



SECTION 4
TERMS OF EMPLOYMENT

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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 Manager 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

Public Safety Add-On - To be used in conjunction with Form A in evaluating sworn Public Safety 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 Resource Manager.

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 Resource Manager 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:** 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.

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. VOLUNTEER:

A Position that is hired and scheduled through Public Safety as needed.

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 public safety 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 public safety 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 schedule 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: Public Safety 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:

Example:	Area Per Diem Rate	\$42.00
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 Manager 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 public safety 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 Manager.
- 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 Manager and/or the City Administrator, as appropriate. The decision of the City Administrator is final.