all City identification, keys, equipment, or documents and City owned property;

- Will receive their final paycheck on the next regular payroll date upon which they would have been paid if still employed; and

- Are eligible to continue their health care coverage for themselves and/or any eligible dependents through COBRA for a designated period of time (unless terminated for gross misconduct) and must complete the necessary paperwork to indicate if they decline or accept continued coverage.

9-105 RETIREMENT PROCESS

Employees who plan to retire should notify the Human Resources at least 90 (ninety) days prior to their planned retirement date.

Per K.S.A. 12-5040, employees who receive a retirement or disability benefit for service with the City of Gardner, who have been employed by the City of Gardner for not less than ten (10) years are eligible to continue health care coverage until they are eligible for Medicare or another health plan. In order to continue this coverage, the former employee must complete the necessary paperwork to indicate if they decline or accept continued coverage.

9-106 EXIT INTERVIEWS

Exit interviews shall be scheduled for all employees who separate from full-time and part-time positions with the City of Gardner.

Departing employees shall be asked to complete an exit interview questionnaire. Information provided shall be confidential. Completed forms shall remain on file but shall not become part of the employee's personnel record.

Group insurance conversion options and other pertinent benefit matters will also be discussed during the exit interview.

The exit interview will be conducted by the Human Resources Division or their designated representative.



SECTION 10 – HEALTH AND SAFETY

SECTION 10 - HEALTH AND SAFETY

- ARTICLE 10-101 HEALTH AND SAFETY
- ARTICLE 10-102 ON THE JOB INJURY
- ARTICLE 10-103 PERSONAL PROTECTIVE EQUIPMENT (PPE)
- ARTICLE 10-104 BLOODBORNE PATHOGENS EXPOSURE CONTROL PLAN
- ARTICLE 10-105 CONFINED SPACE ENTRY
- ARTICLE 10-106 HAZARD COMMUNICATION PROGRAM
- ARTICLE 10-107 HAZARDOUS ENERGY CONTROL PROGRAM
- ARTICLE 10-108 LOCKOUT-TAGOUT PROCEDURE
- ARTICLE 10-109 CLEARANCES OF LINES AND EQUIPMENT
(HOLD PROCEDURES)
- ARTICLE 10-110 EMERGENCY ACTION PLAN

10-101 HEALTH AND SAFETY

101.1 OBJECTIVES

For the benefit of employees, citizens and businesses alike, it is the objective of the City of Gardner to prevent loss of life, limb and property by having all work performed in a safe and efficient manner. Additionally, the general health, welfare, and safety awareness of employees will reap benefits outside the work environment in their daily lives.

This policy applies to all City employees (including full-time, part-time, and temporary employees).

101.2 GENERAL RULES

The City recognizes accident prevention as an essential part of every employee's job, and expects all work to be carried out in a safe manner in order to prevent injuries either to employees or other persons, damage to property, or interruption of service.

Responsibility and authority for the action necessary to prevent accidents rest with the immediate supervisor as an integral part of the job. The City Administrator, Department Directors, and supervisors will provide constant leadership and encouragement for preventing accidents to the first level supervisors and through them to employees.

Employees will be provided necessary training and informational sessions regarding health and safety measures that will further reduce the risk of accidental loss in the work place.

It should be easier to prevent an accident than to report one.

101.3 IMPLEMENTATION

Assistance should be provided to the members of the organization by the interdepartmental Safety Committee. The Committee can assist in planning and carrying out many activities for accident prevention. Care must be exercised to point out that both the Committee and any safety specialists are aids. They cannot assume a supervisor's or employee's responsibility for accident prevention.

101.4 EMPLOYEES RESPONSIBILITY

Employees should know, accept and apply the City's accident prevention policy. To carry this out, employees should:

- a) Know and use safe and effective methods of doing their jobs;
- b) Recognize and respect the hazards encountered;
- c) Have confidence in their own abilities, not fear of the work;
- d) Take pride in safety and safe practices;
- e) Take pride in new devices and methods;
- f) Be anxious to learn;
- g) Seek to guard their own lives and help others whenever possible;
- h) Be team workers and cooperate fully; and report potential hazards to the supervisors with no fear of job discipline for providing such information.

Supervisors should know and apply the City's accident prevention policy and establish the same knowledge, acceptance, and application of this policy among the people they supervise. The supervisor's planning, assigning, and control of work should include these specific activities which will help prevent accidents:

- a) Observe work methods and habits continually and take corrective action or praise, as appropriate, in all cases.
- b) Correct unsafe conditions before accidents occur.
- c) Tell employees how they are doing in planned contacts. Discuss accidents and reward the absence of accidents, along with other factors in the employee's performance evaluations.
- d) Set good habit and attitude examples.
- e) When an accident does occur, make a complete investigation of causes and take action for future prevention.
- f) Encourage employees to report all potential hazards with no criticism of, or job discipline resulting to, the employee regardless of the validity of the information.
- g) Prepare budgetary requests necessary to provide required equipment or training.

Department Directors, in addition to providing general leadership for accident prevention, should provide through training, assistance to supervisors, including the following:

- a) A review of accidents most likely to occur.
- b) Why the supervisor is responsible for safety.
- c) Accident causes and their control.
- d) Interviewing and counseling techniques with individuals.
- e) Preparation of complete cause and corrective action reports for each accident that causes or could cause injury. Rejection of alibis or justification for accidents.
- f) Arrangements for analysis of accident records, including traffic accidents involving each employee and each supervisor.
- g) Reward good safety records and practices in performance evaluations.
- h) Prepare budgetary requests necessary to provide required equipment or training.

10-102 ON THE JOB INJURY

102.1 REPORTING AN INCIDENT

It is the responsibility of the employee to immediately report any on the job accident or injury to the supervisor. State Worker's Compensation regulations will be used to determine a work-related injury or illness. The injured employee, supervisor, and witnesses, if any, must complete the appropriate accident report forms.

The supervisor, in cooperation with Human Resources, will authorize appropriate medical care if any will be required. The City is responsible for payment of all authorized medical treatment related to an on-the-job injury or illness.

The City may require any employee to undergo drug and alcohol testing as soon as practical after a work-related injury or accident. An injury form must be completed by the supervisor and provided to Human Resources within 24 hours of the work-related injury or accident.

Under Kansas law, the City is responsible for providing each injured employee with a Form K-WC27 which explains an injured employee's duties and responsibilities under Kansas Workers' Compensation laws.

102.2 INVESTIGATION

The injured employee's supervisor is responsible for ensuring that a full investigation of every accident is accomplished. The supervisor or his/her designee will initiate the investigation which requires obtaining information from the involved employee and any witness through interviews, observing and taking pictures of the accident site, and gathering any other pertinent or contributory information, and determining what, if any,

corrective action should be taken to prevent a similar situation from occurring in the future.

102.3 LOST TIME INCIDENTS

102.3.1 Compensation

When a full-time or part-time employee must miss work due to an on-the-job injury or illness the employee may elect to utilize accrued sick leave and/or other leave to augment Worker's Compensation benefits up to 100% of salary.

102.3.2 Benefits

Employees shall be entitled to those benefits as provided by Worker's Compensation. All benefits normally available to the employee will continue as normal for as long as the employee continues to be an employee of the City. Employees may also qualify for leave under the Family Medical Leave Act provided they meet the eligibility requirements.

102.3.3 Other Provisions

Employees must follow the course of treatment set out by the assigned medical practitioner and must provide related documentation to the City. During time that an employee is absent from work due to an on-the-job injury or illness, the employee should contact their supervisor at least weekly and always after each appointment with a health care provider to keep the supervisor updated on the status of their condition and projected return to work date.

102.4 RETURN TO WORK

Employees who have not been fully released, but who have been released with restrictions, may be required to come back to work to perform tasks that they are physically able to perform. All such decisions will be made with the approval of the health care provider, the Department Director, and City Administrator.

Restricted duty is designed to be a bridge for employees who are temporarily disabled and is in no way to be construed as a regular assignment, lateral transfer, promotion, or demotion. Restricted duty will be provided only where the limitations are temporary. Normally the employee will be assigned restricted duties within his or her regular department. There may be times, however, when the employee may be temporarily reassigned to another department based on the needs of the department.

An evaluation and prognosis will be requested from the treating health care provider for any employee who is unable to return to their regular duties within ninety (90) days after an on-the-job injury or illness. A decision will be made regarding how long the individual's position can be held open, based on the prognosis provided and the needs of the department.

If it is determined that an employee who reaches maximum medical improvement is unable to perform the essential functions of his or her position, the City will make every reasonable effort to accommodate the employee in the position or in another vacant position, if available. There are no guarantees, however, that an accommodation can be made or that a position will be available.

An employee shall return to work upon being released by the treating health care provider with a statement indicating that the employee is able to perform all of the essential functions of the position.

If an employee must receive subsequent treatments due to his or her on the job injury after returning to work, time off for such treatment shall be documented on the employee's time sheet as worker's compensation leave and will not be charged to the employee's sick or vacation leave. Leave may qualify as leave under the Family Medical Leave Act (FMLA) if the employee meets the eligibility requirements.

10-103 PERSONAL PROTECTIVE EQUIPMENT (PPE)

103.1 POLICY

It is the policy of the City of Gardner to conduct a Personal Protective Equipment Program following provisions of the Occupational Safety and Health Administration (subpart 1 of 29 CFR 1910.132 through 140 as amended). The objective is to protect employees from injuries by assessing the workplace for hazards that can be controlled by use of personal protective equipment or by other means.

103.2 GENERAL REQUIREMENTS

The City of Gardner shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE). If such hazards are present, or likely to be present, the City shall:

- a) Select, and have each affected employee use, the types of PPE that will protect the affected employee from the hazards identified in the hazard assessment;
- b) Communicate selection decisions to each affected employee; and
- c) Select PPE that properly fits each affected employee.

The City of Gardner shall verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated, the person certifying that the evaluation has been performed, the date(s) of the hazard assessment, and, which identifies the document as a certification of hazard assessment.

Defective and damaged personal protective equipment shall not be used.

The City of Gardner shall provide training to each employee who is required by this section to use PPE. Each such employee shall be trained to know at least the following:

- a) When PPE is necessary;
- b) What PPE is necessary;
- c) How to properly don, doff, adjust, and wear PPE;
- d) The limitations of the PPE; and
- e) The proper care, maintenance, useful life and disposal of the PPE.

Each affected employee shall demonstrate an understanding of the training specified in Section 10, and the ability to use PPE properly, before being allowed to perform work requiring the use of PPE.

When the City of Gardner has reason to believe that any affected employee who has already been trained does not have the understanding and skill required by Section 10, the employer shall retrain each such employee. Circumstances where retraining is required include, but are not limited to, situations where:

- a) Changes in the workplace render previous training obsolete; or
- b) Changes in the types of PPE to be used render previous training obsolete; or
- c) Inadequacies in an affected employee's knowledge or use of assigned PPE indicate that the employee has not retained the requisite understanding or skill.

The City of Gardner shall verify that each affected employee has received and understood the required training through a written certification that contains the name of each employee trained, the date(s) of training, and that identifies the subject of the certification. This certification shall be submitted to Human Resources.

PPE alone should not be relied on to provide protection against hazards, but should be used in conjunction with guards, engineering controls, and sound work practices.

103.3 EYE AND FACE PROTECTION

Each affected employee shall use appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation.

Each affected employee shall use eye protection that provides side protection when there is a hazard from flying objects. Detachable side protectors (e.g. clip-on or slide-on side shields) meeting the pertinent requirements of this section are acceptable.

Each affected employee who wears prescription lenses while engaged in operations that involve eye hazards shall wear safety frames with prescription safety lenses or other eye

protection that can be worn over regular prescription lenses without disturbing the proper position of the prescription lenses or the protective lenses.

The City of Gardner shall provide for and pay the actual cost of the protective eyewear for affected employees who wear prescription lenses, including safety frames and prescription safety lenses, if funds are available, up to a maximum amount of \$150.00 per pair (excluding any applicable sales taxes).

Affected employees who wear prescription lenses shall be responsible for the cost of the vision exam. The City will replace prescription safety lenses when necessary, if funds are available, with verification from an authorized vision service provider that such a change in prescription is necessary.

Safety frames and/or prescription safety lenses damaged while on duty or worn beyond their intended use will be replaced, if funds are available, at the City's expense, with safety frames and/or prescription lenses of equal value up to a maximum amount of \$150.00 per pair (excluding any applicable sales taxes).

Safety frames and/or prescription safety lenses damaged while away from work or from obvious abuse shall be replaced at the employee's expense.

Eye and face personal protective equipment shall be distinctly marked to facilitate identification of the manufacturer.

Each affected employee shall use equipment with filter lenses that have a shade number appropriate for the work being performed for protection from injurious light radiation.

Protective eye and face devices shall comply with ANSI Z87.1-1989, "American National Standard Practice for Occupational and Educational Eye and Face Protection," or be shall be demonstrated to be equally effective.

103.4 HEAD PROTECTION

Each affected employee shall wear a protective helmet when working in areas where there is a potential for injury to the head from falling objects.

Each affected employee shall wear a protective helmet designed to reduce electrical shock hazards when working near exposed electrical conductors that could contact the head.

Protective helmets shall comply with ANSI Z89.1-1986, "American National Standard for Personal Protection – Protective Headwear for Industrial Workers", or shall be demonstrated to be equally effective.

103.5 FOOT PROTECTION

Each affected employee shall wear protective footwear.

Protective footwear shall comply with ANSI Z41-1991, “American National Standard for Personal Protection – Protective Footwear,” or shall be demonstrated to be equally effective. The type of footwear purchased shall be appropriate for the working conditions.

Exception to specifications may be granted when clear medical documentation can be provided that these specifications are medically unacceptable to an individual employee.

The City of Gardner shall provide for and pay the actual cost of the protective footwear, if funds are available, up to a maximum amount of \$120.00 per pair of shoes/boots (excluding any applicable sales taxes). EXCEPTION: The Department Director may authorize a higher maximum amount for highly specialized footwear required to protect from specific hazards, i.e. lineman’s boots.

Protective footwear damaged while on duty or worn beyond its intended use will be replaced, if funds are available, at the City’s expense with an equal value shoe/boot up to a maximum amount of \$120.00 per pair (excluding any applicable sales taxes).

Protective footwear damaged while away from work or from obvious abuse shall be replaced at the employee’s expense.

103.6 HAND PROTECTION

The City of Gardner shall select and require employees to use appropriate hand protection when employees’ hands are exposed to hazards such as those from skin absorption of harmful substances, severe cuts or lacerations, severe abrasions, punctures, chemical burns, thermal burns, and harmful temperature extremes.

The City of Gardner shall base the selection of the appropriate hand protection on an evaluation of the performance characteristics of the hand protection relative to the task(s) to be performed, conditions present, duration of use, and the hazards and potential hazards identified.

103.7 HEARING PROTECTION

Employees shall use hearing protection whenever there is the possibility of exposure to loud or sustained noise. A noise level equal to or exceeding an 8-hour time-weighted average sound level of 85 decibels requires wearing ear protection. A noise level survey shall be accomplished on a periodic basis to evaluate the noise exposure. If new equipment is added or equipment is removed from a location, a noise survey shall be done to update the exposure rating. Each department is responsible for providing appropriate hearing protection and for developing specific requirements regarding the use of hearing protection.

103.8 CLEANING AND MAINTENANCE

PPE shall be inspected, cleaned, and maintained at regular intervals so that the PPE provides the requisite protection. Contaminated PPE that cannot be decontaminated shall be disposed of in a manner that protects employees from exposure to hazards.

10-104 BLOODBORNE PATHOGENS EXPOSURE CONTROL PLAN

104.1 PURPOSE

The purpose of this policy is to set out the guidelines and procedures of the City of Gardner to limit potential occupational exposure to blood and other potentially infectious materials since any exposure could result in transmission of bloodborne pathogens that could lead to disease or death.

104.2 SCOPE

This policy covers all employees who could be "reasonably anticipated", as a result of performing their job duties, to face contact with blood or other potentially infectious materials. "Good Samaritan" acts such as assisting a co-worker with a nosebleed would not be considered occupational exposure.

104.3 DEFINITIONS

The following provide further clarification of terminology used in this plan:

Blood: Human blood, human blood components and products made from human blood.

Bloodborne Pathogens: Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

Contaminated: The presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

Contaminated Laundry: Laundry that has been soiled with blood or other potentially infectious materials or may contain sharps.

Contaminated Sharps: Any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.

Decontamination: The use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

Engineering Controls: Controls (e.g., sharps disposal containers, self-sheathing needles) that isolate or remove the bloodborne pathogens hazard from the work place.

Exposure Incident: A specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.

Hand Washing Facilities: A facility providing an adequate supply of running potable water, soap, and single use towels or hot air drying machines.

Licensed Health Care Professional: A person whose legally permitted scope of practice allows them to independently perform the activities required for hepatitis B vaccination and post-exposure evaluation and follow-up.

HBV: Hepatitis B virus. The Disease: Hepatitis B is a communicable disease spread by a virus (HBV) that causes inflammation of the liver. There is no known cure for this disease. The virus is found in the blood and liver of infected patients and can be transmitted through contact with the blood or body fluid of an infected person as well as contact with contaminated needles, clothing or any other objects containing the blood or body fluids of an infected person. Persons with the disease need blood tests and evaluation by a physician at regular intervals even if they are without symptoms. Blood tests diagnose the disease and determine the stage of illness. The physician will advise if additional precautions are needed to prevent the spread of the disease to others. The only cure of hepatitis B is prevention.

Symptoms of Illness:

The symptoms appear gradually over a period of time and include:

- a) Loss of appetite.
- b) Vague abdominal discomfort.
- c) Development of jaundice (yellowing of skin or eyeballs).
- d) Nausea or vomiting.
- e) Slight or no fever.

Mode of Spread of Disease:

- a) The virus is found in blood, and to as lesser extent in saliva, urine, semen and vaginal fluids.
- b) The virus can spread through sexual contact or by use of blood contaminated needles or syringes.
- c) Many persons may have the virus in their blood without having symptoms.

Incubation Period:

The length of time from exposure to the onset of the illness is 45 to 180 days with an average of 60 to 90 days.

Period of Communicability:

Most cases of hepatitis B recover completely in a few weeks. They may spread the disease to others for several weeks before they become ill and until their symptoms resolve. A few cases of hepatitis B may become chronic carriers and may have liver problems. They may spread the virus to others for several years or possibly a lifetime.

Prevention of Spread:

Use these precautions as long as the virus is present in the blood:

- a) Alert all medical and dental personnel that you are a hepatitis B carrier so they may use precautions for disposing of needles and other materials contaminated with blood.
- b) Inform persons performing ear piercing, tattooing or acupuncture.
- c) Do not donate blood.
- d) Do not share razors, toothbrushes, waterpicks, fingernail files or clippers.
- e) If an individual becomes pregnant, she should inform the obstetrician that she is a carrier. The physician might consider immunizing the child at the time of delivery for protection against the disease.
- f) Inform all sexual contacts. Regular sexual partners should consider having their blood tested to see if they are positive for the virus. If not, a vaccine is available for protection against the disease.
- g) There is less risk of spreading the infection to other household contacts and children. They need to consult with their physician regarding their need for vaccination.

HIV: Human immunodeficiency virus. The Disease: Human Immunodeficiency Virus (HIV) the virus that causes Acquired Immunodeficiency Syndrome (AIDS) is transmitted through sexual contact and exposure to infected blood or blood components and perinatally from mother to neonate. Transmission of HIV occurs via four modes:

- a) Sexual contact involving exchange of body fluids (blood, semen or vaginal secretions);
- b) Sharing contaminated needles and syringes;
- c) Transfusion of blood or blood products contaminated by HIV or contact with HIV-contaminated blood to mucous membranes or non-intact skin.
- d) Transmission from infected mothers to their infants.

HIV infections are not easily transmitted. There is no evidence that HIV is spread by casual contact. Since medical history and examination cannot reliably identify all individuals with HIV or other bloodborne pathogens, blood and body fluid precautions should be consistently used for all clients. Basic aseptic techniques practiced by personnel in conjunction with routine practices to limit blood contact can prevent HIV transmission in the healthcare setting. “Universal precautions” should be used in the care of all staff and clients, especially those in emergency care settings in which the risk of blood exposure is increased and the infection status of the patient is usually unknown.

Employees with impaired immune systems resulting from HIV infection or other causes are at increased risk of acquiring or experiencing serious complications of infectious disease. Of particular concern is the risk of severe infection following exposure to infectious diseases that are easily transmitted if appropriate precautions are not taken. Any employee with an impaired immune system should be counseled about the potential risk associated with any transmissible infection and should continue to follow existing recommendations for infection control to minimize risk of exposure to other infectious agents.

Occupational Exposure: Reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

Other Potentially Infectious Materials: The following human body fluids:

- a) Semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;
- b) Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and
- c) HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; as well as blood, organs, or other tissues from experimental animals infected with HIV or HBV.

Parenteral: Piercing mucous membranes or the skin barrier through such events as needle-sticks, human bites, cuts, and abrasions.

Personal Protective Equipment: Specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts or blouses) not intended to function as protection against a hazard are not considered to be personal protective equipment.

Regulated Waste: Liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.

Source Individual: Any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee. Examples include, but are not limited to, hospital and clinic patients; clients in institutions for the developmentally disabled; trauma victims; clients of drug and alcohol treatment facilities; residents of hospices and nursing homes; human remains; and individuals who donate or sell blood or blood components.

Universal Precautions: An approach to infection control. According to the concept of Universal Precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens.

Work Practice Controls: Controls that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g., prohibiting recapping of needles by a two-handed technique).

104.4 RESPONSIBILITIES

The City Administrator has the ultimate responsibility for all biological safety issues. To ensure effective implementation of this occupational exposure control policy, individuals in the following categories must perform the duties and responsibilities assigned to them:

104.4.1 Exposure Control Officer (ECO)

The Human Resources Division has been designated the Exposure Control Officer for the City of Gardner. The Exposure Control Officer administers the City's overall bloodborne pathogen compliance program. The ECO may be contacted in person at City Hall or by phone at 913-856-7535. Typical duties of the Exposure Control Officer include, but are not limited to:

- a) Implementing the Bloodborne Pathogens Occupational Exposure Control Policy for the City of Gardner.
- b) Working with other Department Directors and employees to develop and administer additional bloodborne pathogen-related policies, practices and training as needed to effectively implement this policy.
- c) Review and update the Occupational Exposure Control Plan at least annually or more often if necessary to accommodate workplace changes.
- d) Act as City liaison during compliance inspections.

104.4.2 Department Directors and Supervisors

Department Directors and supervisors are responsible for occupational exposure control in their respective areas. They work with the Exposure Control Officer and their employees to ensure adherence to the Bloodborne Pathogen Exposure Control Policy. This includes providing the proper training and personal protective equipment for employees and disciplining for any violations of this policy.

104.4.3 Education/Training Coordinator

The Education/Training Coordinator provides all employees with the potential for exposure to bloodborne pathogens information on bloodborne pathogens and training on how to protect themselves from exposure. The Human Resources Division will perform the duties of the Education/Training Coordinator. Responsibilities of the coordinator include, but are not limited to:

- a) Maintaining a list of personnel requiring training.
- b) Developing and scheduling suitable education/training programs and reviewing programs as necessary to include new information.
- c) Maintaining appropriate training documentation and record keeping.

104.4.4 Employees

The ultimate execution of the bloodborne pathogen occupational exposure control policy rests in the hands of the City employees. Their responsibilities include but are not limited to:

- a) Realizing the potential for exposure to bloodborne pathogens in certain tasks and job duties.
- b) Attending the bloodborne pathogens training sessions.
- c) Conducting all work-related operations and behaviors in accordance with work practice controls and procedures.
- d) Developing good personal hygiene habits.

104.4.5 Exposure Determination

The City has identified the following job classifications where occupational exposure to blood may occur, without regard to the use of personal protective equipment.

Parks and Recreation Department

Parks and Recreation Director

Parks Maintenance Worker

Parks Maintenance Supervisor

Athletic Supervisor
Recreation Specialist
Facility Supervisor
Official
Pool Manager
Lifeguards

Police Department

Police Chief
Police Captain
Police Sergeant
Police Officer
Animal Control Officer

Public Works Department

Public Works Maintenance Worker – Line
Public Works Maintenance Lead – Line
Public Works Maintenance Worker - Streets
Public Works Maintenance Lead – Streets
Public Works Operations Manager
Water/Wastewater Manager
Wastewater Treatment Plant Operator
Wastewater Maintenance Worker
Plant Supervisor - Wastewater
Water Treatment Plant Operator
Plant Supervisor – Water Treatment
Water Maintenance Worker

Finance Department

Meter Reader/Technician

104.4.6 Universal Precautions

Universal precautions shall be observed to prevent contact with blood or other potentially infectious materials. According to the concept of universal precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens regardless of the

perceived status of the source individual. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials.

Gloves and/or other appropriate barrier precautions must be used by all employees whenever contact with blood, other potentially infectious materials, mucous membranes, or non-intact skin or items or surfaces obviously contaminated with blood or other potentially infectious materials is anticipated during conduct of normal operations. Face shields or protective eyewear and mask should be worn when assisting a person with bleeding wounds or other serious bleeding.

Hands and other skin surfaces should be washed immediately and thoroughly (for at least two minutes) with water and antiseptic cleanser if contaminated with blood or other potentially infectious materials. Hands should be washed immediately after gloves are removed.

Employees must take precautions to prevent injuries caused by needles, syringes, scalpels and other sharp instruments and objects during their work duties.

Mouthpieces, resuscitation bags, or other ventilation devices will be available to those employees who may reasonably be expected to perform CPR.

Clothing which becomes contaminated with blood or other potentially infectious materials during operations should be removed immediately (or as soon as possible) and separated from other clothing by placing in a red bag or other properly labeled container until properly laundered.

Areas and equipment that become contaminated with blood or other potentially infectious materials should be cleaned immediately with a bleach solution (1:10 dilution of household bleach).

Pregnant employees should review safety procedures with their physician and their Department Director.

104.4.7 Engineering And Work Practice Controls

Engineering and work practice controls will be utilized to eliminate or minimize exposure to employees throughout the City of Gardner. Where occupational exposure remains after institution of these controls, personal protective equipment shall also be utilized.

Hand-washing facilities are located in the following areas and are available to employees who incur exposure to blood or other potentially infectious materials:

City Hall	120 E Main	Restrooms, Break Room
Police Department	440 E Main	Restrooms, Break Room

Public Works Maint	329 Meadowbrook	Restrooms, Break Room
Parks & Rec Maint	111 Elm	Restrooms, Break Room
Hillsdale Water Plant	22705 Moonlight	Restrooms, Break Room
Wastewater Plant	32101 W 159th	Restrooms, Break Room
Celebration Park	32501 W 159th	Restrooms, Concessions
Westside Park	321 Bedford	Restrooms, Concessions
Aquatic Center	215 N Center	Restrooms, Concessions
Electric Administration	1150 E Santa Fe	Restrooms, Break Room
Distribution Center	1450 E Santa Fe	Restrooms, Break Room

If hand-washing facilities are not available at a remote site, the City will provide either an antiseptic cleanser in conjunction with clean cloth/paper towels, or antiseptic towelettes. If these alternatives are used, then the hands are to be washed with soap and running water as soon as feasible.

After removal of personal protective gloves, employees shall wash hands and any other potentially contaminated skin area immediately or as soon as feasible with soap and water. If employees incur exposure to their skin or mucous membranes then those areas shall be washed or flushed with water as appropriate as soon as feasible following contact.

City departments that must provide alternatives to readily accessible hand-washing facilities will ensure the available supply and accessibility of these alternatives.

104.4.8 Work Area Restrictions

In work areas where there is a reasonable likelihood of exposure to blood or other potentially infectious materials, employees are not to eat, drink, apply cosmetics or lip balm, smoke, or handle contact lenses. Food and beverages are not to be kept in refrigerators, freezers, shelves, and cabinets or on counter tops or bench tops, or in vehicle passenger compartments where blood or other potentially infectious materials are present.

Contaminated reusable sharps are to be placed in appropriate containers immediately, or as soon as possible after use. The sharps container shall be puncture resistant, labeled with a biohazard label, and be leak proof.

Mouth pipetting/suctioning of blood or other potentially infectious materials is prohibited.

All procedures will be conducted in a manner that will minimize splashing, spraying, splattering and generation of droplets of blood or other potentially infectious materials.

104.4.9 Specimens

Specimens of blood or other potentially infectious materials will be placed in a container that prevents leakage during the collection, handling, processing, storage, and transport of the specimens.

The container used for this purpose will be labeled or color-coded in accordance with OSHA standard.

Any specimens that could puncture a primary container will be placed within a secondary container that will be puncture-resistant and properly labeled.

If outside contamination of the primary container occurs, the primary container shall be placed within a secondary container, which prevents leakage during the handling, processing, storage, transport, or shipping of the specimen.

104.4.10 Contaminated Equipment

Equipment that has become contaminated with blood or other potentially infectious materials shall be examined prior to servicing or shipping and shall be decontaminated as necessary unless the decontamination of the equipment is not feasible. An appropriate biohazard warning label must be attached to any contaminated equipment, identifying the contaminated portions and all information regarding the remaining contamination must be conveyed to affected employees, the equipment manufacturer and the equipment service representative prior to handling, servicing, or shipping.

104.4.11 Personal Protective Equipment

All required personal protective equipment used at the City of Gardner will be provided without cost to the employees. Personal protective equipment will be chosen based on the anticipated exposure to blood or other potentially infectious materials. The protective equipment will be considered appropriate only if it does not permit blood or other potentially infectious materials to pass through or reach the employees' clothing, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time that the protective equipment will be used.

The Department Director or their designated subordinate shall ensure that appropriate personal protective equipment and clothing is available and provided as needed.

All employees are to be trained regarding the use of the personal protective equipment for their job classification and tasks/procedures they perform. Initial

training about personal protective equipment is conducted during a new employee's orientation. Additional training is provided when necessary if an employee takes a new position or new job functions are added to their current position.

All personal protective equipment will be cleaned, laundered and disposed of by the city at no cost to the employees. All repairs or replacements will be made by the city at no cost to employees. This does not apply to reusable protective equipment intentionally or negligently damaged or destroyed by the employee.

All garments that are penetrated by blood or other infectious materials shall be removed immediately or as soon as feasible. All potentially contaminated personal protective equipment will be removed prior to leaving the work area or accident/incident site, if possible. The employee will place all contaminated clothing in appropriately labeled bags. Personal protective equipment will be placed in red plastic bags. The supervisor in charge of the work site will be responsible for ensuring that all contaminated personal protective equipment and clothing are in appropriate containers until clothing can be laundered and equipment decontaminated.

Gloves shall be worn where it is reasonably anticipated that employees will have hand contact with blood, other potentially infectious materials, non-intact skin, or mucous membranes and when handling contaminated items or surfaces. Gloves will be available from each Department Director or their designated subordinate.

Disposable gloves are to be replaced as soon as practical after contamination or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised. Utility gloves may be decontaminated for reuse provided that the integrity of the glove is not compromised. Utility gloves will be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.

Masks in combination with eye protection devices such as goggles or glasses with a solid side shield, disposable full face protection, or chin length face shields are required to be worn whenever splashes, spray, splatter, or droplets of blood or other potentially infectious or hazardous materials may be generated and eye, nose, or mouth contamination can reasonably be anticipated.

Appropriate protective clothing is to be worn whenever potential exposure to the body is present.

CFR1910.1030(d)(3)(ii) provides for a limited exemption from the use of personal protective equipment based on situations in which use of personal protective equipment would prevent the proper delivery of health care or public safety services or would pose an increased hazard to the personal safety of the worker. The following represents examples of when such a situation could occur:

- a) A sudden change in patient status occurs such as when an apparently stable patient unexpectedly begins to hemorrhage profusely, putting the patient's life in immediate jeopardy.
- b) A fire fighter rescues a non-breathing individual from a burning building and discovers that their resuscitation equipment is lost/damaged and they must administer CPR.
- c) A bleeding suspect unexpectedly attacks a police officer with a knife, threatening the safety of the officer and/or co-workers.

NOTE: An employee's decision not to use personal protective equipment may be made on a case-by-case basis but must have been prompted by legitimate and truly extenuating circumstances. This does not relieve the city of the responsibility of ensuring that personal protective equipment is reasonably accessible. Such non-use of personal protective equipment must be documented as to why it was not used and evaluated to reduce the likelihood of a similar incident in the future if possible. This documentation will be completed by the Department Director of the employee and attached to the individual exposure report.

104.4.12 Housekeeping Procedures

Employees who are potentially exposed to bloodborne pathogens must follow the following procedures:

- a) All equipment, sinks, and working surfaces must be cleaned and decontaminated after contact with blood or other potentially infectious materials. Work surfaces must be cleaned immediately when surfaces are overtly contaminated, after any spill of blood or infectious materials, or at the end of the work shift if the surface may have been contaminated during that shift.
- b) Protective coverings such as plastic wrap, aluminum foil, or imperviously-backed absorbent paper used to cover equipment and surfaces must be replaced as soon as feasible when they become overtly contaminated or at the end of the work shift.
- c) All trash containers, pails, bins, and other receptacles intended for routine use should be inspected, cleaned, and decontaminated as soon as possible if they have been overtly contaminated. All trash containers, pails, bins, and other receptacles intended for reuse which have a reasonable likelihood of becoming contaminated with blood or other potentially infectious materials should be inspected and decontaminated on a regular basis.
- d) Broken glassware and other sharp objects that may be contaminated should not be picked up directly with the hands. A brush and dustpan, tongs, or forceps will be used to clean up broken glassware or other sharps.

- e) Contaminated reusable sharps are to be stored in containers that do not require hand processing.
- f) Decontamination will be accomplished by utilizing a solution of 5.25 percent sodium hypo chlorite (household bleach) diluted 1-10 parts water or chemical germicides that are EPA approved for use as "hospital disinfectants" and are tuberculocidal when used at recommended dilution.

104.4.13 Regulated Waste Disposal

All contaminated sharps shall be discarded as soon as feasible in appropriately labeled, puncture resistant and leak proof containers. Sharps containers shall not be allowed to be overfilled. When moving containers of contaminated sharps from the area of use, the containers will be closed and sealed to prevent accidental release of contents or placed in a secondary container if leakage is possible. The secondary container must be closable, constructed to contain all contents and prevent leakage during handling, storage, transport, or shipping and appropriately labeled.

Regulated waste other than sharps shall be placed in red bags or appropriately labeled and closed containers constructed to contain all contents, and to prevent leakage of fluids during handling, storage, transport, or shipping.

If outside contamination of the waste container occurs, the primary container will be placed in an appropriately labeled secondary container. The secondary container must be closable, constructed to contain all contents, and prevent leakage during handling, storage, transport, or shipping.

104.4.14 Laundry Procedures

Laundry contaminated with blood or other potentially infectious or hazardous materials will be handled as little as possible. Such laundry will be placed in appropriately marked bags at the location where it was used. Such laundry will not be sorted or rinsed in the area of use.

All employees who handle contaminated laundry will wear gloves and utilize personal protective equipment as necessary to prevent contact with blood or other potentially infectious or hazardous material.

If laundry is sent off-site, the laundry service is to be notified in accordance with section (d) of the OSHA Bloodborne Pathogens Standard (29CFR1910-1030).

104.4.15 Hepatitis B Vaccine

All employees that have been identified as having an occupational risk of exposure to blood or other potentially infectious materials (except for summer seasonal employees due to the temporary nature of their employment), will be offered the Hepatitis B vaccine at no cost to the individual. The vaccination consists of three (3) inoculations given intramuscularly over a six (6) month period. Vaccinations

are performed under the supervision of a license health care provider or other health care professional.

Educational training and vaccinations will be offered within ten (10) working days of the employee's initial assignment to work involving the potential for occupational exposure to blood or other potentially infectious materials. All employees in positions with occupational risk are required to attend the training. Vaccinations are strictly voluntary.

Employees who decline the Hepatitis B vaccination will sign a waiver that uses the wording in Appendix A of the OSHA Standard (29CFR1910-1030). All employees accepting the vaccination shall complete an informed consent form.

Employees who initially decline the vaccine but who later wish to have it may then have the vaccine provided at no cost.

Human Resources has the responsibility of assuring that the vaccine is offered, the waivers are signed, and the necessary training is performed. All documentation should be forwarded to the Human Resources Department for placement and storage in the appropriate files. Clinic of Record will be responsible for administering the vaccine and maintaining all medical records related to the vaccinations.

104.4.16 Post-Exposure Evaluation and Follow-Up

Exposure incidents shall be reported to the employee's Department Director. The employee should complete an exposure report form and the exposure follow-up must be completed by the supervisor to ensure that all the necessary steps were correctly taken. Much of the information involved in this process must remain confidential and all possible measures are taken to protect the privacy of the people involved. Records of exposure incidents and records related to this policy shall be maintained as required.

Post-exposure vaccinations and confidential medical evaluations and follow-ups will be made available to all affected employees following the report of an exposure incident. These vaccinations and evaluations will be provided at no cost to the employee and shall be provided by and under the supervision of a licensed physician designated by the city. An accredited laboratory will conduct all necessary laboratory tests.

In order to ensure that the employee receives the best and most timely treatment if an exposure to bloodborne pathogens should occur, a comprehensive follow-up process is used. All these steps will be expedited in proper order to provide timely treatment, if necessary, of the exposed employee:

- a) The exposed employee shall complete an exposure report providing documentation of the route of exposure and the circumstances related to the exposure incident.

- b) The source individual should be identified unless such identification is not possible or is prohibited by state or local law. The source individual's blood will be tested as soon as feasible after consent, if obtained, in order to determine the person's HIV/HBV status. When the source individual's consent is not required by law, this individual's blood will be tested to determine HIV/HBV status. When the source individual is already known to be infected with Hepatitis B Virus or Human Immunodeficiency Virus testing for the person's HIV/HBV status need not be repeated.
- c) Results of the source individual's testing will be made available to the exposed employee by the physician. The employee will, at that time, be informed of the applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual.
- d) The employee will be offered the option of having their blood collected for testing of the employee's HIV/HBV serological status. The blood sample will be preserved for at least 90 days to allow the employee to decide if the blood should be tested for HIV/HBV serological status. However, if the employee decides prior to that time that testing will be conducted then the appropriate action can be taken and the blood sample discarded.
- e) An appointment will be made for the exposed employee with a qualified health care professional to discuss the employee's health status, including reported illnesses and recommended treatments. Post exposure measures designed to prevent the spread of the disease or development of disease symptoms will be made available to the employee when medically indicated. The employee will be given appropriate counseling concerning precautions to take during the period after the exposure incident. The employee will also be given information on what potential illnesses to be alert for and to report any related experiences to appropriate personnel.
- f) Exposure incidents will be reported to the employee's Department Director. Records of exposure incidents and records related to this policy shall be forwarded to Human Resources for proper storage.

104.4.17 Interaction with Health Care Professionals

After consultation, the health care professional shall provide the City with a written opinion evaluating the exposed employee's condition. A copy of this shall be furnished to the employee by the City. To maintain confidentiality, the written opinion will contain only the following information:

- a) Whether the employee is able to return to work.
- b) Whether Hepatitis B vaccination is indicated for the employee.
- c) Whether the employee has received the Hepatitis B. vaccination.
- d) Confirmation that the employee has been informed of the evaluation results.
- e) Confirmation that the employee has been told about the medical conditions resulting from the exposure incident that requires re-evaluation or further treatment.

All other findings or diagnoses will remain confidential and will not be included in the written report. Copies of the written report will be kept in the employee's restricted medical file and not disbursed without the employee's permission except when required by law.

104.4.18 Education and Training

Well-informed employees are crucial to eliminating or minimizing the risk of occupational exposure to bloodborne pathogens. All employees who have the potential for exposure to bloodborne pathogens will be comprehensively trained. Training will be done annually, and in the case of new or transferring employees, at the time of their job assignment. The Education/Training Coordinator, currently the Human Resources Division, is responsible for ensuring that all employees receive the correct training.

Training will be provided for all employees with occupational risk and to those whose duties require heightened awareness regarding bloodborne pathogens. Training programs will include, but are not limited to, an explanation of the following:

- a) The OSHA Standard for Bloodborne Pathogens.
- b) Epidemiology and symptoms of bloodborne diseases.
- c) Modes of transmission of bloodborne pathogens.
- d) The availability and provisions of the bloodborne pathogens occupational exposure control policy.
- e) Appropriate methods for recognizing tasks and activities that might involve exposure to blood or other potentially infectious materials.
- f) A review of the methods and limitations of methods that will prevent or reduce exposure.
- g) How to select personal protective equipment
- h) How to identify biohazard labels, signs, and color-coded containers.
- i) Information on the Hepatitis B vaccine.
- j) Actions to take and persons to contact in an emergency involving blood or other potentially infectious materials.
- k) Procedures to follow if an exposure incident occurs, including incident reporting.
- l) Information of the post-exposure evaluation and follow-up, including medical consultation that the City provides.

Training presentations will be conducted using the Bloodborne Pathogens Exposure Control Plan, the OSHA Standard, related videotapes, training aids, and other materials appropriate for the occupation. The Education/Training Coordinator,

currently the Human Resources Division, may or may not be assisted by a health care professional.

All employees will receive annual refresher training. Documentation of the training will be maintained for no less than three (3) years.

104.4.19 Record Keeping

All records required by the OSHA standards will be maintained by the City of Gardner, housed with Human Resources, for the duration of an employee's employment plus thirty (30) years.

10-105 CONFINED SPACE ENTRY

105.1 PURPOSE

The purpose of this policy is to establish minimum requirements and procedures for the safety and health of employees who work in, and in connection with, confined spaces.

105.2 DEFINITIONS

The following provide further clarification of terminology used in this policy:

Attendant: A person who is assigned as standby to monitor a confined space process or operation and provide support or react as required.

Biological Hazards: Infectious agents presenting a risk or potential risk to the well-being of man, or other animals, either directly through infection or indirectly through disruption of the environment.

Blinding/Blanking: Inserting a solid barrier across the open end of a pipe leading into or out of the confined space, and securing the barrier in such a way to prevent leakage of material into the confined space.

Confined Space: An enclosed area that has the following characteristics:

- a) Its primary function is something other than human occupancy; i.e. manholes, sewers, lift or pump stations, storage tanks, etc.
- b) Has restricted entry and exit.
- c) May contain potential or known hazards; i.e. no ventilation, dangerous air contaminants, lack of oxygen, etc.

Double Block and Bleed: A method used to isolate a confined space from a line, duct or pipe by physically closing two in-line valves on a piping system, and opening a “vented-to-atmosphere” valve between them.

Engulfment: The surrounding, capturing, or both, of a person by divided particulate matter or liquid.

Entry: Ingress by persons into a confined space that occurs upon breaking the plane of the confined space portal with their face; all periods of time in which the confined space is occupied.

Hazard Evaluation: A process to assess the severity of known, or real, or potential hazards or all three, at or in the confined space.

Hazardous Atmosphere: An atmosphere that may be, or is, injurious to occupants by reason of: oxygen deficiency or enrichment; flammability or explosivity; or toxicity.

Hot Work: Work within a confined space that produces arcs, sparks, flames, heat, or other sources of ignition.

Isolation: A process physically interrupting or disconnecting, or both, pipes, lines and energy sources from the confined space.

LEL/LFL And UEL/UFL: Acronyms for “lower explosive limit”/“lower flammable limit” and “upper explosive limit”/“upper flammable limit”.

Lockout-Tagout: The placement of a lock/tag on the energy-isolating device in accordance with an established procedure, indicating that the energy-isolating device shall not be operated until removal of the lock/tag in accordance with an established procedure.

Non-Permit Confined Space (NPCS): A space that by configuration meets the definition of a confined space but which, after evaluation, is found to have little potential for generation of hazards or has the hazards eliminated by engineering controls.

Oxygen Deficient Atmosphere: An atmosphere containing less than 19.5% oxygen by volume.

Oxygen Enriched Atmosphere: An atmosphere containing more than 23.5% oxygen by volume.

PEL: An acronym for “Permissible Exposure Limit” - which is the allowable air contaminant level established by the U.S. Department of Labor, Occupational Safety and Health Administration.

Permit Required Confined Space (PRCS): A confined space that, after evaluation, has actual or potential hazards that have been determined to require written authorization for entry.

Qualified Person: A person who, by reason of training, education and experience, is knowledgeable in the operation to be performed and is competent to judge the hazards involved.

Shall: Denotes a mandatory requirement.

Should: A recommendation that is a sound safety and health practice; it does not denote a mandatory requirement.

TLV: An acronym for “Threshold Limit Value”.

Toxic Atmosphere: An atmosphere containing a concentration of a substance above the published or otherwise known safe levels.

105.3 HAZARD IDENTIFICATION

A survey shall be conducted of the premises or operations, or both, to identify confined spaces as defined by this policy. The survey shall be conducted by a qualified person and kept in the division location. The qualified person (supervisor or Department Director) shall develop an inventory of those locations or equipment, or both, which meet the definition of a confined space so that personnel may be made aware of them and appropriate procedures developed for each prior to entry.

Confined spaces can become unsafe as a result of: 1) possible atmospheric contamination by toxic or flammable vapors, or oxygen deficiency or excess; 2) possible physical hazards; 3) the possibility of liquids, gases, or solids being admitted during occupancy; or 4) the isolation of occupants from rescue personnel. Hazards shall be identified for each confined space. The hazard identification process shall include, but not be limited to, a review of the following:

- a) The past and current uses of the confined space that may adversely affect the atmosphere of the confined space. The hazard identification process should consider items such as Material Safety Data Sheets (MSDS) for materials currently or previously in the confined space; protective coatings which could trap materials or decompose or deteriorate during work in the confined space; decomposition of residues or reaction with cleaning agents or heat from welding, brazing, or cutting (flame or abrasive) operations; operation of engine powered equipment in the confined space.
- b) The physical characteristics, configuration, and location of the confined space. The means of entry and exit and the hazards posed by adjacent spaces and operations should be reviewed.
- c) Existing or potential hazards in the confined space, such as oxygen deficient or enriched atmosphere, flammable/explosive atmosphere, or toxic atmosphere. Reference sources should be consulted to determine the exposure limits for toxic materials.
- d) Biological hazards associated with the confined space.
- e) Mechanical hazards. Examples of mechanical hazards may be augers, ribbon blenders, etc.

105.4 HAZARD EVALUATION

Hazards identified shall be evaluated by a qualified person. Each hazard shall be examined with respect to:

- a) Scope of hazard exposure. Consideration should be given to how many, or which employees, or both, are exposed or may be affected.
- b) Magnitude of the hazard. Consideration should be given to how much energy may be released; how toxic are the chemicals; quantity of materials which could be inadvertently introduced, etc.
- c) Likelihood of hazard occurrence. Consideration should be given to the range of probability for the hazard to occur, i.e. certain to impossible.
- d) Consequences of the hazard occurrence. Consideration should be given to the most likely outcome if the hazard occurs, i.e. space explosion, death by asphyxiation, etc.
- e) Potential for changing conditions/activities. Examples of changes in conditions/activities are the introduction of hot work or cleaning agents into the confined space that were not identified in the original hazard identification and evaluation and not accounted for on the hazard evaluation. The filling of an adjacent tank is an example of changes in an adjacent space. Weather changes, such as thunderstorms, are examples of changes in environment that can cause problems in confined spaces. The hazard introduced by tools to be used in the confined spaces should also be considered.
- f) Strategies for controlling the hazards.
- g) Impact on the need for emergency response. The size of the man way may be such that special equipment is needed for rescue of the occupants.

Based on the evaluation of the hazards, a qualified person shall classify the confined space as either a permit-required confined space (PRCS) or non-permit confined space (NPCS).

A qualified person shall determine the need for periodic identification and re-evaluation of the hazards based on possible changes in activities in the space or other physical or environmental conditions, or both, which could adversely affect the space. When the need is determined, a qualified person shall conduct the identification and re-evaluation process.

105.5 PROCEDURES AND PRACTICES TO ENTER CONFINED SPACES

105.5.1 Non-Permit Confined Space (NPCS)

- a) The supervisor or Department Director shall develop a written procedure that addresses specific measures and precautions that must be taken to safely enter NPCS. The procedure shall specify what conditions and precautions must be in place to allow for safe entry and what would

constitute a change in conditions that would require a re-evaluation of the confined space.

- b) All employees who will enter NPCS shall be trained in entry procedures, and what conditions would prohibit entry. Training shall be conducted as needed to maintain competence in entry procedures and precautions. NPCS shall be periodically re-evaluated to assure proper classification. Any change of conditions in the space which introduces new hazards to the space, shall require an immediate re-evaluation of the space before entry.
- c) A qualified person shall conduct atmospheric testing as required. If atmospheric levels are not within acceptable limits after implementation of the engineering controls, the entry shall not proceed. If atmospheric test results are not within acceptable limits, this should indicate that the engineering controls are not adequate or the potential for generation of hazards is not as minimal as was initially determined. Consequently, the confined space would no longer be an NPSC.

105.5.2 Permit Required Confined Spaces (PRCS)

- a) A permit shall be established for all PRCS entries. The intent of the permit system is to provide a systematic review for hazards, communicate this information to the occupants and provide an approval sign-off for entries. This document shall include:
 - 1) The date of entry, the location of entry, and type of work that will be conducted in the confined space.
 - 2) The hazards to be controlled or eliminated prior to proceeding with the entry.
 - 3) Safety equipment required to perform the entry and job duties in the confined space.
 - 4) Safety precautions required to perform the job.
 - 5) The type of atmospheric tests required and the results of those tests.
 - 6) The type of equipment that will be necessary for a rescue and how aid will be summoned in the event of an emergency.
 - 7) Duration for the permit.
 - 8) Space for approval authority.
- b) Before each entry into a confined space an entry permit as defined above will be completed by a qualified person and the contents communicated to the occupants or posted, or both. For a permit to remain in effect, the following must be done before each re-entry into the confined space:
 - 1) Atmospheric test results shall be within acceptable limits. If atmospheric test results are not within acceptable limits,

precautions to protect entrants against the hazards shall be addressed on the permit and in place.

- 2) A qualified person shall verify that all precautions and other measures called for on the permit are still in effect.
 - 3) Only operations or work originally approved on the permit shall be conducted in the confined space.
- c) When conditions or work activities are different than those specified on the permit and could introduce a new hazard to the confined space, the permit shall be immediately revoked. A new permit shall be issued or the original permit re-issued whenever changing work conditions or work activities introduce new hazards into the confined space.

105.6 ATMOSPHERIC TESTING

Before entry into a confined space, a qualified person shall conduct testing for hazardous atmospheres. This will generally consist of oxygen and combustible gas indicators. It is recommended on a vertical entry that remote probes be used to measure results at various levels of the confined space. If there is no potential for a flammable atmosphere, the flammability testing may be waived. Functional checks should be performed on the equipment before each entry using manufacturer's recommended methods. Periodically, equipment with internal calibration devices should be calibrated and maintained per manufacturer's instructions. Toxicity tests will normally be conducted using colorimetric sample tubes, organic vapor analyzers, photo ionization detectors, or other instant readout equipment. Although more accurate methods may exist, the practicality of testing must be considered. Testing sequence should be oxygen, flammability and toxicity. Testing equipment used in classified areas shall be listed or approved for use in such areas. This listing or approval shall be from nationally recognized testing laboratories such as Underwriters Laboratories or Factory Mutual Systems.

Initial testing of atmospheric conditions and subsequent tests after a job has been stopped for a significant period of time shall be done with the ventilation systems shut down. Further testing shall be conducted with ventilation systems turned on to ensure that the contaminants are removed and that the ventilation system is not itself causing a hazardous condition. Testing with the ventilation on can reveal problems such as the suction of engine exhaust gases into the confined space or where pneumatically powered blowers or tools may bring contaminated air or other gases into the confined space. If the confined space is vacated for any significant period of time, the atmosphere of the confined space shall be retested before re-entry is permitted.

Atmospheric testing may be waived for non-permit confined spaces only if such spaces are properly ventilated before and during occupancy and it has been established through a formal hazard identification and evaluation study that the ventilation is sufficient to guard against atmospheric contamination.

Testing of confined spaces shall be conducted throughout the entire portion of the space to be occupied. Confined spaces which are deep, have odd shapes, or remote areas may

require that a probe or extension be added to the sampling equipment or occupants may be required to take sampling equipment into the confined space to test. The sampling should be done progressively so that personnel are aware of any deteriorating conditions as they move to remote areas of the confined spaces. Proper Personal Protective Equipment (PPE) should be worn which addresses the hazards that may be encountered during testing.

The atmosphere of the confined spaces shall be considered within acceptable limits whenever the following conditions are maintained;

- a) Oxygen - 19.5% to 23.5%
- b) Flammability - Less than 10% of the Lower Explosive Limit (LEL) or Lower Flammable Limit (LFL)
- c) Toxicity - Less than recognized exposure limits.

To determine excessive toxic levels the American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Values document should be referenced; or Material Safety Data Sheets (MSDS); or 29CFR1910, Subpart Z; or other pertinent information which may apply to the toxic material. Consideration should be given to the use of continuous monitoring equipment. The time-weighted average (TWA) should not be exceeded in 8 hours and the short-term exposure limit (STEL) not exceeded in 15 minutes.

Whenever testing of the atmosphere indicates that levels of oxygen, flammability, or toxicity are not within acceptable limits, entry shall be prohibited until appropriate controls are implemented or appropriate personal protective equipment is provided. If the source of contaminant cannot be determined, precautions shall be adequate to deal with the worst possible condition that the contaminant could present in the confined space. If there is the possibility that the confined space atmosphere can become unacceptable while the work is in progress, procedures and equipment shall be provided to allow the employee to safely exit the confined space.

105.7 ATTENDANT

Attendant(s) shall be stationed outside any Permit Required Confined Space (PRCS). The number of attendants needed shall be determined by a qualified person. The number of attendants should be determined by considering the manpower it will take to carry out duties assigned to the attendant for the entry(ies). If several entry points are within a few feet of each other, one attendant may be able to monitor more than one entry. This would be dependent upon the attendant's ability to stay in contact with the entrants and summon aid in the event of an emergency.

Attendants and occupants shall remain in constant two-way communication. Communication methods should be selected according to hazards and potential for injury or harm to personnel entering the space. Signaling, visual contact and verbal radio communication are examples of available methods.

Attendants shall have the following duties:

- a) Provide standby assistance to occupants entering the confined space. “Standby Assistance” may include checking breathing air cylinders, or any ancillary duties that do not require the attendant to enter the confined space or leave their position.
- b) Direct occupants to exit the confined space when any irregularities are observed.
- c) Initiate evacuation and emergency procedures.
- d) Monitor for any conditions or changes that could adversely affect the entry.
- e) Remain at the entry point unless relieved by another attendant.

105.8 ISOLATION AND LOCKOUT-TAGOUT

All energy sources that are potentially hazardous to confined space entrants shall be secured, relieved, disconnected and/or restrained before personnel are permitted to enter the confined space. The objective is the control of any situation where unexpected energization, start-up or release of stored energy would cause injury to workers. Energy sources may include: electrical, mechanical, hydraulic, pneumatic (air), chemical, thermal, radioactive and the effects of gravity.

Methods and means shall be selected and used to prevent flammable, toxic, irritating, or oxygen displacing gases and vapors from entering the space. All hazardous material, high pressure, high temperature, and other piping that could introduce a hazard shall be isolated by utilizing blinding, disconnection, removal, or double block and bleed as needed to prevent entry of material(s) and hazardous contaminant(s). Before the method(s) of isolation is selected, a qualified person should consider the hazards that may exist or develop to include temperature, pressure, flammability, reactivity, corrosiveness or toxicity of material in the piping and reactions that could occur with cleaning or purging agents, as well as any physical hazards. A confined space could be isolated to prevent entry of material(s) and hazardous contaminants using one or more of the following methods:

- a) Inserting a blank sized for the proper pressure in piping nearest to the confined space.
- b) Depressurizing and disconnecting contaminant supply line(s) and providing a blank or blind on piping leading into the confined space.
- c) Misaligning pipe(s) at connections closest to the confined space and capping/blinding/plugging ends.
- d) Utilizing two (2) blocking valves with an open vent or bleed valve between the blocking valves. If the bleed valve is not the same diameter as the line, then the bleed point should be monitored periodically during the work shift.

Pipelines or similar conveyances between confined space and point(s) of isolation shall be drained, cleaned or flushed of hazardous material and known hazardous contaminants as necessary. Pipelines between the confined space and the first valve, blank or associated equipment may contain material or hazardous contaminants. A qualified person should ensure that such piping has been flushed, cleaned or purged. If this is not possible, i.e. a clogged line, special precautions and procedures necessary to protect occupants and control the hazards should be in place.

Precautions shall be taken to ensure that whenever drains, vents or piping are left open that reversal of flows, or air contamination from adjacent processing, or chemical handling, cannot enter the confined space. A qualified person should assess the impact of other equipment in isolating a confined space. Inter-connected equipment, vessels or machinery may affect the isolation method(s) chosen.

In confined spaces where complete isolation is not possible, provisions shall be made for as rigorous an isolation as practical and an evaluation conducted. A decision to enter these or other similar spaces should be based upon assessing the potential for hazardous contaminants being present and either devising a plan for protecting personnel entering the space or suspending entry until adequate hazard control and protection of occupants can be assured. Use of methods such as ventilation or PPE should be considered. Special precautions shall be taken when entering double walled, jacketed, or internally insulated confined spaces that may discharge hazardous material through the vessel's internal wall. Distillation vessels, boilers and similar type equipment may contain cracks or leaks that may produce a hazardous environment inside the confined space.

Equipment or processes shall be locked or tagged or both in accordance with the City of Gardner's Hazardous Energy Control Program. Where there is a need to test, position or activate equipment by temporarily removing the lock or tag or both, a procedure shall be developed and implemented to control hazards to the occupants. Equipment start-up may pose entanglement, entrapment or engulfment hazards to occupants inside the space. A qualified person should assess the hazard of temporarily removing the locks/tags. Any removal of locks, tags, or other protection measures shall be done in accordance with the City of Gardner's Hazardous Energy Control Program. Lockout, or tagout, or both, of equipment, systems and processes shall be confirmed prior to permitting entry into the confined space. Confirming adequate lockout, or tagout, or both, of potentially hazardous stored or residual energy should be included as part of confined space entry permit review.

105.9 VENTILATION

When ventilation is used to remove atmospheric contaminants from the confined space, the space shall be ventilated until the atmosphere is within the acceptable ranges. Consideration should be given to the volume of the space to be ventilated, the output capacity of the ventilating device, and the distribution of air within the confined space. In addition the air movers should meet the specifications as outlined in ANSI/NFPA 91-1983 and ANSI Z9.2-1979. Ventilation normally consists of a pre-entry purge of several air changes, then continuous introduction of fresh air during occupancy. Natural ventilation may be acceptable if it can achieve the same results as the mechanical ventilation. Consideration should be given to bonding or using intrinsically safe air movers when moving flammable atmospheres.

Ventilation shall be maintained during the occupancy if there is a potential for the atmospheric conditions of the confined space moving out of the acceptable range.

When ventilation is not possible or feasible, alternate protective measures or methods to remove air contaminants and protect occupants shall be determined by the qualified person prior to authorizing entry.

105.10 CLEANING/DECONTAMINATION

Confined Spaces shall be cleaned/decontaminated of hazardous materials to the extent feasible before entry. In some instances the purpose of the entry is to clean the confined space. In these cases, the confined space should be cleaned/decontaminated as much as possible before personnel enter. Proper PPE and other precautions should be used to address any hazards that will remain after the pre-entry cleaning.

Cleaning/decontamination shall be the preferred method of reducing exposure to hazardous materials. Where this is not practical, personal protective equipment shall be worn by the entry personnel to provide appropriate protection against the hazards that may be present. Prior to commencing cleaning/decontamination operations, care should be exercised in the selection of cleaning compounds to ensure their compatibility with the environment in which they will be used.

105.11 PERSONAL PROTECTIVE EQUIPMENT (PPE)

A qualified person shall determine personal protective equipment needed by all personnel entering the confined space including rescue teams. Employees shall wear personal protective equipment selected in accordance with the requirements of the job to be performed and meeting the specifications of applicable standards.

105.12 HEAD PROTECTION

Consideration should be given to: 1) falling objects, both from within the confined space and also through the entryway, and 2) structures and equipment that present hazards to the head.

105.13 EYE AND FACE PROTECTION

Consideration should be given to irritant dusts, vapors, mists, abrasive particles and flying objects. Safety glasses, impact goggles, chemical goggles, or face shields appropriate to the conditions in the confined space and the work to be performed should be provided as needed.

105.14 HAND PROTECTION

Consideration should be given to mechanical protection (sharp edges, abrasions, punctures), chemical protection (acid, solvents), physical protection (heat, cold), electrical protection and handling of slippery tools and materials.

105.15 FOOT PROTECTION

Consideration should be given to physical hazards (falling objects, rolling equipment), chemical hazards (acids, solvents), slip resistance, electrical conductivity, and generation of sparks.

105.16 PROTECTIVE CLOTHING

Consideration should be given to temperature, moisture, chemical resistance, vapor permeability, flame retardancy, static resistance and likelihood of contamination of clothing with toxic materials.

105.17 RESPIRATORY PROTECTION

Respirators should be selected and used in conjunction with an organized respirator protection program.

105.18 HEARING PROTECTION

If using hearing protection, consideration should be given to how it will affect communications between the personnel in the space and the attendant.

105.19 SAFEGUARDS

Each entry and exit point shall be evaluated to determine the most effective methods and equipment to be utilized to enable employees to safely enter and exit the confined space. Safe entry and exit means shall be provided for confined spaces. In most instances, this may involve the use of ladders. However, if use of a ladder is impractical, another safe means of lowering and raising employees should be selected, i.e. bosun chairs, winch devices, etc.

Appropriate retrieval equipment or methods shall be used whenever a person enters a PRCS. Exception: If the retrieval equipment increases the overall risks of entry or does not contribute to the rescue, its use may be waived. The type of retrieval equipment required is dependent on the specific circumstances. Consideration should be given to the size and location of the opening to the space, obstacles within the space, number of occupants, type of retrieval equipment, and whether or not the rescue would be vertical or horizontal. A mechanical device shall be available to retrieve personnel from vertical type PRCS's greater than five feet in depth. In general, mechanical lifting devices should have a mechanical advantage adequate to safely rescue personnel.

Where the potential exists for persons or objects falling into a confined space, warning systems, or barricades shall be employed at the entrance. While protection is desired to prevent attendants or others from falling into a confined space, such protection should not affect ventilation of or egress from the confined space. Fall-arrest systems shall be worn by personnel entering confined spaces as determined by a qualified person.

Electrical equipment used in hazardous locations shall meet the appropriate requirements of Article 500 of the National Electrical Code (NFPA-70). Tools, lighting, communications and test equipment which will be used in classified areas should be listed or approved for the class by accredited organizations such as Underwriters Laboratories, Factory Mutual System, Canadian Standards Association, British Approvals Service for Electrical Equipment in Flammable Atmospheres, etc. Where there is a potential for electrical shock, appropriate electrical equipment or systems shall be used. This would include protection such as ground fault circuit interrupters (GFCI), assured grounding systems, double insulated tools, separately derived systems, and low voltage systems.

105.20 WARNING SIGNS AND SYMBOLS

Any confined space that could be entered inadvertently shall have a sign identifying it as a confined space. Obvious confined spaces such as vessels, tanks, and manholes, need not be identified. However, less obvious confined spaces such as certain dikes, excavations, and pits should be identified. Signs shall be maintained in a legible condition. For PRCS's, the sign shall contain a warning that a permit is required before entry.

105.21 EMERGENCY RESPONSE

A plan of action shall be written with provisions to conduct a timely rescue for individuals in a confined space should an emergency arise. These rescue provisions will normally be present in the form of emergency response procedures. Included in these provisions shall be:

105.22 DETERMINATION OF WHAT METHODS OF RESCUE MUST BE IMPLEMENTED TO RETRIEVE INDIVIDUALS

A review should be conducted of all the different types of confined spaces that will be entered and what steps/equipment it will take to get someone out. Consideration should be given to the size and configuration of the confined space and the body size of entering personnel.

105.23 DESIGNATION OF RESCUE PERSONNEL THAT ARE IMMEDIATELY AVAILABLE WHERE PRCS ENTRIES ARE CONDUCTED

Off-site emergency response personnel may be used provided they are capable of performing a rescue, are familiar with the premises, and can respond in a timely manner. Emergency treatment should generally begin within four minutes for the person with cardiopulmonary arrest. If outside emergency organizations are to be used as rescuers, these organizations should be involved in rescue procedure development and drills.

105.24 TYPE AND AVAILABILITY OF EQUIPMENT NEEDED TO RESCUE INDIVIDUALS

Harnesses, lifelines, and mechanical lifting devices (for vertical entries) are normally required. Breathing equipment and medical aid equipment may also be necessary.

Consideration should also be given to what type of lighting would be used in the confined space, communication devices, and any other special equipment that might be used for rescue.

105.25 AN EFFECTIVE MEANS TO SUMMON RESCUERS IN A TIMELY MANNER

Audible alarms, two-way radios, telephones, etc., are some of the possible means of summoning aid and rescue personnel. Consideration will be given to providing occupants a method of informing the attendant that there is an emergency.

Training and drill of the attendant and rescue personnel in preplanning, rescue and emergency procedures.

All rescue personnel must use self-contained breathing apparatus (SCBA) or Combination Type C Airline/SCBA breathing equipment, when entering the confined space to rescue victims. In some instances the entrance to the confined space may be such that an SCBA unit on the rescuer will not fit through the opening of the confined space. This should have been pre-determined in hazard identification and evaluation or drills. In this event, the rescuer may be required to use Combination Type C Airline/SCBA type breathing equipment. If it is established that the cause of the emergency is not a hazardous atmosphere, rescue-breathing equipment is not required.

All rescue equipment shall be inspected periodically by a qualified person and prior to start of work to ensure that it is operable. Rescue equipment that is taken out of service should be replaced with similar equipment.

105.26 TRAINING

105.26.1 General Requirements

Personnel responsible for supervising, planning, entering or participating in confined space entry and rescue shall be adequately trained in their functional duties prior to any confined space entry. Training, whether basic or advanced, formal or informal, should be commensurate with the complexity of the confined space entry requirements. Training shall include:

- a) An explanation of the general hazards associated with confined spaces;
- b) A discussion of specific confined space hazards associated with the facility, location or operation;
- c) The reason for, proper use, and limitations of personal protective equipment and other safety equipment required for entry into confined spaces;
- d) An explanation of the permit system and other procedural requirements for conducting a confined space entry;
- e) How to respond to emergencies;

- f) Duties and responsibilities as a member of the confined space entry team;
- g) A description of how to recognize probable air contaminant overexposure symptoms to themselves and co-workers, and method(s) for alerting attendants.

105.26.2 Training For Atmospheric Monitoring Personnel:

Training shall include training in the proper use of atmospheric monitoring instruments. This shall include field calibration, basic knowledge of the work being performed, the anticipated hazardous contaminants, and any process that could significantly alter original conditions inside or outside the confined space. It is important for individuals conducting atmospheric tests to possess adequate knowledge of the proper operation of monitoring equipment as well as its limitations associated with anticipated conditions (such as inaccurate measurement readings for flammable gas when the oxygen level is below 16% for certain equipment). Similarly, these individuals should have information about the related process to anticipate potential atmospheric contaminants such as a nearby reactor containing a highly toxic substance that could endanger the entry team in the event of a leak or release.

105.26.3 Training For Attendants

Training shall include the following:

- a) Summoning rescue or other emergency services;
- b) The proper use of equipment used for communicating with entry and emergency/rescue personnel.

105.26.4 Training For Emergency Response Personnel

Training shall include:

- a) **The Rescue Plan And Procedures Developed For Each Type Of Confined Space They Are Anticipated To Encounter**

Emergency response personnel should simulate actual rescue conditions by conducting practice drills. Rescuers should be timed to determine if adequate time was allotted for successful cardiopulmonary resuscitation (CPR) and first-aid techniques. Typical potential rescue problems that should be addressed are egress restriction, ability to lift without injury, problems in using rescue equipment, and fall hazards.

- b) **Use Of Emergency Rescue Equipment**

Individuals involved in rescues should receive training in the use of rescue equipment including medical equipment they would be expected to use or operate during an emergency rescue.

- c) **First Aid And Cardiopulmonary Resuscitation (CPR) Techniques**

Persons performing CPR or first aid or both, should possess current certification.

d) Work Location And Confined Space Configuration To Minimize Response Time

Rescuers should be able to effectively locate the emergency site without undue delay.

105.26.5 Verification Of Training

- a) A qualified person shall conduct periodic assessment of the effectiveness of employee training. Training effectiveness may be evaluated by several techniques. Written, as well as practical testing is recommended. Personnel should be questioned or asked to demonstrate their practical knowledge of confined space hazards that are in their work areas, to identify locations of confined spaces, their role in exercising proper permit procedures, use and donning of personal protective equipment, such as respirators, and their role in response to emergency situations.
- b) Training sessions shall be repeated as often as necessary to maintain an acceptable level of personnel competence. Personnel who are routinely entering the same confined spaces on a daily basis will require less refresher training than employees who only occasionally enter a confined space. Periodic training verification will determine the frequency of refresher training.
- c) Documentation should be maintained in a central location and periodically reviewed to ensure proper follow-up for refresher training.

105.27 MEDICAL SUITABILITY

The physical and psychological suitability of persons to do confined space work shall be considered prior to working in confined spaces. Since confined space entry work may require the use of respiratory protection, possible exposure to various physical stresses such as thermal, humidity, noise, vibration, etc., and psychological stresses such as claustrophobia, and vertigo; these concerns need to be addressed by a physician or other licensed medical practitioner. Physical qualifications for respirator use are contained in ANSI Z88.6. The physical and psychological capabilities of potential candidates for confine space work can be evaluated during training exercises for the confined space work.

105.28 CONTRACTORS

Employers who use contractors to enter confined spaces shall inform contractors of known potential hazards associated with the confined space to be entered. The employer and contractor shall establish who will serve as the rescue responder in an emergency and what system will be used to notify the responder that an emergency exists. Pre-planning should be conducted between the contractor and the employer to establish who will be responsible to perform rescue and provide medical services in the event of an emergency

situation. If the contractor expects to use the employer's rescue capability, this should be agreed upon before the entry and the method of contacting the rescue responder established.

10-106 HAZARD COMMUNICATION PROGRAM

106.1 PURPOSE

The purpose of the Hazard Communication Program is to ensure that the City of Gardner complies with the federal OSHA Hazard Communication Standard by compiling a hazardous chemicals list, by using Material Safety Data Sheets (MSDSs), by ensuring that containers are labeled, and by providing employees with training. The Standard is designed to ensure that all employees who have potential occupational exposure to hazardous chemicals and substances are informed, trained, and made aware of precautionary measures. The Hazard Communication Coordinator is currently the Human Resources Division.

106.2 SCOPE

This program applies to all work operations in the City of Gardner where an employee may be exposed to hazardous chemicals or substances under normal working conditions or during an emergency situation.

106.3 DEFINITIONS

A hazardous chemical is any chemical that is a physical hazard or a health hazard. A physical hazard is defined as a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.

A health hazard means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term health hazard includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, and neurotoxins, agents which act on the hematopoietic system and agents which damage the lungs, skin, eyes, or mucous membranes. (See standard for further definitions.)

106.4 HAZARDOUS CHEMICAL LIST

Each department shall develop a list of all chemicals known to be present in the work place using an appropriate identification and/or classification that permits reference to the appropriate Material Safety Data Sheets. From this list, the department will develop for each facility the list of all hazardous chemicals known to be present in the work place.

The list of hazardous chemicals shall include the manufacturer's product name, location, and telephone number and the work area where the product is used. Lists shall be updated as new chemicals are put into or taken out of service.

Annual inventories shall be performed to ensure that all chemicals are listed.

The lists of hazardous chemicals shall be made available to affected employees. Copies of the lists shall be forwarded to the Hazard Communication Program Coordinator for inclusion in the master Material Safety Data Sheet (MSDS) binder which is housed in Human Resources.

106.5 MATERIAL SAFETY DATA SHEETS

Each City of Gardner department is responsible for implementing and maintaining a chemical screening procedure and for obtaining the Material Safety Data Sheets (MSDSs) for any new chemicals before they are first received at the work place. Each department shall have an MSDS for each hazardous chemical that they use.

An MSDS is needed for all chemicals (except those specifically exempted by the standard), not just hazardous chemicals. If a manufacturer declines to supply an MSDS on the grounds that the chemical is not hazardous, the department has an obligation to determine, to the best of its ability, whether the supplier's statement is correct.

All chemicals include not only the raw materials used but also operating chemicals (e.g. water treatment, janitorial supplies). The only exception is those chemicals that might be bought in consumer packaging, such as a can of drain cleaner off the grocery shelf. Note, however, that if such a consumer product is purchased in industrial packaging (drain cleaner in a 30-gallon drum), the product is no longer exempt, and an MSDS is required for it.

The manufacturer is responsible for supplying an MSDS prior to its first shipment of a hazardous chemical. A review must be conducted before employees are exposed to the chemical. Each MSDS must contain specified information about a hazardous chemical. If some required information is unavailable, the MSDS must so indicate, as blanks are not allowed.

An MSDS shall be required with all samples a vendor may send or deliver to a location, if it was not received before the sample arrives.

A chemical should not be purchased until an acceptable MSDS is on file and has appropriate approval.

The chemical identity and name of a hazardous chemical may be withheld from the Material Safety Data Sheet if it is a trade secret. Information concerning the properties and effects of the hazardous chemical must be disclosed in the MSDS. The specific chemical identity must be made available to health professionals in certain situations.

It is important that all MSDSs be kept current, both those retained by each department and the master binder kept by the Hazard Communication Program Coordinator, currently the Human Resources Division. If an MSDS is for a chemical that is no longer on hand or that has been taken out of service, the MSDS shall be marked "Taken Out of Service" and the date the chemical was taken out of service placed on it. The marked and dated MSDS shall

be forwarded to the Hazard Communication Program Coordinator, currently the Human Resources Division, for retention as required by law. When an MSDS is obtained for a new chemical, it shall be marked "Taken Into Service" with the department and the date the chemical was taken into service. A copy of the marked and dated MSDS shall be forwarded to the Hazard Communication Program Coordinator, currently the Human Resources Division, for inclusion in the master MSDS binder.

Copies of hazardous chemicals' MSDSs must be readily accessible to employees exposed to those chemicals. (MSDSs cannot be kept in a locked office.) It is each department's responsibility to establish a system that ensures employees' access to MSDSs. A copy of the MSDS for any chemical product(s) used in the field should be readily available in the vehicle.

106.6 HAZARD DETERMINATION

As appropriate for each material imported or used, a review of the Material Safety Data Sheets (MSDSs) will be completed to determine the known hazards (if any) of that material. The department or division proposing to bring in a new chemical is responsible for ensuring that the chemical screening procedure is followed. This includes the user facility sending copies of the MSDS to the Hazard Communication Program Coordinator, currently the Human Resources Division. It also includes:

Resolving any inconsistencies in the MSDSs provided by different suppliers for the same chemical. The department must also provide consistent MSDS information for reference by employees.

Determining if the City of Gardner's policies dictate different handling procedures than indicated on MSDS and, when appropriate, providing a recommended handling procedure to the department.

Establishing a central repository of all departmental MSDSs.

Emphasizing that a chemical is handled the same way regardless of the supplier or location. Any questions regarding the handling of a chemical should be directed to the manufacturer.

106.7 HAZARD COMMUNICATION PROGRAM COORDINATOR

The Human Resources Division is the designated Hazard Communication Program Coordinator. Typical duties of the Hazard Communication Program Coordinator include, but are not limited to:

- a) Review and revise the City of Gardner's Hazard Communication Program to ensure compliance with legal requirements or as required by law.
- b) Maintain a master Material Safety Data Sheet (MSDS) binder that includes a listing of all the chemicals and MSDSs identified as a result of the inventories conducted by each department on an annual basis.

106.8 LABELS AND OTHER FORMS OF WARNING

Labeling and warning signs are important for the prevention of exposure in the workplace and work area. Chemical manufacturers, importers and distributors must ensure that each container of hazardous chemicals leaving its workplace is properly labeled. Containers of hazardous materials, upon being brought into any City facility should already have the manufacturer's label. However, there are times when labels are defaced or substances are transferred from original to storage containers. Each department must ensure that each container of hazardous chemicals in its workplace is properly labeled, tagged, or marked to identify the name(s) of the hazardous chemicals contained therein (the same name as appears on the MSDS), appropriate hazard warnings, and the name and address of the manufacturer, importer, or other responsible party to contact for more information if necessary.

Labels are required on both the original and any storage containers. Any container that contains hazardous chemicals must be labeled if the employee who performed the transfer does not intend the chemical for immediate use (same shift).

Organizations such as the Department of Transportation (DOT), National Fire Protection Association (NFPA), National Paints and Coating Association (NPCA), and various chemical manufacturers have all developed independent labeling systems to help promote rapid identification of hazardous material categories. Training in this area will be provided to assist employees in label interpretation.

106.9 EMPLOYEE INFORMATION AND TRAINING

Employees shall be provided with applicable information and training on the hazards of chemicals in the work area to which they may be exposed and the means to avoid those hazards prior to their initial assignment to that work area.

Employees shall be informed of the requirements for training and information contained in the OSHA Hazard Communication Standard, any and all operations in their individual work area where hazardous chemicals are present, and the location of the required lists of hazardous chemicals and Material Safety Data Sheets required by the standard. All employees have access to the written program through department copy of the Personnel Policies.

Each employee's training shall include at least the following:

- a) All methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area. Such methods may include monitoring conducted by the employer, continuous monitoring devices, visual appearance or odor of hazardous chemicals when being released or other appropriate warning systems or indicators.
- b) Any physical or health hazards connected with the chemicals used in the work area.
- c) The measures employees can take to protect themselves from hazards including specific procedures the employer has implemented to protect the employees from

exposure to hazardous chemicals such as appropriate work practices, emergency procedures, and personal protective equipment to be used.

- d) The details of the hazard communication program developed by the City of Gardner including an explanation of the labeling system and the Material Safety Data Sheets and how employees can obtain and use the appropriate hazard information.

Each department shall provide basic training to employees on an annual basis and refresher training whenever new chemicals are introduced into the workplace, new information on a chemical is obtained, or employees transfer to a new work place. Records must be kept of employees' attendance and the materials covered.

106.10 CONTRACTED EMPLOYEES

The City of Gardner has a responsibility to its contracted employees. Each department shall be responsible for informing all contracted employees about any hazardous materials that the contracted employees may be exposed to in the work area.

Contractors have a responsibility to the City of Gardner. Contractors who are contracted to complete a project within a City of Gardner facility that involves the use of chemical materials must, as part of the contract:

- a) Provide the City of Gardner with Material Safety Data Sheets that comply with the Hazard Communication Standard. This includes all chemical materials used by the contracted employees that are subject to the standard. Each Division will have copies of the appropriate MSDS forms available and the master binder will be housed in Human Resources.
- b) Properly label all containers (bags, drums, etc.) according to the Hazard Communication standard.

It shall be the responsibility of the City of Gardner to communicate these requirements to the contracted employer as part of the contract and to ensure that the contractor has complied with these items prior to the first shipment of material and/or the beginning of the actual work.

10-107 HAZARDOUS ENERGY CONTROL PROGRAM

107.1 SCOPE

The standard for the control of hazardous energy sources (Lockout-Tagout) covers servicing and maintenance of machines and equipment in which the unexpected energization or start up of the machines or equipment or release of stored energy could cause injury to employees. The rule generally requires that energy sources for equipment be turned off or disconnected and that the switch either be locked or labeled with a warning tag.

107.2 GENERAL REQUIREMENTS

Under the ruling employers must:

- a)** Develop an energy control program
- b)** Use locks when equipment can be locked out.
- c)** Ensure that new equipment or overhauled equipment can accommodate locks.
- d)** Employ additional means to ensure safety when tags rather than locks are used by using an effective tagout program.
- e)** Identify and implement specific procedures (generally in writing) for the control of hazardous energy including preparation for shutdown, shutdown, equipment isolation, Lockout-Tagout application, release of stored energy, and verification of isolation.
- f)** Institute procedures for release of Lockout-Tagout including machine inspection, notification and safe positioning of employees, and removal of the Lockout-Tagout device.
- g)** Obtain standardized locks and tags which indicate the identity of the employee using them and which are of sufficient quality and durability to ensure their effectiveness.
- h)** Require that each Lockout-Tagout device be removed by the employee who applied the device.
- i)** Conduct inspections of energy control procedures at least annually.
- j)** Train employees in the specific energy control procedures with training reminders as part of the annual inspections of the control procedures.
- k)** Adopt procedures to ensure safety when equipment must be tested during servicing, when outside contractors are working at the site, when a multiple lockout is needed for a crew servicing equipment, and when shifts or personnel change.

107.3 EXCLUSIONS

Excluded from coverage are:

- a)** Normal production operations including repetitive, routine minor adjustments, and maintenance that would be covered under OSHA's machine guarding standards.
- b)** Work on cord and plug connected electric equipment when it is unplugged, and the employee working on the equipment has complete control over the plug
- c)** Hot tap operations involving gas, steam, water, or petroleum products when the employer shows that continuity of service is essential, shutdown is impractical, and documented procedures are followed to provide proven effective protection for employees.

107.4 EFFECTIVE DATE

The final rule (29 CFR 1901.147) was published in the Federal Register September 1, 1989 with implementation effective October 31, 1989.

10-108 LOCKOUT-TAGOUT PROCEDURE

108.1 PURPOSE

This procedure establishes the minimum requirements for the lockout and tagout of all energy isolating devices. It shall be used to ensure that all circuits, machines or equipment are isolated from all potentially hazardous energy and locked out and tagged out before employees perform any repair, servicing or maintenance activities where the unexpected energization, start-up or release of stored energy could cause injury

All machines and equipment shall be locked and tagged out to protect against accidental or inadvertent operation when such operation could cause injury to personnel. Do not attempt to operate any switch, valve, or other energy isolation device where it is locked and tagged out.

108.2 RESPONSIBILITY

The Department Director in each department will notify their employees that a lockout and tagout system is going to be utilized. The Department Director will also instruct the employee on the type and magnitude of energy that each machine or piece of equipment utilizes.

108.3 DEFINITIONS

Lockout Device: A device that utilizes a positive means to hold an energy isolation device in the safe position and prevent the energizing of a machine or equipment.

Tagout Device: A prominent warning device, such as a tag and a means of attachment, which can be securely fastened to an energy isolation device in accordance with an established procedure, to indicate that the energy isolating device and the equipment being controlled may not be operated until the tagout device is removed. Tagout devices shall be standardized in color, shape, size, print and format throughout the departments.

108.4 PREPARATION FOR LOCKOUT AND TAGOUT PROCEDURES

The Department Director shall identify all machines and equipment, in their department, to be certain which switch(es), valve(s) or other energy isolating devices apply to the machines or equipment to be locked and tagged out and post warning signs where appropriate, identifying these machines and equipment. More than one energy source (electrical, mechanical, or others) may be involved.

108.5 SEQUENCE OF LOCKOUT AND TAGOUT SYSTEM PROCEDURES

- a) If the machine or equipment is operating, shut it down by normal stopping procedures (depress stop button, open-toggle switch, etc.).
- b) Operate the switch, valve, or other energy isolating device(s) so that the machine or equipment is isolated from its energy source(s). Stored energy (such as that in springs, elevated machine members, rotation fly wheels, hydraulic systems, and air, gas, steam, or water pressure, etc.) must be dissipated or restrained by methods such as repositioning, blocking, bleeding down, etc.
- c) Lockout and tagout the energy isolating device(s) with assigned device(s) and tag(s).
- d) After ensuring that no personnel are exposed, and as a check on having disconnected the energy source(s), operate the push button or other normal operating controls to make certain the machine or equipment will not operate. *Caution: Return operating controls(s) to “neutral” or “off” position after the test.*
- e) The machine or equipment is now locked and tagged out and ready for repair, servicing and/or maintenance.
- f) Do not attempt to operate any switch, valve, or other energy-isolating device where it is locked and tagged out.

108.6 RESTORING MACHINES OR EQUIPMENT TO NORMAL PRODUCTION OPERATIONS

After the repair, servicing and/or maintenance is complete and the machine or equipment is ready for normal production operations, check the area around the machine or equipment to ensure that no one is exposed.

After all tools have been removed from the machine or equipment, guards have been reinstalled and employees are in the clear, remove all lockout or tagout devices. Operate the energy isolating devices to restore energy to the machine or equipment.

10-109 CLEARANCES OF LINES & EQUIPMENT (HOLD PROCEDURES)

109.1 GENERAL

All circuits and equipment, including electrical and mechanical apparatus, are classified as either “dead” or “alive”.

All circuits and equipment must be considered “alive” at all times unless fully protected in accordance with the Hold Procedure.

It is the responsibility of every affected person of all operating divisions of the City of Gardner to familiarize themselves with and understand the Hold Procedure, and to fully comply with the various provisions outlined herein.

A Hold can only be granted to a qualified person authorized by the City of Gardner.

109.2 DEFINITIONS

Control Authority: The person responsible for approving “Requests for Holds” and for switching and tagging operations required in connection with Holds and for granting Holds on circuits and equipment.

Authorized Person: A qualified person who has authority to secure a Hold on a specific circuit or equipment that is to be worked “dead”. The Authorized Person shall obtain a Hold on that particular circuit or equipment, be responsible for making certain that sufficient and adequate protections have been provided, and convey to other workers associated with them the limits of the protection and the safe working area.

Red Hold (No Test Voltage): A condition wherein a specific circuit or equipment is isolated from all normal sources of energy and all points necessary for such isolation are tagged with Red Tags. Under no condition will a voltage (test or otherwise) be applied to a circuit and/or equipment that is within the limits of a red hold. It is granted by a Control Authority to an Authorized Person. Once granted, it continues to exist until the Authorized Person properly surrenders the Hold to the Control Authority. Any number of Authorized Persons may be granted red holds on the same circuit or equipment. A red hold cannot be granted for any section of a circuit or equipment covered by a blue hold.

Blue Hold: A condition wherein a specific circuit or equipment is initially isolated from all normal sources of energy and all points necessary for such isolation are tagged with Blue Tags. It is granted when it is known that isolating points must be operated or tests applied before the work is completed. It permits operation of isolating points by or under the direct order of the Authorized Person designated on the blue hold only when permission is granted by the Control Authority. A blue hold cannot be granted for any section of a circuit or equipment covered by a red hold or another blue hold.

NOTE: Whenever it is necessary to work under a *blue hold* in one section having a common limit point with an adjacent section that is to be worked under a *red hold*, the common limit point *shall* bear both a Blue and Red Tag. The Red Tag *will*, in this instance, take precedence over the Blue Tag and the point *cannot* be operated.

Workers Hold: A Hold (red or blue) established by an Authorized Person. It can be used only for a specific circuit or equipment, and then only for such cases as:

1. Emergency work on circuits or equipment.
2. Where local Control Authority *is not* available and work on such equipment *will not* affect system operations and where complete protection is secured locally.
3. Circuits or equipment at locations without communications facilities.

NOTE: After work is completed under the Workers Hold, it *shall* be surrendered in accordance with the procedures for SURRENDERING A HOLD hereof before being energized. Complete records (including completed tags) of all operations performed in connection with the Workers Hold *shall* be sent to the recognized Control Authority as soon as possible after completion of the work.

109.3 CONDITIONS UNDER WHICH A HOLD IS REQUIRED

A Hold must be obtained whenever “dead” work is to be performed on a completed circuit or equipment or on those portions of circuits and equipment under construction that can be made “alive” through normal sources by the operation of an isolating point.

Circuits and equipment under construction or those portions thereof, which cannot be made “alive” through normal sources do not require a Hold, however, if such circuit or equipment can become “alive” accidentally by fallen wires, induced voltages, etc., protection shall be provided as set forth in the AUTHORIZED PERSON’S RESPONSIBILITY UNDER A HOLD and WORKER’S RESPONSIBILITY UNDER A HOLD sections hereof, before “dead” work is started.

109.4 OBTAINING A HOLD

A “Request for Hold” may be made by or for any Authorized Person and shall be submitted to the Control Authority as far in advance as practical of the time when the Hold will be needed. Such written requests shall specify the following:

- a) The name of the Authorized Person
- b) The circuit or equipment, and limits of the Hold (the isolating points) between which work is to be done.
- c) The nature and location of the work to be done, the type of Hold required and other pertinent information.
- d) The time the Hold is wanted and its approximate duration.
- e) When rearrangements are planned, a sketch of the changes *shall* also be furnished at the time of the request. This sketch shall be dated, signed, and marked “proposed”.
- f) Signature of person making the request.

The Control Authority shall make preparations for the Hold as follows:

- a) Carefully check to make sure that no condition exists which will prevent the granting of the proposed Hold. If such a condition exists, notify the person who originated the request and/or the Authorized Person as soon as practical.
- b) The Control Authority shall have the section of the circuit or equipment isolated from all normal sources.

- c) The Control Authority shall have all isolating points properly tagged.
- d) Where instruments are available, the Control Authority shall have the instruments read as a check on the isolation of the circuit or equipment against electrical energy, mechanical motion, flow of fluids, gases, rotation, etc.

After the specified circuit or equipment has been removed from service and its isolating points have all been tagged, the Control Authority will grant the Hold to the Authorized Person. This grant shall specify the hold number, equipment, circuit, or section isolated, and identify the isolating points on which tags have been placed.

NOTE: In all cases where there is doubt as to the Authorized Person's qualifications or of their proper knowledge of the rules or equipment, the Control Authority *shall* communicate the facts to the Authorized Person's supervisor who *will* then take full responsibility for whatever procedure is followed.

The Control Authority may request an interconnected company or a customer to place isolating points in the proper position to insure the required isolation and to apply an approved tag or sign.

109.5 AUTHORIZED PERSON'S RESPONSIBILITY UNDER A HOLD

After an Authorized Person has been granted a Hold, they will perform or witness the testing, grounding, immobilizing, etc., as follows:

- a) Check the isolating points tagged for his/her protection whenever practical.
- b) Test, and if found "de-energized", apply protection, such as grounding, or immobilizing device, etc., on the "de-energized" side of all possible sources to the working zone.
- c) When work is to be performed on "dead" equipment that is adjacent to "alive" equipment, the location in which it is safe to work shall be protected. Proper instructions shall be given to all workers as to the extent of the protection and hazards present.
- d) At the beginning of each job, and also at the beginning of each day or shift thereafter, when the job continues for more than one day, the Authorized Person shall explain and point out to everyone working under them the exact conditions that exist.
- e) The Authorized Person shall keep the Control Authority advised of any increase or decrease in the estimated time required to complete the work.

109.6 WORKER'S RESPONSIBILITY UNDER A HOLD

A worker *shall not* start work on circuits or equipment under a Hold until they have been advised of and thoroughly understands the scope of the work and the protection limits.

109.7 TRANSFERRING A HOLD

The Authorized Person in charge who received the Hold may transfer this hold as follows:

- a) The Authorized Person *shall* notify the successor of the limits of the Hold and the location of the protection that has been installed before informing the Control Authority of the proposed transfer.
- b) The Authorized Person *shall* personally inform the Control Authority of the proposed transfer, and if this is permitted, the workers under their direction *shall* be notified and the name of the successor *shall* be entered at that time on the record by the Control Authority. Thereafter, the successor shall be the Authorized Person.

109.8 SURRENDERING A HOLD

Upon completion of the work, the Authorized Person *shall* advise everyone working under their Hold that they *shall* thereafter consider the circuit or equipment “alive”. They *shall* have all protection removed which was applied under the Hold and see that the circuit or equipment is ready to be made “alive” as far as they are concerned. The Authorized Person *shall* surrender the Hold to the Control Authority. When surrendering the Hold, the Authorized Person *shall*:

- a) State their name, type of Hold, and Hold number.
- b) Confirm that everyone working under their Hold is in the clear.
- c) Confirm that *all* worker protection applied under the Hold has been removed.
- d) Clearly explain *all* changes made which affect operation, such as reduced capacity, increased load or new circuit configuration. Reference should be made to appropriate circuit diagrams applying to the change.

After the Authorized Person has surrendered their Hold, the Control Authority shall:

- a) Check their diagram and records to see that any changes made do not affect any other outstanding Hold. If not, the circuit or equipment will be made ready for service as required.
- b) A complete record shall be made of all transactions relating to a Hold. All records, including Request for Hold, Hold Sheet, Tags, Switching Orders, etc., shall be returned to the Control Authority for filing upon completion of the work.

109.9 SPECIAL CASES

In general, all of the protection required for a given job shall be done under one Hold. In special cases, when operating conditions necessitate that part of the circuit or equipment covered be returned to service before the completion of the whole job, the protection may

be accomplished by two Holds granted to one Authorized Person. All persons so protected shall be specifically advised of the conditions at all times.

If more than one party or crew desires to work on the same section of a circuit or on the same piece of equipment, the Authorized Person of each party or crew must obtain a separate Red Hold. All switches, valves, etc., which can be used to make that circuit or equipment “alive” must be red tagged for each Authorized Person unless otherwise red tagged in accordance with provisions outlined as follows:

- a) When necessary for operating convenience, a single red tag used as a Control Authority’s tag, may be placed on an isolating point at a remote location when it is known or anticipated that more than one Hold WILL be required before the work is completed. The words “CONTROL AUTHORITY” shall appear on the tag in the space normally provided for the Red Hold number. No Hold can be granted with all Control Authority tags.
- b) A qualified person may desire to work on a section of line, of which a portion is within the limits of an existing Red Hold. The Control Authority MAY have Red Tags placed for the Authorized Person at all necessary isolating points so as to increase, but never to decrease, the section on which the Authorized Person has protection. The Control Authority may then have the Red Tags between the extended points of protection removed. The Control Authority shall notify the Authorized Person affected by these changes. The qualified person may then be granted a Red Hold to perform their work covering the same equipment as the extended Red Hold.
- c) Since there are different levels of Control Authorities on our system to cover all the various classes of circuits and equipment, the higher Control Authority will be permitted to take control from, or pass control to, a lower, or Sub-Control Authority, as emergencies, lack of communications, or specific complexities of the system dictate.
- d) The Control Authority may grant switching and tagging protection on circuits or equipment controlled by the City of Gardner to a recognized dispatching authority of other companies in accordance with the provisions outlined in the OBTAINING A HOLD section herein.

If for any reason it is not possible to comply with the rules of the Hold Procedure, the department supervisor in charge of the work or their designated representative shall be advised at once. The Control Authority and the Department Director or their designated representative shall decide what emergency action shall be taken.

NOTE: The type of equipment used on certain portions of the system may make it impossible to comply completely with all of these rules. In such cases, adequate protection of employees working on that equipment *shall* be made by mutual agreement of the Authorized Person, supervisor, Control Authority and Department Director.

10-110 EMERGENCY ACTION PLAN

110.1 EMERGENCY ESCAPE PROCEDURE AND ROUTE ASSIGNMENTS

Employees shall evacuate the buildings through any designated exit. A floor plan of the building with the evacuation routes shown shall be posted.

Evacuation initiation will be at the direction of the City Administrator, Department Director, supervisor, or their designee.

Each Department Director or supervisor shall account for each employee under their supervision by actual head count once the evacuation has been completed.

City of Gardner Police Department personnel will be responsible for any injured employee until medical help is provided.

The Department Director or supervisor shall be responsible for reporting the emergency to the proper authority either by telephoning 911, by radio, or directly.

110.2 EMERGENCY ACTION PLAN GUIDELINES

The Department Director or supervisor shall ensure that employees:

- a) Know the location of all exits from the building.
- b) Know the location of fire extinguishers.
- c) Learn to operate fire extinguishers properly.
- d) Be familiar with alarm system used for their building.
- e) Report fire and other emergencies by telephoning 911 and notifying the supervisor or Department Director immediately.
- f) Follow evacuation instructions and emergency duties according to the emergency plan or as instructed by the supervisor or Department Director.
- g) Maintain order during the evacuation procedure.

110.3 NOTIFICATION

An internal alarm system for notifying employees of an emergency shall be established for each location. In addition to the primary alarm system, a backup system shall be established.

Notification of authorities shall be by phone, radio, or direct contact.

A backup employee should be available and knowledgeable of the correct procedures for notifying authorities.

110.4 EXITS

- a) All exits shall be clearly marked.
- b) All evacuation routes shall be clearly marked.
- c) All exits shall be kept cleared of obstructions.
- d) Locked exits shall allow for evacuation from the inside.
- e) Each building shall have a primary as well as an alternate escape route.

110.5 SUPERVISORY DUTIES

Supervisors shall:

- a) Train new employees on the established emergency action plan.
- b) Review emergency action plan with all employees on a periodic basis.
- c) Train employees on the location and proper use of fire extinguishers.

110.6 DEPARTMENT DIRECTOR DUTIES DURING EMERGENCY

The City Administrator, Department Director, or supervisor shall:

- a) Initiate the alarm system and notify the proper authorities.
- b) Monitor the evacuation and exit procedures to insure orderly conduct.
- c) Secure the building and/or department following the evacuation.
- d) Account for each employee after the building has been evacuated.