

RESOLUTION NO. 1963

A RESOLUTION PROVIDING FOR THE ADOPTION OF A REVISION TO THE PERSONNEL POLICIES AND PROCEDURES, 2010 EDITION, FOR THE CITY OF GARDNER, KANSAS.

WHEREAS, the City of Gardner now deems it advisable to update uniform personnel policies and procedures for employees of the City of Gardner; and

WHEREAS, it is the intent of the City Council of the City of Gardner to revise Sections 4-108, "Performance Standards," 7-104, "Implementation of Disciplinary Action," and 7-105, "Appeal Process";

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

SECTION ONE: Section 4-108 is amended to include new subsection 108.4, "Appeal of Performance Review," to read as follows:

108.4 APPEAL OF PERFORMANCE REVIEW

If the employee subject to the evaluation believes that the review was unfair, retaliatory, or based on criteria other than those laid out in Section 4-104, the employee may request a review of the performance evaluation in question. Such review request must be submitted in writing to the City Administrator within thirty (30) calendar days of the date that the review takes place. The request shall include the grounds for dispute, and the relief to be 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 disputed evaluation.

At the conclusion of the review process, the City Administrator shall render a decision to uphold, overturn, or amend the performance review. 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.

In cases in which the employee directly reports to the City Administrator, the employee can request an appeal of the performance review directly of the Governing Body. In these cases, the Governing Body will assume the responsibilities of the City Administrator outlined in this section, and the decision of the Governing Body will be final.

SECTION TWO: Section 7-104, paragraph 6, is amended to read as follows:

In cases of written reprimand, special probation, 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.

SECTION THREE: Section 7-105 is amended to read as follows:

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 written reprimand, special probation, 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.

In cases in which the employee directly reports to the City Administrator, the employee can request a review of the disciplinary action directly of the Governing Body. In these cases, the Governing Body will assume the responsibilities of the City Administrator outlined in this section, and the decision of the Governing Body will be final.

SECTION FOUR: These updated Personnel Policies and Procedures, 2010 Edition, supersede any rules, regulations or policies in conflict herewith.

SECTION FIVE: This Resolution shall take effect and be in full force from and after its adoption by the Governing Body of the City of Gardner.

ADOPTED by the Governing Body of the City of Gardner, Kansas, this 6th day of March, 2017.

CITY OF GARDNER, KANSAS

(SEAL)

/s/ Chris Morrow
Chris Morrow, Mayor

Attest: