



Section 3
Vacancies, Recruitment,
and Appointment

SECTION 3. VACANCIES, RECRUITMENT, AND APPOINTMENT

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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 Manager 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 Manager.

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 Manager, 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 Public Safety 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 or as Reserve Public Safety Officers.

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 Public Safety 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 Public Safety 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 the Electric Utility Director will be appointed by the Electric Utility Board upon recommendation of the Human Resources Manager. 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 Public Safety Director 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:** Public Safety 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.

VOLUNTEER: Firefighters/reserve officers: A position which is hired and scheduled through Public Safety as needed.

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 Manager, 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.