



SECTION 2 – GENERAL PROVISIONS

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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. Individuals appointed by the Electric Utility Board report to the Electric Director but are subject to the Personnel Policies & Rules set forth herein. 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 VOLUNTEERS AND RESERVE OFFICERS

These City Personnel Policies and Procedures shall apply to Volunteer Fire Fighters and Reserve Officers.

103.3 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.

103.4 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 Manager.

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 Manager 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

Manager 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 Manager, or to any managerial employee who will then be responsible for promptly reporting the incident to the Human Resources Manager. The Human Resources Manager 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 Manager. 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 Manager. 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 Manager

Your supervisor and the Human Resources Manager 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 Manager.

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 Manager.
- 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 Manager. 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, fire bays, 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 NO USE/POSSESSION OF FIREARMS

The City prohibits the use/possession of firearms by City employees while on work status, and any other individuals acting on behalf of the City except under the following conditions:

- a) Employees who are licensed peace officers or authorized law enforcement, and
- b) Who have Department Director approval, and
- c) Who have approval from the City's Public Safety Director (possession of a hand gun permit does not constitute the Public Safety Director's permission).

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 Personnel Specialist 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 Manager, 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 Manager 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 Manager with reasonable notice. All inspections and copying of information contained shall be performed by or under the supervision of the Human Resources Manager 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.