Disclaimer:

This Rules & Regulations Manual on-line may not always be up-to-date. Please refer to your own manual you were given when you were hired and have kept up-to-date for the most accurate updates.

Thank you.

-Human Resources Department

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SECTION ONE - OVERVIEW
1.1 PURPOSE

The purpose of this manual is to make known to all City employees the personnel policies of the City of Joplin. This manual has been written in an effort to assist all employees to understand their place in the City's program of service to the public, and is designed so that all employees of the City of Joplin will know what the City expects of them and what they may expect in return. This manual is not an employment contract.

It is important that you take the time to become familiar with these policies and procedures. They directly affect you and your work relations with the City. It is the City's hope that these personnel policies and procedures will provide you with a clear understanding of the perimeter surrounding your employment with the City.

Should any questions arise from reading these policies and procedures, please feel free to address them to your immediate supervisor or the Personnel department.

We hope you will find working at the City a happy and beneficial experience.

1.2 INTRODUCTION TO THE CITY

The City of Joplin was founded in 1873. At that time, there were about 800 people living within the city limits. Since that time, Joplin has grown to a population of around 40,000 and the city has likewise grown to meet the needs. There are about 350 persons employed full-time for the city.

Why does the City exist in the first place? There are several answers to this question. The basic answer is "the city exists to provide services to the citizens of the community". The city provides many services. Some are more traditional such as police protection, fire protection, and maintenance of safe and adequate streets. Other services are more recent in origin such as community planning, maintenance of building standards, parks and recreation opportunities and health care. Revenues to pay for many of these services are provided through various taxes and fees. Revenues for other services such as operating the golf course, swimming pools, etc., are provided by users of the services provided.

All of the services the City provides are important to the citizens of Joplin. The quality of life in Joplin depends upon the services provided by the City and quality of the City's service depends on how well we do our jobs.

1.3 AUTHORITY

These rules are established in conformity with provisions of Article 5 of the Home Rule Charter adopted by the people effective April 13, 1954. The Home Rule Charter shall hereafter be referred to in these rules as the Charter.

1.4 RESPONSIBILITY

The personnel program established by this manual shall be administered by the Personnel Director appointed by the City Manager. The Personnel Director shall from time to time recommend to the City Manager appropriate amendments in order to maintain a fair and equitable system of personnel rules and regulations. The provisions of the rules may be revised or amended in the same manner in which they were originally adopted. This procedure is set forth in Article 5, Section 5.6 of the Charter.

1.5 APPLICABILITY

The rules and regulations set forth in this manual shall be applicable to all employees of the City unless they are covered in part or in whole by contract.

Any references to gender shall be construed to include both male and female genders.

This manual supersedes all previous publications pertaining to personnel policies.

1.6 THE CITY ORGANIZATION

The City of Joplin operates under the Council/Manager form of government.

A. CITY COUNCIL

The City Council is the legislative or policy making body of the City of Joplin. It consists of nine council members elected by the citizens. One member of the nine is chosen by the Council to serve as Mayor of the Council for purposes of conducting business. The Council's major functions are to pass ordinances and resolutions; adopt the budget; employ a City Manager and other City officials; and set policies. The Council is responsible for the establishment of personnel and compensation policies. The Council also makes appointments to the various advisory boards and committees. Council meetings are held in the City Council Chambers Municipal Building on the first and third Monday's of each month.

Except for the purpose of inquiry, unless specifically otherwise provided in the Home Rule Charter, the Council members shall deal with the administrative officers and services solely through the City Manager, and neither the Council nor any member thereof shall give orders to the subordinates of the City Manager either publicly or privately.

B. CITY MANAGER

The City Manager is appointed by the City Council and shall be the chief executive and administrative officer of the City and shall be responsible to the Council for the proper administration of all the City's affairs.

C. MAJOR CITY DEPARTMENTS

1. Administration
2. Finance
3. Personnel
4. Law
5. Public Works
6. Public Health
7. Municipal Court
8. Parks and Recreation
9. Fire Protection
10. Police Protection
11. Civil Defense
12. Community Development
13. City Clerk

D. BOARDS AND COMMITTEES

There are several Boards and Committees established and appointed by the City Council to advise the City in specialized areas and to administer policies and programs adopted by the City. These are as follows:

1. Board of Adjustment
2. Airport Board
3. Building Board of Appeals
4. Electrical Board
5. Food Service Advisory Board
6. Board of Health
7. Historic Preservation Commission
8. Housing Authority
9. Joplin Special Road District
10. Library Board
11. Mineral Museum Advisory Board
12. Parks and Recreation Board
13. Personnel Board
14. Plumbing Board
15. Police and Fireman's Pension Board
16. Solid Waste Advisory Board
17. Traffic Committee
18. Zoning and Planning Commission
19. Affirmative Action Advisory Committee
20. Civil Defense Advisory Board
21. Transportation Study Committee
22. Convention and Visitors Advisory Board
23 . The Industrial Development Authority of the City of Joplin'
24. Planned Industrial Expansion Authority

SECTION TWO - ORGANIZATION FOR PERSONNEL ADMINISTRATION
2.1 PERSONNEL BOARD

A. APPOINTMENT AND QUALIFICATION OF MEMBERS

The Council shall appoint a Personnel Board of five (5) members. The Personnel Board will designate one member as chairman. Members shall serve without compensation. This board shall be an independent agency deriving its power from the Council. Members of the Board shall be qualified voters of the City and shall have resided in the City for at least four (4) years immediately prior to their appointment. They shall be required to take the oath prescribed for City officers including a statement therein that they are firm believers in the merit system for City employment. Those persons holding any office in a political party shall be ineligible to serve as members of the Board.

B. POWERS AND DUTIES OF THE PERSONNEL BOARD

The Board shall have the power and shall be required to:

1. Advise the Council and the Director on problems concerning personnel administration.

2. Make any investigation which they may consider desirable concerning the administration of personnel and the municipal service, and report to the Council at least once a year its findings, conclusions and recommendations.

3. Approve merit system rules.

4. Hear and determine appeals from action resulting in dismissal, demotion, suspension or layoff with full power to reinstate any classified employee to his original position or rank with retroactive compensation not to exceed sixty (60) days, when in the Board's judgment an employee has been discharged or demoted in violation of approved merit system rules.

5. Perform such other duties with reference to personnel administration not inconsistent with the Charter as the Council may require by Ordinance.

2.2 PERSONNEL DEPARTMENT

A. APPOINTMENT AND QUALIFICATIONS OF THE DIRECTOR

The Director of the Personnel Department shall be the City Manager; provided, however, the Council may by Ordinance or Resolution declare it necessary to have an individual other than the City Manager or the Director of other departments established by the Charter serve as Director of the Personnel Department. The director of the Personnel Department, as may be required by the Council as herein provided, shall be selected by the City Manager on the basis of his training, experience, qualifications and fitness in personnel administration.

B. POWERS AND DUTIES OF THE DIRECTOR

The director of the Personnel department shall have authority and be required to:

1. Hold competitive examinations for appointments in the classified service.

2. Give publicity to all announcements of competitive examinations.

3. Establish training and educational programs for municipal employees.

4. Report, at least annually, to the Personnel Board regarding the operations of the personnel provisions.

5. Prepare and recommend to the Personnel Board such rules as he may consider appropriate to carry out the provisions of this article.

6. Prepare, install and maintain a classification plan based on the duties, authority, and responsibility of positions in the city service.

7. Keep or supervise the keeping of such employee's records as may be required by the merit system rules.

8. Perform such other duties as may be required by this charter, by ordinance or by the council.

2.3 DEPARTMENT HEAD RESPONSIBILITIES

Department heads are responsible for effective personnel management within their departments. They may:

a. Develop work rules and regulations consistent with this manual.

b. Delegate authority to supervisors to administer this manual and any departmental work rules and regulations developed pursuant to it.

c. Establish objectives and programs to improve personnel management within the department.

d. Approve all personnel actions relating to their departments such as status sheets, overtime, etc.

2.4 APPROVAL OF DEPARTMENT HEAD PERSONNEL ACTIONS

The City Manager approves all personnel actions related to department heads.

CITY OF JOPLIN

SECTION THREE: RECRUITMENT AND HIRING

3.1. EQUAL OPPORTUNITY

All employment by the City of Joplin will be on the basis of qualifications for vacant jobs, including education and experience as well as other job-related factors. All applicants and employees have equal opportunity in the application and employment process, including promotion, demotion, transfer, dismissal, performance measurement and pay increases without regard to race, color, religion, sex, national origin, age, disability, veteran, or status as a special disabled veteran.

3.2. REQUEST TO FILL VACANCY AND JOB POSTING

The Department Head or Supervisor will notify Human Resources of the need to fill a vacant position. After approval by the City Manager, Human Resources will advertise to fill the vacancy. The City may use any combination of internal and/or external advertising methods available. Vacant positions will be advertised in the best, most cost-effective method to attract qualified applicants.

3.3. APPLICATION FOR EMPLOYMENT

Applications for employment with the City shall be submitted to and retained by the Human Resources Department. The Human Resources Department shall maintain an application file of names, addresses, and dates of application of all applicants by position.

3.4. EXAMINATIONS

Open examinations include validated competitive testing as determined by the work description. These are practical examinations that relate to the duties of the position. These examinations may include one or a combination of aptitude, oral, written, manual dexterity, performance, character, physical examination, drug testing, psychological and any other tests that are necessary for particular positions. Pre-employment and post-offer physical examinations are given at the City's cost. As part of the final selection process, all regular full-time and part-time employees are required to successfully complete these examinations along with a complete background check. Seasonal employees are required to successfully complete the same examinations, except for the physical examination. The Human Resources Department shall oversee the administration of applicant testing for the position for which they are applying. Applicants may obtain only their own final combined test results as set forth by the Human Resources Department. Applicants are told by letter whether they passed or failed.

3.5. NEPOTISM

An applicant for any position or vacancy may not be employed if the applicant is related to any employee of the City within the same division and under the jurisdiction of the same department head. In this context, related shall mean or include: parent, child, spouse, brother, sister, grandparents, grandchildren, uncle, aunt, nephew, or niece, including step, half, foster or in-laws.

Employees who become related after both are employees shall not be subject to this policy. If employees employed in the same division become married to each other after employment begins, it will be necessary for one of those married employees to either terminate their City employment or change to another division within the City organization, if a position is available and the necessary qualifications are met.

3.6. NEW HIRE

The Department Head and Supervisor with the Human Resources Department shall review the applications, select applicants and conduct interviews of the final candidates. The finalist shall be selected and permission obtained from the City Manager to fill the vacancy.

Current City employees shall be treated the same as external applicants concerning filling vacant positions. When qualifications are equal, consideration shall be given to applicants for employment who can submit documented proof of service in and honorable discharge from the Armed Forces of the United States.

Upon approval by the City Manager, the Human Resources Department shall notify the finalist to discuss the offer and conditions of employment. Upon acceptance of an offer of employment, the Human Resources Department shall process the successful candidate's file. Employees who are original hires shall be paid at Step 1 of the appropriate pay range for the appropriate classification in the pay plan. If a candidate's qualifications exceed the minimum required, at the recommendation of the Department Head and the Director of Human Resources, the City Manager may approve a rate of pay not to exceed Step 3.The City Manager may approve a rate higher than Step 3 for professional and management positions and identified unclassified positions, if qualifications of the candidate warrant such an action.

3.7. TYPES OF EMPLOYMENT

a. Full-Time: Employees who have been assigned to a full-time position whose normal work hours equal a forty (40) hour work week or for fire personnel whose normal work hours equal a (56) hour work week. Full-time employees

are subject to schedule changes as directed by the Department Head and the City Manager.

b. Part-Time: Employees who have been assigned to a part-time position whose normal work hours are less than (40) hours per week. Some part-time positions may be subject to partial benefit eligibility. Part-time employees should not have the expectation that their position will become full-time employment.

c. Temporary and Seasonal: Employees whose positions are funded on a seasonal, temporary or other special time period basis fall within this type of appointment. Such employment status is not intended to be regular employment or lead to full-time employment with benefits. If this type of employee changes to full-time employment, leave accrual and benefits will begin with the full-time status as set forth for all other full-time employees.

3.8. NEW EMPLOYEE ORIENTATION

Each employee shall attend a New Employee Orientation scheduled by the Human Resources Department to include, at a minimum, information relating to Benefits, Rules and Regulations, Alcohol and Drug-free Workplace, Communicable Disease and Sexual Harassment Prevention. This is mandatory scheduled training.

3.9. REHIRE

When an employee resigns their employment with the City of Joplin and wishes to return to employment with the City, they are subject to the same original hire policy as all other applicants. Some pension and retirement plans may allow credit for years of prior service with the City, if certain conditions are met. However, the employee in all other matters shall be subject to the same employment status and procedures as other new hires. They are not entitled to any benefits, leave accruals, or credited years of service from the prior service time with the City, except as pursuant to applicable law. If an employee is rehired within one year of separation and the employee exceeds the minimum qualifications for the position, with the recommendation of the Department Head and the Director of Human Resources, the City Manager may approve any pay rate within the appropriate pay range not to exceed the amount attained at the time of separation.

All employees newly hired, promoted, reappointed, transferred or demoted shall serve a six months probationary period except that newly appointed public safety employees will serve a one-year probationary period.

3.10 EMPLOYEE PERFORMANCE

The primary purpose of the City's Performance Measurement Program is to involve

department heads, division managers, supervisors and employees in completing a Performance Measurement
Document (PMD) that is objective and job-related for each employee. During the employees'

first year of service, performance shall be measured every three (3) months, or more frequently
as a special evaluation, if needed. Full-Time employees with one (1) year or more of service shall be evaluated each year on their anniversary date. The Performance Measurement Document (PMD) will be placed in the employee's personnel file. The employee may make a written statement agreeing or disagreeing with the results and it shall become a permanent part of the employee's personnel file.

The Performance Measurement Program provides for the evaluation of employee performance in a formal way and at regular intervals. The Performance Measurement Document (PMD) focuses on planning future performance and evaluating past performance through the use of goals and improvement planning. This tool documents how employees meet their goals and creates a
development program the employee can use to meet or exceed the expectations concerning work performance. The results of the Performance Measurement Document (PMD) are an important factor in determining pay increases and continuing growth of the employee, in addition to future decisions about promotions, transfers or demotions.

Employee performance shall be confidential and shall be conducted in a private conference between the employee and the department head or the immediate supervisor who is most knowledgeable of the employee's work performance. The employee shall be informed of areas in which the employee is meeting expectations and areas in which the employee needs to improve.

3.11 CLASSIFICATION OF TYPE OF SERVICE

The administrative service of the City is divided into classified and unclassified services as follows:

a. The unclassified service shall include the city manager, administrative assistants, all directors of departments, members of appointive commissions and boards, municipal court judge, city attorneys and assistant city attorneys, city clerk, secretary to the city manager, financial, research, legal, and other technical personnel employed on special occasions, temporary or part-time employees, and those who may be employed in an advisory capacity.

b. The classified service shall include all positions not specifically included by charter in the unclassified service. All positions in the classified service shall be filled only in accordance with the merit system rules provided for in these rules and regulations.

3.12 PROBATIONARY PERIOD

The Probationary Period shall be an integral part of the screening process and shall be utilized for closely observing employee's work, for communicating with the employee about the work, for securing the most effective adjustment of a new, transferred, or promoted employee to the position.

1. Duration:
    a. Every person employed, re-employed, promoted, transferred to a different department, or demoted to any full-time, regular position with the City shall be required to complete a successful probationary period of at least six (6) continuous months.

    b. The probationary or qualifying period shall begin immediately upon employment to a position. The probation or qualifying time period may be extended for one (1) six (6) month period if deemed necessary by the department head.

    c. Consecutive time spent in an "acting" capacity prior to receiving an appointment to the same position and department shall be considered as time spent as a probationary employee in the position.

    d. An employee who is promoted or transferred to another department prior to completing a probationary period shall begin a new probationary period in the new position unless such a new probationary period would be shorter than the original probationary period. Any such employee shall have no grievance/appeal privileges until a probationary period is successfully completed in one classification.

    e. An employee whose position is re-classified will not be required to complete a new probationary period. An employee whose position is re-classified prior to completing a probationary period will not complete a new probationary period, but shall be required to successfully complete the original probationary period.

    f. Any employee hired as a Police Officer Trainee shall begin the probationary period upon entering the Police Academy and throughout the field training process. Upon successful completion of field training and promotion to Police Officer II a new probationary period of six (6) months shall begin.

    g. A change of assignment made by a department head shall not be subject to a probationary period.

2. Removal

a. All probationary employees shall be considered part of the unclassified service as provided by Section 5.05 of the Joplin City Charter and shall have no grievance or appeal rights. At any time during the probationary period, the department head may remove an employee, if, in the department head's opinion, such employee is unable or unwilling to perform the duties of the position satisfactorily or if the employee's attitude, habits, performance or dependability do not merit continuation in the service. Prior to removal, the department head shall meet with the employee to discuss the issues noted by the department head. If, after such meeting, the department head believes that the employee does not merit continuation of service, such employee shall be removed immediately. An employee removed during the probationary or qualifying period cannot appeal such removal to the Personnel Board. Employees promoted or transferred into a position who do not successfully complete a probationary period shall be demoted into their previous or similar classification unless they are terminated.

3. Police Officer Certification

a. A probationary police officer shall not be retained in the position of full-time police officer unless the officer successfully completes the minimum certification requirements under the State of Missouri Peace Officers Standards and Training (POST) Program within one (1) year of employment.

4. Administration

a. Prior to the expiration of an employee's probationary period, the department head shall notify the Director of Human Resources in writing whether the services of the employee have been satisfactory and whether the department head desires to continue the employee in the position. A copy of such notice shall be given to the employee. Should the department head recommend the employee not be retained, the employee shall be removed from the position. Employees who satisfactorily complete their probationary period shall be entitled to all rights and benefits applicable to such employee under the City Charter and Code, and shall be eligible for full grievance, appeal and fringe benefit privileges. Any service during the probationary period shall be credited to the employee's length of service for all purposes including but not limited to applicable pensions, longevity, vacation and other fringe benefits. Employees

shall not be eligible for appeal privileges until completion of the probationary period.

b. Failure of the probationary employee's department to notify the Director of Human Resources as required shall not shorten the probationary period or prevent the department from discharging the employee or extending the employee's probationary period, but such action must occur prior to the scheduled expiration of the probationary period.

CITY OF JOPLIN

SECTION FOUR: CLASSIFICATION AND PAY PLAN

4.1. SALARY ADMINISTRATION PLAN

The Salary Administration Plan is a job classification system in which duties and responsibilities are defined and assigned to a descriptive job title. The purpose of the plan is to categorize the positions to allow for a fair and equitable manner in the processes of hiring, evaluating, and compensating employees. The positions are listed in the Salary Administration Plan according to the relative difficult responsibilities, qualifications, and working conditions and other like factors. The Salary Administration Plan consists of a number of pay ranges. Each pay range consists of steps at the beginning and progresses to an open pay range to allow for performance and competency recognition. Each position is allocated to a category of work that is given a title and assigned to a pay range. The Salary Administration Plan insures that persons holding the same or similar positions in the City are compensated on an equal basis, except for pay differences resulting from pay increases or longevity.

The Salary Administration Plan is available for review online or by contacting the Human Resources Department.

4.2. NEW HIRE

New hires shall be paid at the entry rate of the appropriate pay range in the pay plan. If a new hire's qualifications exceed the minimum required, at the recommendation of the Department Head and the Director of Human Resources, the City Manager may approve a rate of pay not to exceed Step 3. The City Manager may approve a rate higher than Step 3 for professional and management positions and identified unclassified positions, if qualifications of the candidate warrant such an action.

A pay rate between Step 3 and PC1 generally reflects competitive salaries for fully competent, knowledgeable, and fully performing employees with documented sustained successful performance. A pay rate beyond PC1 generally reflects an incumbent with significant experience in the position, is proficient in the required skills, is adept at managing the position's responsibilities, and has documented sustained high levels of

performance.

4.3. ELIGIBILITY FOR A PAY INCREASE

Eligibility for a pay increase requires at least one year of service in the current position. A leave without pay (LWOP) status for less than thirty (30) days shall not delay or defer eligibility for a pay increase. If an employee is in leave without pay (LWOP) status over thirty (30) days, the
employee will not be eligible for a pay increase until the employee is returned to paid status and
remain in paid status through their anniversary date of the year in which they return to paid status, except as otherwise provided by law. Paid leave status shall not delay or defer eligibility for a pay increase.

4.4. MERIT PAY INCREASE

A pay increase is positive recognition of increased effectiveness in consistently performing the duties of the position. A pay increase is granted to employees to encourage effectiveness, efficiency as well as to recognize performance and competency. A pay increase is not automatic and may be granted pursuant to Policy 4.2 if the general economic condition permits. An employee does not acquire any right to a pay increase due to length of service.

Employees may receive a pay increase through an annual performance review utilizing the Performance Measurement Document (PMD). The annual performance review process shall take place on the anniversary date of the employee. Any pay increase will be effective as set forth in Sub-Section 4.5.

4.5. EFFECTIVE DATE OF PAY INCREASE

The effective date for a pay increase shall be the first day of the next pay period following the employee’s anniversary date. The Performance Measurement Document (PMD), with a pay increase recommendation from the Department Head, shall be submitted to the Director of Human Resources and the Director of Finance at least fourteen (14) calendar days prior to the effective date.

4.6. PAY INCREASE DETERMINATION

The pay increase allocation shall be established annually at the recommendation of the City Manager during the budget process and approved by the City Council. The Director of Human Resources, after review by the Director of Finance, shall distribute the guidelines for pay increases based upon the funds allocated.

Based on the funds allocated, the amount of the annual pay increase will be determined by the employee's job performance and the attainment of the job-related goals for the performance measurement period. The outcome of the Performance Measurement Document (PMD) is the basis for the pay increase. Current pay, the amount of the approved allocation, the employee's location within the pay range and the results of the Performance Measurement Document (PMD) shall determine the final amount of the pay increase, if any.

Progression through the steps within each pay range may occur:

a. Advancement from pay step one (1) to pay step two (2) may occur when a rating of "2.5" or higher on the Performance Measurement Document (PMD) exists.

b. Advancement from pay step two (2), pay step three (3) and into pay step four (4) may occur when a rating of "3.0" or higher on the PMD exists.

c. Pay increases in the open range of the plan are determined by the Department Head based on the employee's performance and competency as measured by the PMD.

4.7. OTHER PERFORMANCE GUIDELINES

A pay increase may be granted to an employee who receives a Performance Measurement Document (PMD) rating of 2.5. Additionally, the employee will assist with the establishment of an improvement plan for the next year. If an employee receives more than one consecutive rating on the Performance Measurement Document (PMD) of 2.4 or less with no improvement toward the Corrective Action Plan, the employee will be considered for disciplinary action up to and including termination, as deemed necessary pursuant to Policy 8.7. Nothing herein shall be construed to provide any appeal right pursuant to Policy 8.8 to any unclassified employee.

4.8. SALARY AND WAGE RATE STUDY

At the direction of the City Manager and the City Council, the City shall complete a salary and rate study of the Salary Administration Plan at least every five (5) years after the adoption of the Plan. As a result of the salary and wage rate study, adjustments to the Salary Administration Plan may be necessary. Revisions to the Salary Administration Plan must be approved by the City Manager and the Personnel Board then ratified by the City Council.

A pay adjustment that is the result of a salary and rate study shall not delay or defer the normal eligibility for a pay increase for any employee that is within the affected position classification.
When the Salary Administration Plan is amended as a result of a salary and rate study, the rate of pay for an employee in the classification affected shall be called a “pay adjustment” and shall not affect eligibility for an annual pay increase.

CITY OF JOPLIN

SECTION FIVE: CHANGE IN EMPLOYMENT STATUS

5.1. PROMOTION

A promotion is defined as moving from an existing position to another position at a higher pay range. Promotions shall be made solely on the basis of merit and qualifications. All employees must complete an application to be considered for promotion.

Factors that will be considered in granting a promotion include:

a. Relevant experience, education, consistent past performance, which is at least “3” as indicated on the most recent Performance Measurement Document (PMD), and demonstrated capability in meeting the new position’s requirements.

When an employee is promoted to a position having a higher pay range, the pay rate shall be determined as follows:

a. If the pay rate received in the lower pay range is below the minimum level of pay for the pay level to which the employee is promoted, the rate of pay shall be increased to that minimum of the new pay range.

b. If the pay rate received in the lower pay range falls within the range and above the minimum of the pay range for the class to which promoted, the rate of pay shall be set at least four (4%) percent higher than the employee’s pay rate of the previous position not to exceed the top of the pay range. The City Manager may approve a higher rate, if qualifications of the candidate warrant such an action.

A promotion shall cause a change in the employee’s anniversary date. An employee is expected to remain in a position for at least six (6) months prior to seeking other promotional opportunities.

5.2. TRANSFER

A transfer is a position change by an employee within the same pay range as the current position held by the employee. When an employee transfers between positions, within the same pay range, the rate of pay and salary anniversary date shall remain

unchanged, unless otherwise recommended by the Department Head, the Director of Human Resources, and authorized by the City Manager.

A voluntary transfer will originate through a posted job announcement and completion of an application subject to approval of the Director of Human Resources and the City Manager. An involuntary transfer does not require the completion of an application, however does require the approval of the Director of Human Resources and the City Manager. A transfer to another position at the same pay rate shall not delay or defer eligibility for a pay increase.

5.3. DEMOTION

A demotion is defined as a reduction in position responsibilities and authority to a job classification in a lower pay range. Demotions must be requested by the Department Head then approved by the Director of Human Resources. An employee may be demoted to a position for which the employee is qualified for any of the following:

a. An employee does not meet the necessary qualifications of the requirements of the position;

b. An employee's unacceptable actions or behaviors are such that the employee can no longer perform the requirements of the position;

c. An employee's unsatisfactory performance or failure to attain job-related goals;

d. An employee's failed performance improvement plan;

e. An employee's voluntary request for a demotion;

f. A necessary reduction in the work force; or

g. Increased efficiency of the City operation.

When an employee is demoted, the rate of pay shall be determined as follows:

a. If the pay rate received in the higher pay range is more than the maximum of the lower pay range to which demoted, the pay rate shall be reduced to the maximum pay rate of the lower pay range.

b. If the pay rate received in the higher pay range is within the range of the lower pay range to which demoted, the pay rate will remain unchanged.

All demotions, except items e listed above, shall be subject to the due process

requirements as described in Section 8.8 of these rules and regulations. Upon demotion, the employee shall receive written notice including the reasons for such action and shall be entitled to a hearing before the Personnel Board as outlined in Section 8.10.

5.4. RECLASSIFICATION OF POSITION

A reclassification is the reassignment of a position from one classification to another classification, in accordance with a change in the qualifications, duties and responsibilities of the position. Reclassification shall not be used for the purpose of avoiding rules and regulations governing promotions, demotions or transfers. A Department Head may request a position reclassification during the budget process, which will be reviewed by the Director of Finance and the Director of Human Resources. If a position reclassification is approved by the City Manager, a position may be allocated to a classification of the same pay range or a higher or lower pay range.

Position reclassification to a new pay range shall affect the employee in the following manner:

a. If a position is reclassified to a higher pay range, the provisions governing promotion shall be used to establish the pay rate.

b. If a position is reclassified to the same pay range, different title, the provisions governing a transfer shall be used.

c. If a position is reclassified to a lower pay range, the provisions governing a demotion shall be used to establish the pay rate.

A position reclassification will not affect the annual pay review process.

5.5. SUSPENSION

1. Administrative Suspension

If an employee's behavior or actions are such that the continued presence in the position is not in the City's, public's, or the employee's best interest, the employee may be suspended with pay pending the outcome of an investigation or other similar situation relating to the circumstances resulting in the suspension with pay. Under these circumstances, a Department Head or Supervisor shall have the authority to make these types of suspensions. Immediately upon suspending an employee with pay, an employee shall receive written notification

outlining the reasons for such action. Administrative suspension shall not exceed thirty (30) calendar days for any one offense and shall not be for an indefinite period.

2. Disciplinary Suspension

Consistent with the requirements of Section 8.8, a Department Head may, after consultation with Human Resources and with the approval of the City Manager, for disciplinary reasons suspend any employee under the Department Head's jurisdiction without pay for multiple instances of minor misconduct or for single occurrences' resulting in unacceptable conduct or behaviors including those outlined in Section 8.7.

5.6. DISMISSAL

Based upon the severity or frequency of work rule violations, undesirable behavior, inability to perform satisfactorily the duties of the position, failure to obtain required certification or licensing, failure to attain job-related goals, or failure to obtain a performance improvement plan, a Department Head, with written approval of the City Manager, may dismiss a City employee for any lawful reason, including those outlined in Section 8.7. No dismissal will be approved until all due process requirements as described in Section 8.8 are satisfactorily met.

Dismissed employees shall receive their final pay check no later than the end of the next business day, subject to the return of all City provided equipment, including but not limited to uniforms, tools, keys and key cards, fuel cards, and other material.

Upon dismissal, a classified employee shall receive written notice including reasons for such action and shall be entitled to a hearing before the Personnel Board as described in Section 8.10.

5.7. LAYOFF

1. General Provision/Notice

a. Layoff is defined as the abolishment of a position due to a lack of work, a lack of funds, other changes in duties of the position, reorganization, or other related reasons. Selections for retention will be based upon the

following factors in this order: performance, qualifications, and length of service in the department employed.

b. The possibility of an internal placement due to a vacancy or the employee's right to bump must be exhausted prior to the effective date of the pending layoff.

c. A notice of layoff, subject to the approval of the Director of Human Resources and the City Manager, shall be given to the employee with as much advance notice as the situation allows.

d. Upon layoff, the employee shall be entitled to a hearing before the Personnel Board as described in Section 8.10.

2. Internal Vacancy during a Layoff Period

a. A regular full-time employee whose position is scheduled to be eliminated will be allowed to apply for any internal vacancy that exists in any department or division of the City, provided the employee meets all the minimum requirements of the vacant position. The employee will be notified by the Department Head or the Director of Human Resources of any vacancy at the City within five (5) working days after the layoff notification has taken place.

b. Employees must complete an application within five (5) working days after the vacancy notification.

c. The application will be reviewed by the Human Resources Department and the Department Head in which the vacancy exists. In the event that several employees scheduled for lay off meet the minimum requirements and apply for the same vacant position, selection shall be based on job performance and seniority. All candidates will be advised of the decision within three (3) working days after the closing date for applications.

3. Bumping

a. Bumping is defined as the movement of a higher seniority employee into a position with similar skills that is currently held by an employee with at least one year less seniority. When layoffs occur, bumping

rights will be determined by the current Department Head, the proposed Department Head and the Director of Human Resources. Employees with less than one year of service shall have no bumping rights. Any person bumping an employee will bump the least senior employee at the next lower wage rate at the time.

b. Each individual employee will be informed of their bumping rights in writing by the Director of Human Resources within three (3) working days after all internal vacancies have been filled from the layoff list. Notification will cover the position(s) that the employee has the qualifications to bump into and the pay rate for the position(s). The pay rate will not exceed the current pay band for the position. The employee will have two (2) working days to inform the Human Resources Department of their decision to accept the new position or accept a lay off. Any employee who does not advise the Human Resources Department of their decision in the time frame above will lose their bumping rights.

c. Employees that will be bumped have the same rights to bump as other employees, if eligible as defined above. Employees who are not eligible to bump will be notified by the Department Head or the Director of Human Resources as to the anticipated date of lay off as soon as possible.

4. Recall

Regular full-time employees who have been laid off will be offered re-employment to positions they were laid off from or for which they meet the minimum qualifications for based on job performance and seniority. An employee will be retained on a recall list for 180 days after the effective date of the lay off. Upon recall, the Human Resources Department will notify the employee(s) by certified mail. If the employee cannot be contacted within five (5) working days then the employee will forfeit the recall rights for that position. In order to adequately staff the department, the recalled employee must be able to accept the recall within three (3) working days of receipt of the recall notice and be able to report to work within fourteen (14) calendar days. All regular full-time laid off employees must keep the Human Resources Department advised of a current mailing address and phone number.

Recalled employees who had accrued sick leave time at the time of lay off will have these hours reinstated upon returning to work.

Recall provisions do not apply to part-time, temporary, or seasonal employees of the City.

This recall provision does not limit the City from hiring new employees for new programs or services that may be created. It also does not limit the City in providing transfers, promotions, or demotions to vacated positions which would otherwise require the employment or re-employment of persons to fill vacancies.

5.8. ABANDONMENT

All employees of the City shall be on duty at the time indicated by the departmental rules under the conditions of employment. Employees who fail to properly notify their supervisor or designee of their absence from work for one day or less shall be deemed to utilize voluntary leave without pay.

However, employees who fail to properly notify their supervisor or designee of their absence from work for two consecutive days shall be deemed to voluntarily resign their position without proper notice. Proper notice is defined in Section 8.5 of this manual.

5.9. RETIREMENT

City employees may retire pursuant to their respective retirement plans. It is recommended that employees contact the Human Resources Department to make arrangements to review applicable retirement benefits in order to make the best choice possible. This should be done at least ninety (90) days in advance of the retirement date when possible. For more detailed information on the retirement plans, see the fringe benefit programs described in this manual.

CITY OF JOPLIN

SECTION SIX: PAY AND RELATED PROCEDURES

6.1. VERIFICATION OF PAYROLL

Time and attendance information provided by the various departments shall be used in the verification of payrolls.

Each payroll shall show the name, amount of time for which paid, and shall be certified by the various departmental supervisors.

6.2. PAY PERIODS

Pay days shall be every other Friday for the two week work period ending on the previous Friday.

If the normal pay day shall fall on an authorized holiday, pay day will be on the last work day prior to the holiday.

Paychecks will only be released to the individual employee, in person, unless written authorization to do otherwise is given by the employee.

The final paycheck will be picked up by the employee in the Human Resources Office when all City property has been returned.

6.3. WORK PERIODS

The work period is defined as the beginning and ending of a number of consecutive days or hours in which employees are required to actually work in order to meet the overtime and minimum wage requirements as defined in Sub-Section 6.4.

6.4. OVERTIME AND COMPENSATORY TIME

On occasions where situations require irregular and scheduled overtime, work hours in excess of the established departmental work period, the employee shall receive overtime or compensatory time off at one and one-half (1-½) times the regular rate in accordance with the Fair Labor Standards Act (FLSA). All hours worked in excess of the established work period must be authorized in advance by the supervisor and/or department head. The City reserves the right to determine whether the employee may receive either overtime or compensatory time off.

Overtime payment and/or compensatory time off shall not be approved by the

department heads unless the employee's actual work hours have exceeded the established work period except as otherwise provided for in Sub-Section 6.4. Compensatory time off shall be counted as time worked.

There are positions approved by the City Manager that are exempted from overtime as established by the Fair Labor Standards Act. The Salary Administration Plan lists the approved exempt positions, which is available in the Human Resources Department.

The maximum compensatory time which may be accrued by any non-exempt employee shall be 480 hours for those engaged in public safety and emergency response, and 240 hours for all other employees. An employee who has accrued the maximum number of compensatory hours shall be paid overtime compensation for all additional overtime hours of work. Individual departments will be allowed to establish a lesser limit of compensatory hours subject to the approval of the City Manager.

An employee shall be permitted to use accrued compensatory time within a reasonable period after it is accrued, if to do so would not unduly disrupt the operations of the department.

6.5. CALL BACK

Any employee who is called in to duty after having left work, during a time when the employee is not regularly scheduled to work, excepting court appearance, and does not receive at least a twenty-four (24) hour notification of such a change in work schedule, shall be paid at the rate of one and one-half (1-1/2) times for each hour so spent, on duty, but not less than three (3) hours for the period called to duty. The employee's duty time shall start when the employee actually reports for duty and end when the employee is released from duty.

In the instances of employer-required court appearance, the twenty-four (24) hour notification requirement shall not apply, however, the affected employee shall be paid at the rate of one and one-half (1-1/2) times for each hour so spent, but not less than two (2) hours for the period called to duty.

If an employee is called in to work more than once during the same off-duty period, the employee shall not receive the guaranteed minimum two (2) or three (3) hours of callback if the subsequent callback period is within the hours for which the employee has already been compensated. If the subsequent callback is beyond the hours for which the employee has already been compensated, another two (2) or three (3) hour minimum callback shall apply. If an employee is called in to work early or held past the end of a shift, and works continuously through the beginning or end of his/her regularly scheduled work hours, the two

(2) or three (3) hour minimum does not apply.

In those instances where an employee is called back to work to rectify his/her own error or omission that cannot wait until the employee's next shift, the two (2) or three (3) hour minimum does not apply. In such instances, the employee shall be compensated for the exact hours worked at the appropriate rate.

6.6. HOLD OVER

When a situation arises that would prevent an employee from completing the work assignment for that day and the employee is required to remain on the job site to complete or attempt to complete the work assignment, the time worked shall be counted as normal working hours and shall be used to calculate total hours worked in completing the designated work period. If the hours worked in the designated work period are in excess of the established amount, then this time shall be calculated at one and one-half (1-½) times the regular hourly rate.

6.7. ON CALL TIME

On Call Time is when an employee must remain available to be called back to work on short notice for emergency responses.

This on call status shall not prevent an employee from coming and going freely within the normal daily routine as long as they can fulfill the response time criteria as established by the department. It is necessary to leave a telephone number where they can be reached if they are away from their normal point of contact.

This on call time shall be compensated at the rate of one (1) hour at time and one-half (1-½) per day for the days on call and shall be payable only for the days an employee is not called out to work. This compensation shall be in the form of pay or compensatory time off.

The employee who is called out to work will be compensated according to the provisions under Sub-Section 6.5.

6.8. USE OF CITY VEHICLES

Employees who operate City vehicles and are required to take the vehicle home after work hours will be subject to tax regulations as described by the Internal Revenue Service and shall be used only as transportation to and from the job site.

6.9. STIPENDS

Stipends for supplemental job duties and/or skills may be approved by the City Manager, upon joint recommendation of the affected Department Head and the Human Resources Director. Such stipends shall be used to compensate for required additional duties substantially beyond those normally required of an employee in a particular classification, but not of such magnitude to justify reallocation to a different job classification, and/or significant supplemental skills not typically required of ***every*** employee in a particular classification. Stipends shall not be included in the employee's base salary and, if duty based, shall be removed immediately upon termination of the assignment of the supplemental duties. In no instance shall a stipend be considered as an entitlement or permanent component of the compensation of a particular position.

Nothing herein shall be construed as limiting management's authority to assign City employees temporarily to different or additional work duties and responsibilities for the purpose of responding to emergencies or necessary special, limited time assignments.

6.10. OUT OF CLASSIFICATION PAY

A full-time regular employee who is temporarily assigned by the City Manager, a department head or designee to fully perform the normal, ongoing duties of and accept the responsibilities of a position in a higher classification for a qualifying period of at least three (3) consecutive work shifts or longer for 56-hour Fire Department employees or at least six (6) consecutive work shifts or longer for all other employees shall be paid five (5) percent over his/her current pay rate or the minimum of the higher position's pay range, whichever is higher, retroactive to the first day of the assignment. An employee's work shift shall be defined as his/her typical daily period of work or duty, and may vary from eight (8) to twenty-four (24) hours. In no instance shall the out of classification pay exceed the maximum of the pay range for the higher classification. Out of classification pay shall cease immediately upon the return to full- or part-time duty of the incumbent in the higher classification or the appointment of a new incumbent in the higher classification. No employee may be compensated for more than six (6) months of out-of-class work for any one assignment unless approved by the City Manager as an extension of time.

The use of sick, vacation or floating holiday leave during the above-described initial qualifying period by the employee working out of classification will not count as part of the qualifying period, which will begin anew after such a break.

An employee will not be deemed to have been working out of classification when the City establishes a new job classification that describes duties that were previously properly allocated to another classification and an employee claims

that he/she was working in higher classification prior to the effective date of the classification establishment.

The status of an employee under the Fair Labor Standards Act (FLSA) will not change while he/she is in a work-out-of-class assignment. A nonexempt employee will continue to be nonexempt under the Act and an exempt employee will remain exempt.

Nothing herein shall be construed as limiting management's authority to assign City employees temporarily to different or additional work duties and responsibilities for the purpose of responding to emergencies or necessary special, limited time assignments.

6.11. MILITARY LEAVE

In recognition of the National Guard and the Military Reserve Units as essential to the Nation's strength and the efforts toward world peace, and as a recognized ESGR employer, the City of Joplin, MO, encourages City employees to be aware of the military entitlements that are available.

The City is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the City's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. No employee will be denied employment, reemployment, promotion, or other benefits of employment on the basis of such membership. No employee will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under this policy. If any employee believes that he or she has been subjected to discrimination in violation of this policy, the employee should immediately contact the Human Resources Department.

PROCEDURE

SHORT TERM MILITARY LEAVE

In addition to the rights and benefits provided to regular employees of the City taking Extended Military Leave, eligible employees who must be absent from work for a period of not more than fifteen working days each year in order to participate in temporary military duty are entitled to as many as fifteen days paid military leave. All benefits will continue during an employee's temporary military leave.

EXTENDED MILITARY LEAVE

Employees directed to participate in extended military duties in the U.S. Armed Forces that exceed ten working days will be placed on an unpaid military leave of absence status for a period of as long as five years (with eight exemptions) and will be entitled to the rights and benefits described below, subject to the procedures outlined.

ALL TYPES OF MILITARY LEAVE

a. The employee will provide his or her immediate supervisor with notice, (either verbal or written) that the employee will be engaging in military service. Employees are requested to provide such notice as soon as they have knowledge of upcoming military service. The notice must be in advance of the departure for duty.

b. Employees on short term or extended military leave may, *at their option*, use any or all accrued paid vacation or personal leave during their absence.

b. When the employee intends to return to work, he or she must notify Human Resources of reinstatement within the applicable time period.

d. If the employee does not return to work, the supervisor must notify Human Resources so that appropriate action may be taken.

PAY PROCEDURES

Before payment of the full regular salary or pay is made for the period of State duty, active duty, or training duty, the employee must file the necessary paperwork with the Human Resources Department. The paperwork needed includes:

- A copy of the official order for such duty from the appropriate military authority; and,

- A certification from the employee's commanding officer that the duty was performed in accordance with the terms of the orders submitted and within the timeframe established.

Although entitled to a leave of absence without pay for active duty for training above and beyond the fifteen calendar day leave of absence with pay (maximum of 120 hours for regular annual 2080-hour employees or a maximum of 168 hours for 56-hour weekly employees), an employee may

request to use vacation time accrued or earned compensatory for all or part of the period.

BENEFITS

If an employee is absent from work due to military service, benefits will continue as follows:

If an employee has military orders for over 31 days, the employee and covered dependents will be offered a “Cobra like” health coverage for up to 18 months at 102% of the overall (both employer and employee) premium rate. Beginning after the first 31 days of military leave, group health insurance coverage for an employee and/or an employee’s covered dependents will run concurrently with applicable health insurance coverage under COBRA.

The group term life insurance provided by the City will be suspended the day the employee becomes active military.

The group long-term disability insurance provided under the LAGERS and Fire/Police Pension Plan will be suspended the day the employee becomes active military.

Employees do not accrue vacation, personal leave or sick leave while on military leave of absence status. Their balance is maintained until their return and reactivated at that time. If, because of length of service, the accrual accumulator has increased, it shall be immediately increased upon the employee’s return.

With respect to the retirement plan, upon reemployment, employees who have taken military leave will be credited for purposes of vesting with the time spent in military service and will be treated as not having incurred a break in service. Immediately upon reinstatement, the employee may, at the employee’s election, make any or all employee contributions that the employee would have been eligible to make had the employee's employment not been interrupted by military service. Such contributions must be made within a period that begins with the employee's reinstatement and that is not greater in duration than three times the length of the employee's military service, not to exceed five years.

Voluntary supplemental life insurance will suspend the day the employee becomes active military. Converting to an individual policy will continue voluntary dependent life insurance coverage. To exercise this conversion option, dependents must submit a written application and the first premium payment within 31 days immediately following the suspension of coverage.

REINSTATEMENT

Upon an employee's prompt application for reinstatement (as defined below), an employee will be reinstated to employment in the following manner depending upon the employee's period of military service:

For a period of 1 to 90 days-

a. In the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, the duties of which the person is qualified to perform; or

b. In the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services, only if the person is not qualified to perform the duties of the position referred to in subparagraph (A) after reasonable efforts by the employer to qualify the person.

For a period of 91 or more days-

a. In the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, or a position of like seniority, status and pay, the duties of which the person is qualified to perform; or

b. In the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services, or a position of like seniority, status and pay, the duties of which the person is qualified to perform, only if the person is not qualified to perform the duties of a position referred to in subparagraph (A) after reasonable efforts by the employer to qualify the person.

Employee with a service-connected disability-

a. If after reasonable accommodation efforts by the employer, an employee with a service-connected disability is not qualified for employment in the

position he or she would have attained or in the position that he or she left, the employee will be employed in (i) any other position of similar seniority, status and pay for which the employee is qualified or could become qualified with reasonable efforts; or (ii) if no such position exists, in the nearest approximation consistent with the circumstances of the employee's situation.

APPLICATION FOR REINSTATEMENT

An employee who has engaged in military service must, in order to be entitled to the reinstatement rights set forth above, submit an application for reinstatement according to the following schedule:

If service is less than 31 days (or for the purpose of taking an examination to determine fitness for service)-

a. The employee must report for reinstatement at the beginning of the first full regularly scheduled working period on the first calendar day following completion of service and the expiration of eight hours rest and after a time for safe transportation back to the employee's residence.

If service is for 31 days or more but less than 180 days-

b. The employee must submit an application for reinstatement with Human Resources no later than 14 days following the completion of service.

If service is 181 days or over-

c. The employee must submit an application for reinstatement with Human Resources no later than 90 days following the completion of service.

If the employee is hospitalized or convalescing from a service-connected injury-

d. The employee must submit an application for reinstatement with Human Resources no later than two years following completion of service.

EXCEPTIONS TO REEMPLOYMENT

In addition to the employee's failure to apply for reemployment in a timely manner, an employee is not entitled to reinstatement as described above if any of the following conditions exist:

a. The City’s circumstances have so changed as to make reemployment impossible or unreasonable.

b. The employee's employment prior to the military service was for a non-recurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period.

c. The employee did not receive an honorable discharge from military service.

GENERAL BENEFITS UPON REINSTATEMENT

Employees reinstated following military leave will receive seniority and other benefits determined by seniority that the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have attained, with reasonable certainty, had the individual remained continuously employed. In addition, an employee’s time spent on active military duty will be counted toward their eligibility for FMLA leave once they return to their job at the City of Joplin.

DOCUMENTATION

An employee's manager will, upon the employee's reinstatement, request that the employee provide them with military discharge documentation (DD214) that establishes the length and character of the employee's military service.

SECTION SEVEN - SAFETY/HEALTH

7.1 SAFETY POLICY STATEMENT

It is the intention of the City of Joplin to provide a safe working environment for all. The City recognizes that employees and residents are its most important assets; therefore, safety is our greatest responsibility and in all our assignments, the health and safety of all must be the utmost consideration. The City Council, City Manager, department heads, supervisory personnel, and all other levels of the City work force are directed to make safety a matter of continuing concern, equal in importance with all other operational considerations. Employees are not only encouraged, but are required to work safely and plan events and projects to reduce the possibility of injury to person or danger to equipment. Most accidents are preventable.

The City of Joplin will implement and administer a Risk Management Program to assist in identifying and reducing, and where possible, eliminate potential hazards and risks. Employees who have suggestions to reduce these risks or see hazards throughout the work place, are highly encouraged to bring the ideas or solutions to the hazards to their supervisor's attention.

7.2 WORKER'S COMPENSATION/ON THE JOB INJURIES

The Worker's Compensation Plan conforms to all Missouri laws relating to employees coverage. Any illness or injury compensated for must arise as a direct result of your occupation. Employees are eligible for worker's compensation beginning with their first day of employment.

When employees are injured while on duty, they shall notify their supervisor of the injury. This notification must be done, if at all possible, during the same work day as the injury occurred. The City shall not be responsible for unverifiable injuries. When employees notify their supervisor, they must complete <u>in full</u> an "Injury Report" form. This form will need to be completed with proper signatures prior to receiving medical attention, unless the injury is of the emergency nature and medical treatment must be received immediately.

After the supervisor has received the "Injury Report", the supervisor shall in turn forward the "Injury Report" to the head of the department of the employee, and the head of the department shall forward the "Injury Report" to the Personnel Department. Whenever possible, the Personnel Department shall be responsible for arranging for all medical treatment.

Injured employees are required to pick up a "Referral for Treatment" form from the Personnel Department each time medical treatment is to be received unless

the injury is of the emergency nature. Depending upon the nature of the injury, supervisors will be required to investigate and complete additional information relating to the injury.

Employees who seek medical treatment on their own without receiving prior permission from the Personnel Director will be responsible for the payment of such treatment. This portion of the policy will only be waived if the Personnel Department is closed and/or unavailable, and it is necessary for medical treatment to be received immediately.

If an on the job injury results in an employee's absence from work and the employee has followed proper procedures, the employee's pay will be continued on the following basis:

a. During the first four (4) weeks of absence resulting from an on the job injury, the employee will be paid 100% of this normal pay provided that any

b. compensation for wages benefit under Workmen's Compensation for this period be assigned to the City of Joplin.

c. If an employee is absent from work for more than four (4) weeks as a result of an on the job injury, the pay will be continued at a rate of 90% of the normal pay. This pay may continue for an additional thirty-six (36) weeks provided that any compensation for wage benefits under Workman's Compensation for this period be assigned to the City of Joplin.

7.3 EMPLOYMENT OF INDIVIDUALS WITH LIFE THREATENING DISEASES

The City recognizes that many employees with life-threatening diseases such as cancer, heart disease and acquired immune deficiency (AIDS), may wish to lead normal lives which
includes working as long as their health permits. As long as these employees are able to meet acceptable performance standards, and medical evidence indicates that their conditions are not an on the job threat to themselves or others including citizens, their treatment will be consistent with that of all other employees.

The City will attempt to supply pertinent medical education to supervisors and other employees. This may be done through brochures, video and the City Wellness Program. Supervisors and other employees should be aware that continued employment for an employee who has a life-threatening disease may have a therapeutic value and contribute to the individuals' remission or recovery

process.

Managers and supervisors should remember that all medical records of employees are confidential.

The City reserves the right to require an employee to undergo a medical examination by a doctor chosen by the City whenever there is a question of an employee's fitness to work, or there is reason to fear that an employee's condition might pose safety or health hazards for other employees or citizens.

The City will make reasonable job accommodations, where necessary to assist employees with a life threatening disease that is consistent with the business needs of the City.

Any employee(s) working in an area in which another employee is diagnosed as having a life threatening disease will be expected to carry out their normal work duties regardless of the fact that another worker in the area has a life threatening disease. No special consideration will be given beyond the city's normal transfer policy for employees who feel threatened by a co-worker's life threatening disease.

Before any confidential information about the health condition of another employee can be revealed which has an effect on the individual's decision to continue the current work assignment, release of information permission must be obtained in writing from the infected employee.

If your work task involves exposure to blood, body fluids or tissues, you are deemed to be in a position which has a higher risk exposure to life threatening diseases, and are required to refer to your departmental guidelines which describe the proper procedure and care in dealing with situations that would expose you to blood, body fluids or tissues.

7.4 VEHICLE ACCIDENTS

Employees involved in automobile accidents while driving a City vehicle must:

a. Not move the vehicle;
b. Notify the police giving location and whether an ambulance is needed;
c. Take the names and addresses of other person(s) involved in the accident;
d. Take the names and addresses of all witnesses present;
d. Not make any statements concerning the accident other than to the investigating
e. law enforcement officer;

g. Advise supervisor as soon as possible;
h. Fill out proper forms required by City and State;
i. Give one copy of report to City Manager, Department Head, Supervisor, and Personnel Director;
j. Do not leave the scene of the accident.

7.5 USE OF SEAT BELTS

To comply with Missouri State Law and help decrease the possibility or severity of injury in vehicle accidents or sudden stops, it is required that a properly adjusted and fastened seat belt be in use while operating or riding in a City automobile, truck, or off road equipment. This also applies to employees who operate their own personal vehicle or who are passengers in a personal vehicle while on City business or during working hours.

Any truck or off road equipment that is exempted from this policy shall be determined by the head of the department and shall be posted in a conspicuous location within the department/division.

All department heads and supervisors are to remind their personnel that the use of seat belts is mandatory.

Failure to properly use seat belts could result in disciplinary action up to and including discharge.

SECTION EIGHT - RULES AND DISCIPLINE

8.1 DISCIPLINE

Discipline is primarily employee's self-control to meet organizational standards, expectations and objectives. Discipline is developed by both management and employees.

Management is primarily responsible for developing and maintaining clear standards expected of employees and communicating to them so that everyone understands.

When work habits, attitude, production or personal conduct of an employee falls below a desirable standard, supervisors should take immediate steps to bring about improvements.

8.2 POLICY AGAINST SEXUAL HARASSMENT AND OTHER FORMS OF HARASSMENT AND DISCRIMINATION

1. Policy Statement

The City of Joplin (the “City) is an equal opportunity employer. It is the City’s policy to ensure equal opportunity in all aspects of employment. Therefore, all employment decisions, including, but not limited to, hiring, promotion, discipline, and discharge will be made without regard to gender, race, color, age, ethnicity, religion, disability, sexual orientation, national origin, veteran’s status, or any other legally protected characteristic.

It is the policy of the City that every employee should behave in a manner that encourages respect for the dignity of each individual. Accordingly, the City is committed to promoting a work environment that is free from harassment and discrimination. Each person must avoid discriminating or harassing conduct. Each person is also expected to take the necessary steps to prevent and eliminate its occurrence.

The City strongly disapproves of, and will not tolerate, unlawful discrimination or harassment in any form. Prohibited conduct includes discrimination and harassment related to gender, race, color, age, ethnicity, religion, disability, sexual orientation, national origin, veteran’s status, and any other legally protected class. This policy applies to conduct occurring in the workplace and in other work-related settings, such as business trips and business-related parties and social events.

This Policy sets forth the City’s goals of promoting a workplace that is free of sexual harassment and other forms of harassment and discrimination. The Policy is not designed nor intended to limit the City’s authority to discipline and/or take remedial action for unacceptable behavior, regardless of whether that conduct is prohibited by law.

2. Accountability

Every employee is responsible for maintaining a working environment free from discrimination and harassment. Citizens, customers, vendors, elected and appointed officials, and other third parties doing business with the City or on the City’s premises have the same responsibility. It is the responsibility of each employee to become fully informed of the provisions of this Policy and ensure individual compliance. Any supervisor or member of management to whom discrimination is reported or who

otherwise becomes aware of harassment, whether by personal observation, or from a co-worker, subordinate, peer, supervisor, any member of management, or non-employee doing business on the premises, is responsible for taking immediate steps to end the discriminatory practice and/or for reporting the harassment to the Personnel Director.

3. Sexual Harassment is Prohibited

Sexual harassment is an illegal form of discrimination. Sexual harassment is also a violation of the expectation that every individual working for the City deserves to be treated fairly and with respect for his or her dignity as a person. Sexual harassment is prohibited and will not be tolerated.

A. Definition of Sexual Harassment.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or written communications or physical conduct of a sexual nature. There are two general types of sexual harassment:

(i) Quid Pro Quo ("Something for Something"). This type of sexual harassment includes unwelcome advances, requests for sexual favors, and other verbal or physical conduct when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual.

(ii) Hostile Work Environment. This type of sexual harassment includes unwelcome sexual conduct that has the purpose or effect of unreasonably interfering with an individual's working conditions or performance by creating an intimidating, hostile, humiliating, or offensive work environment.

B. Examples of Sexual Harassment.

Examples of sexual harassment include, but are not limited to, the following:

- Sexual comments, teasing, or jokes;
- Suggestive gestures, sounds, or whistles;
- Inquiries or discussions about sexual activities;
- The display in the workplace of sexually suggestive objects, pictures, posters, cartoons, or graffiti;
- Pressure to accept social invitations, to meet privately, to date, or to have sexual relations;
- Sexual slurs, demeaning epithets, or derogatory statements;
- Graphic or sexually suggestive comments about a person's attire or body;
- Unwanted or unnecessary physical contact, sexual **touching,**

brushing up against another in a sexual manner, graphic or sexually suggestive gestures, cornering, pinching, grabbing, kissing, or fondling;

- Suggestive, obscene, or harassing messages sent via computer or left on an answering machine or voice mail.

C. Who Can Be a Victim Of Sexual Harassment And Who Can Be a Harasser?

The victim as well as the sexual harasser may be a woman or a man. In addition, sexual harassment can occur between employees of the same sex as
well as between employees of the opposite sex. The harasser may be the victim's supervisor, a manager, an agent of the City, a supervisor in another work area, or a co-worker. The harasser may even be a non-employee, such as an elected or appointed official in whatever form, a citizen, vendor, or repair person who does business on the City's premises.

4. Harassment On Other Grounds And Other Forms of Discrimination Are Prohibited

Discriminatory treatment other than sexual harassment is also prohibited. Discriminatory treatment, including harassment, of individuals and groups on the basis of gender, race, color, age, ethnicity, religion, disability, sexual orientation, national origin, veteran's status, and any other legally protected characteristic is strictly prohibited.

A. Definition of Harassment On Other Grounds

Harassment on the basis of gender, race, color, age, ethnicity, religion, disability, sexual orientation, national origin, veteran's status, and any other legally protected characteristic directed against individuals, may be established by showing conduct toward another person that has the purpose or effect of creating an intimidating, hostile, or demeaning environment and that interferes with his or her work performance or ability to participate in or to realize the intended benefits of the City activity, employment, or resource.

B. Examples of Other Kinds of Harassment
Examples of other kinds of harassment include, but are not limited to, the following:

- Name-calling, slurs, demeaning remarks, jokes, gestures,

negative stereotyping, threats, intimidation, and hostile acts that are related to gender, race, color, age, ethnicity, religion, disability, sexual orientation, national origin, veteran's status, and any other legally protected characteristic;

- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group of individuals because of gender, race, color,
- age, ethnicity, religion, disability, sexual orientation, national origin,
- veteran's status, and any other legally protected characteristic;
- Behavior which could reasonably be interpreted as patronizing and as undermining self-respect.

C. Who Can Be a Victim And a Harasser?

The victim as well as the harasser may be a person of any gender, race, color, age, ethnicity, religion, disability, sexual orientation, or national origin. The harasser may be the victim's supervisor, a manager, an agent of the City, a supervisor in another work area, or a co-worker. The harasser may also be a non-employee, such as an elected or appointed official in whatever form, a citizen, vendor, or repair person who does business on the City's premises.

5. Complaint Procedure

If you experience or believe another employee is experiencing sexual harassment or other job-related harassment or form of discrimination, you should promptly report the incident according to the following procedure:

1. Reports of harassment and other forms of discrimination should be made to the Personnel Director. If the Personnel Director is the alleged wrongdoer, the complaint should be reported to the City Attorney.
2. Reports may be made verbally or in writing. Complaint forms for your use are available in Personnel. You are not required to use the complaint form. Regardless of the way in which a complaint is made, the report should include details of the incident or incidents, names of the individuals involved, and names of any witnesses. Management and supervisors shall refer all complaints to the Personnel Director.
3. Reports of discrimination and harassment will be promptly

investigated in an impartial manner. Information will be treated as confidential. It will be disclosed only when necessary to further the investigation and to resolve the complaint. The results of the investigation may be disclosed to the alleged victim, to the person alleged to have engaged in prohibited conduct and, as necessary to effect this Policy.

4. If the City determines that inappropriate conduct has occurred, it will act promptly to eliminate the offending conduct. When appropriate, the City will also impose disciplinary action, including termination. The specific discipline imposed, if any, shall not be disclosed to anyone other than those necessary to impose or memorialize discipline.

6. Discipline for Violation of this Policy

Any employee who has engaged in prohibited conduct will be subject to disciplinary action. Disciplinary action includes, but is not limited to, counseling, training, oral and/or written reprimand, demotion, suspension without pay, and termination of employment in accordance with Section 8.7 of these Rules.

The City will not tolerate even casual or isolated incidents of discrimination and harassment. In determining the appropriate remedial measure, the City will consider the context, nature, scope, frequency, duration, and location of the incidents, whether they are physically threatening or humiliating, whether they involve offensive utterances, as well as the identity, number, and relationships of the persons involved and any other information relevant to the complaint.

7. Safeguards

Two goals of this Policy are (1) protecting the complaining party's anonymity to the extent possible and (2) ensuring that the initiation and pursuit of a complaint is not an intimidating experience. In keeping with these goals, the City will enforce the following safeguards:

A. Confidentiality

Reasonable efforts shall be made to maintain the confidentiality of any complaint made. Complaining parties and witnesses must understand that, to adequately investigate and resolve a complaint, it may be necessary to disclose their identities, either directly or indirectly.

B. Non-Retaliation / Non-Coercion

No person covered by this Policy will be subject to restraint, retaliation, interference, coercion, or reprisal for any action taken in good faith to seek advice concerning conduct believed to be in violation of this Policy, to bring any harassment or discrimination complaint, or for participation in the investigation of a harassment complaint, whether such participation is voluntary or requested. Any person who violates this non-retaliation Policy will be subject to disciplinary action, including termination.

8. Questions

Please direct any questions about this Policy to the Human Resources Director, at Extension 210, who is available to discuss any concerns you may have and to provide information to you about the City's Policy and about the complaint process.

8.3 DRUG AND ALCOHOL TESTING POLICY –
City of Joplin – Adopted 12.12.14- *Updated 7.17.15*

POLICY

THE CITY OF JOPLIN IS COMMITTED TO ENFORCING A ZERO-TOLERANCE POLICY THAT IS IN COMPLIANCE WITH 49 CFR PART 655, AND 49 CFR PART 40, AS AMENDED. BY FOLLOWING THIS POLICY, THE CITY OF JOPLIN IS COMPLIANT WITH THE FEDERAL TRANSIT ADMINISTRATION'S GUIDELINES CONCERNING DRUG AND ALCOHOL TESTING. ALL CITY OF JOPLIN EMPLOYEES MUST COMPLY WITH THIS POLICY AS SPECIFIED HEREIN.

THIS POLICY APPLIES TO ALL CITY OF JOPLIN EMPLOYEES. THE POLICIES AND PROCEDURES CONTAINED HEREIN SHOULD BE UNDERSTOOD AS APPLYING TO ALL CITY OF JOPLIN EMPLOYEES.

UNDER THE CITY OF JOPLIN'S AUTHORITY, THE TERMS "COVERED EMPLOYEE" AND "EMPLOYEE" REFER TO ALL CITY OF JOPLIN EMPLOYEES. "SAFETY-SENSITIVE FUNCTIONS" AND "SAFETY-SENSITIVE POSITIONS" REFER ONLY TO EMPLOYEES PERFORMING THOSE FUNCTIONS OR WHO ARE IN THOSE POSITIONS.

PROCEDURES

A. PURPOSE

1) The City of Joplin provides public transit, deviated fixed route and demand response for the residents of the Joplin Metro Area. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, the City of Joplin declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.

2) Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the

U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.

3) Any provisions set forth in this policy that are included under the sole authority of the City of Joplin and are not provided under the authority of the above named Federal regulations are underlined. Tests conducted under the sole authority of the City of Joplin will be performed on non-USDOT forms and will be separate from USDOT testing in all respects.

B. APPLICABILITY

This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full- or part-time) when performing safety sensitive duties. All City of Joplin employees who perform safety-sensitive functions, are covered under this policy under the sole authority of the City of Joplin. See Attachment "A" for a list of positions and the authority under which they are included.

A safety-sensitive function is operation of mass transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or person controlling the movement of revenue service vehicles, and any transit employee who operates a vehicle that requires a Commercial Driver's License to operate. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety-sensitive positions who perform one or more of the above mentioned duties is provided in Attachment A. Supervisors are only safety sensitive if they perform one of the above functions. Volunteers are considered safety sensitive and subject to testing if they operate a vehicle that requires a CDL, or receive remuneration for service in excess of actual expense.

C. DEFINITIONS

Accident: An occurrence associated with the operation of a vehicle even when not in revenue service, if as a result:

a. An individual dies;
b. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,

c. One or more vehicles incur disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, *disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative.

Adulterated specimen: A specimen that has been altered, as evidence by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

Alcohol Concentration: Expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under 49 CFR Part 40.

Aliquot: A fractional part of a specimen used for testing, It is taken as a sample representing the whole specimen.

Canceled Test: A drug or alcohol test that has a problem identified that cannot be or has not been corrected. A canceled test is neither positive nor negative.

Confirmatory Drug Test: A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or metabolite.

Confirmatory Validity Test: A second test performed on a different aliquot of the original urine specimen to further support a validity test result.

Covered Employee Under FTA Authority: An employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function (See Attachment A for a list of covered employees).

<u>*Covered Employee Under City of Joplin Authority:* An employee, applicant, or transferee that will not perform a safety-sensitive function as defined by FTA but is</u>

included under the City of Joplin's own authority. These employees do perform Non-FTA safety-sensitive functions. (See Attachment A for the list of these employees).

Designated Employer Representative (DER): An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655.

Department of Transportation (DOT): For the purposes of Drug and Alcohol regulatory oversight, DOT is the department of the federal government which includes the Federal Transit Administration, Federal Railroad Administration, Federal Aviation Administration, Federal Motor Carriers' Safety Administration, Pipeline & Hazardous Materials Safety Administration, United States Coast Guard, and the Office of the Secretary of Transportation.

Dilute specimen: A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

Disabling damage: Damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors, or windshield wipers that makes them inoperative.

DOT Regulated Employees: Positions that are safety-sensitive employees who are tested under the authority of the U.S. Department of Transportation (DOT). Please see Attachment A for a list of these employees.

Evidentiary Breath Testing Device (EBT): A Device approved by the NHTSA for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations. Approved devices are listed on the National Highway Traffic Safety Administration (NHTSA) conforming products list.

Initial Drug Test: (Screening Drug Test) The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Initial Specimen Validity Test: The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid

Invalid Result: The result reported by an Department of Health & Human Services (HHS)-certified laboratory in accordance with the criteria established by the HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted results cannot be established for a specific drug or specimen validity test.

Laboratory: Any U.S. laboratory certified by HHS under the National Laboratory Certification program as meeting standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

Limit of Detection (LOD): The lowest concentration at which a measurand can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.

Limit of Quantitation: For quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.

Medical Review Officer (MRO): A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

Negative Dilute: A drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.

Negative result: The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen.

Non-negative test result: A urine specimen that is reported as adulterated, substituted, invalid, or positive for drug/drug metabolites.

Oxidizing Adulterant: A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or metabolites, or affects the reagents in either the initial or confirmatory drug test.

Performing (a safety-sensitive function): A covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Positive result: The result reported by an HHS- Certified laboratory when a specimen contains a drug or drug metabolite equal or greater to the cutoff concentrations.

Prohibited drug: Identified as marijuana, cocaine, opiates, amphetamines (including ecstasy), or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40, as amended.

Reconfirmed: The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.

Rejected for Testing: The result reported by an HHS- Certified laboratory when no tests are performed for a specimen because of a fatal flaw or a correctable flaw that has not been corrected.

Revenue Service Vehicles: All transit vehicles that are used for passenger transportation service.

Safety-sensitive functions: Employee duties identified as:

(1) The operation of a transit revenue service vehicle even when the vehicle is not in revenue service.
(2) The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Driver License (CDL).
(3) Maintaining a revenue service vehicle or equipment used in revenue service.
(4) Controlling the movement of a revenue service vehicle and
(5) Carrying a firearm for security purposes.
(6) Positons that:
    i. May operate or cause to operate a powered vehicle or equipment that could present a clearly significant life threatening danger to him/herself, coworkers, or the general public,
    ii. Requires the exercise of discriminating judgement and/or a high degree of care and caution in carrying out the functions of the position, In which a drug impairment constitutes an immediate and direct threat to public health and safety.
    iii. The duties are responsible to provide for the life and safety of themselves, other employees, and the general public.

Split Specimen Collection: A collection in which the urine collected is divided into two separate bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

Substance Abuse Professional (SAP): A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed marriage and family therapist, or drug and alcohol counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse (ICRC) or by the National Board for Certified Counselors, Inc. (NBCC) and Affiliates/Master Addictions Counselor with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

Substituted specimen: A urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

Test Refusal: It is considered a refusal to test if the employee:

(1) Fails to appear for any test (excluding a pre-employment test) within a reasonable time, as determined by the employer, after being directed to do so by the employer:

a) <u>For reasonable suspicion, post-accident and random testing, the employee is required to arrive at the testing site within two hours of the notice to test. Two hours is considered to be a reasonable amount of time by the City of Joplin.</u>

b) <u>For pre-employment, return-to-duty and follow-up testing the employee is expected to arrive at the test site at their appointed time.</u>

(2) Fails to remain at the testing site until the testing process is complete.

(3) Fails to provide a urine or breath specimen for any drug or alcohol test required by P**art 40** or DOT agency **regulations.**

(4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen.

(5) Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.

(6) Fails or declines to take a second test the employer or collector has directed.

(7) Fails to undergo a medical examination or evaluation, as directed by the MRO as **part** of the verification process, or as directed by the DER as **part** of the ``shy bladder'' or “shy lung” procedures.

(8) Fails to cooperate with any **part** of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process)

(9) Submits a specimen that is verified adulterated or substituted by the MRO.
(10) Fails or refuses to sign Step 2 of the alcohol testing form.
(11) Fails to follow the observer's instructions during an observed collection including instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if there is a prosthetic or other device that could be used to interfere with the collection process.
(12) Possesses or wears a prosthetic or other device that could be used to interfere with the collection process.
(13) Admits to the collector or MRO that s/he adulterated or substituted the specimen.

Verified negative test: A drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

Verified positive test: A drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

Validity testing: The evaluation of the specimen to determine if it is consistent with normal human urine. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

D. EDUCATION AND TRAINING

1) Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Part 655 and 49 CFR Part 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.

2) All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

E. PROHIBITED SUBSTANCES

1) Prohibited substances addressed by this policy include the following.
   a. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines (including methamphetamine and ecstasy), opiates (including heroin), phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy

      Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all employees covered under FTA Authority be tested for marijuana, cocaine, amphetamines (including methamphetamine and ecstasy), opiates (including heroin), and phencyclidine as described in Section H of this policy. Employees covered under City of Joplin authority will also be tested for these same substances. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty.

   b. Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to the employee's supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions. The Supervisor will make the determination whether to notify City of Joplin Human Resources Department.

   c. Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited. A random or reasonable suspicion alcohol test can only be performed on a covered employee under 49 CFR Part 655 just before, during, or just after the performance of safety-sensitive job

functions. Under City of Joplin authority, a non-DOT alcohol test can be performed any time an employee is on duty.

F. PROHIBITED CONDUCT

1) All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.

2) Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline.

3) The City of Joplin shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol

4) Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater regardless of when the alcohol was consumed.

5) No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.

6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

7) The City of Joplin under its own authority also prohibits the consumption of alcohol at all times employee while on duty, or anytime the employee is in uniform.

8) Consistent with the Drug-free Workplace Act of 1988, all City of Joplin employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including transit system premises and transit vehicles.

G. DRUG STATUTE CONVICTION

Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify City of Joplin management of any criminal drug statute conviction for a violation within five days after such conviction. Failure to comply with this provision shall result in disciplinary action as defined in Section Q.10 of this policy.

H. TESTING REQUIREMENTS

1) Analytical urine drug testing and breath testing for alcohol will be conducted as set forth in 49 CFR Part 40 as amended. All employees covered under FTA authority shall be subject to testing prior to performing safety-sensitive duty, for reasonable suspicion, following an accident, and random as defined in Section K, L, M, and N of this policy, and return to duty/follow-up. All employees covered under City of Joplin authority will also be subject to testing for reasonable suspicion, post-accident, random and return to duty/follow up using non-DOT testing forms

2) A drug test can be performed any time a covered employee is on duty. A reasonable suspicion or random alcohol test can only be performed just before, during, or just after the performance of a safety-sensitive job function. Under City of Joplin authority, a non-DOT alcohol test can be performed any time an employee is on duty.

3) All covered employees will be subject to urine drug testing and breathe alcohol testing as a condition of ongoing employment with City of Joplin. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in Section Q of this policy.

I. DRUG TESTING PROCEDURES

1) Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.

2) The drugs that will be tested for include marijuana, cocaine, opiates (including heroin), amphetamines (including methamphetamine and ecstasy), and phencyclidine. After the identity of the donor is checked using

picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.

3) The test results from the HHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substituted, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to the City of Joplin Drug and Alcohol Program Manager (DAPM). If a legitimate explanation is found, the MRO will report the test result as negative to the DAPM.

4) If the test is invalid without a medical explanation, a retest will be conducted under direct observation. Employees do not have access to a test of their split specimen following an invalid result.

5) Any covered employee who questions the results of a required drug test under paragraphs L through P of this policy may request that the split sample be tested. The split sample test must be conducted at a different HHS-certified laboratory than the one that analyzed the primary specimen. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests

after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. The City of Joplin will ensure that the cost for the split specimen are covered in order for a timely analysis of the sample, however the City of Joplin will seek reimbursement for the split sample test from the employee if the result of the split specimen analysis confirms the result of the primary specimen analysis.

6) If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled. If the split specimen is not available to analyze the MRO will direct the City of Joplin to retest the employee under direct observation.

7) The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year. If the primary is positive, the primary and the split will be retained for longer than one year for testing if so requested by the employee through the Medical Review Officer, or by the employer, by the MRO, or by the relevant DOT agency.

8) Observed collections

    a. Consistent with 49 CFR Part 40, as amended, collection under direct observation (by a person of the same gender) with no advance notice will occur if:

        i. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to City of Joplin that there was not an adequate medical explanation for the result;
        ii. The MRO reports to City of Joplin that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed;
        iii. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen as negative-dilute and that a second collection must take place under direct observation (see §40.197(b)(1));

iv. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
v. The temperature on the original specimen was out of range;
vi. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with.
vii. The test is a follow-up-test; or
viii. The test is a return-to-duty test.

J. ALCOHOL TESTING PROCEDURES

1) Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). Alcohol screening tests may be performed using a non-evidential testing device which is also approved by NHTSA. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted no sooner than fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee's privacy and to maintain the integrity of the alcohol testing procedures and validity of the test result.

2) An employee who has a confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in Section Q. of this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or until the start of their next scheduled shift and will be subject to the consequences described in Section Q of this policy. An alcohol concentration of less than 0.02 will be considered a negative test.

3) The City of Joplin affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of

the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.

4) The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall be used for all FTA required testing. Failure of an employee to sign step 2 of the ATF will be considered a refusal to submit to testing.

K. PRE-EMPLOYMENT TESTING

1) All applicants for covered transit positions shall undergo urine drug testing prior to performance of a safety-sensitive function.

   b. All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug test. An applicant will not be allowed to perform safety-sensitive functions unless the applicant takes a drug test with verified negative results.

   c. An employee shall not be placed, transferred or promoted into a position covered under FTA authority until the employee takes a drug test with verified negative results.

   d. City of Joplin employees transferring from a non-FTA position to another non-FTA position will NOT have to take another pre-employment test.

   e. If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded and the applicant will be referred to a SAP. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of at least five years. Before being considered for future employment the applicant must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.

   f. When an employee being placed, transferred, or promoted from a non-covered position to a position covered under FTA authority submits a drug test with a verified positive result, the employee shall be subject to disciplinary action in accordance with Section Q herein.

   g. If a pre-employment test is canceled, the City of Joplin will require the applicant to take and pass another pre-employment drug test.

h. In instances where a FTA covered employee does not perform a safety-sensitive function for a period of 90 consecutive days or more regardless of reason, and is removed from the random testing pool during that time, the employee will be required to take a pre-employment drug test under 49 CFR Part 655 and have negative test results prior to resuming safety-sensitive job functions.

i. Following a negative dilute test result, the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed by the MRO.

j. Applicants are required (even if ultimately not hired) to provide the City of Joplin with signed written releases requesting FTA drug and alcohol records from all previous DOT-covered employers that the applicant has worked for within the last two years. Failure to do so will result in the employment offer being rescinded. The City of Joplin is required to ask all applicants (even if ultimately not hired) if they have tested positive or refused to test on a pre-employment test for a DOT covered employer within the last two years. If the applicant has tested positive or refused to test on a pre-employment test for a DOT covered employer, the applicant must provide The City of Joplin proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

L. REASONABLE SUSPICION TESTING

1) All City of Joplin FTA covered employees will be subject to a reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under City of Joplin's authority, a non-DOT reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable

suspicion drug test can be performed any time the covered employee is on duty. All employees covered under the sole authority of the City of Joplin will also be subject to non-USDOT reasonable suspicion testing procedures modeled on the provisions in 49 CFR Part 40.

2) All covered employees who are told to report for a reasonable suspicion test will be driven to Occumed by another employee, preferably a supervisor, not involved in the accident.

    a. Employees are expected to arrive at the testing site as quickly as possible, and preferably within two hours of the notice to test. If the employee is not able to arrive at the testing site within that time, the employee is required to notify Human Resources.
    b. Failure to report within the two hour time frame will result in disciplinary action up to and including termination from City of Joplin employment under the sole authority of the City of Joplin.

3) The employee shall be placed on administrative leave pending disciplinary action described in Section Q of this policy. An employee who refuses to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in Section Q of this policy.

4) A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation. This written record shall be submitted to the City of Joplin Human Resources Department.

5) When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in his/her chain of command, the employee shall be referred for assessment and treatment consistent with the Disciplinary chapter of the City of Joplin Employee Manual. The City of Joplin shall place the employee on administrative leave in accordance with the provisions set forth under Section Q of this policy. Testing in this circumstance would be performed under the direct authority of the City of Joplin. Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under Federal authority. However, self-referral does not exempt the covered employee from testing under Federal authority as specified in

Sections L through N of this policy or the associated consequences as specified in Section Q.

M. POST-ACCIDENT TESTING

1) FATAL ACCIDENTS - All covered employees will be required to undergo urine and breath testing if they are involved in an accident with a transit vehicle that results in a fatality, regardless of whether or not the vehicle is in revenue service. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance could have contributed to the accident.

    a. All covered employees involved in a fatal accident will be driven to Occumed by another employee, preferably a supervisor, not involved in the accident.
        i. Employees are expected to arrive at the testing site as quickly as possible, and preferably within two hours of the notice to test. If the employee is not able to arrive at the testing site within that time, the employee is required to notify Human Resources.
        ii. Failure to report within the two hour time frame will result in disciplinary action up to and including termination from City of Joplin employment under the sole authority of the City of Joplin.

2) NON-FATAL ACCIDENTS - A post-accident test of the operator will be conducted if an accident results in injuries requiring immediate transportation to a medical treatment facility; or one or more vehicles incurs disabling damage, unless the operator's performance can be completely discounted as a contributing factor to the accident.

    a. As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.

    b. The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours after the accident for alcohol, and no longer than 32 hours after the accident for drugs. If

an alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within (8) eight hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.

c. All covered employees involved in a non-fatal accident will be driven to Occumed by another employee, preferably a supervisor, not involved in the accident.
    i. Employees are expected to arrive at the testing site as quickly as possible, and preferably within two hours of the notice to test. If the employee is not able to arrive at the testing site within that time, the employee is required to notify Human Resources.
    ii. Failure to report within the two hour time frame will result in disciplinary action up to and including termination from City of Joplin employment under the sole authority of the City of Joplin.

d. Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test.

e. An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.

f. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

g. In the rare event that the City of Joplin is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), City of Joplin may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

N. RANDOM TESTING

1) All covered employees will be subjected to random, unannounced testing. Employees covered under FTA authority will be selected from a pool of DOT-covered safety-sensitive employees. Safety-Sensitive Employees covered under City of Joplin authority will be selected from a pool of non-FTA employees. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of employees.

2) The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.

3) The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates established by Federal regulations for those safety-sensitive employees subject to random testing by Federal regulations. The current random testing rate for drugs established by FTA equals twenty-five percent of the number of covered employees in the pool and the random testing rate for alcohol established by FTA equals ten percent of the number of covered employees in the pool. Non-FTA safety-sensitive City of Joplin employees will be randomly tested at the same rate under a separate pool

4) Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection.

5) Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from the testing pool of non-safety-sensitive employees that are included solely under City of Joplin authority.

6) Random drug tests can be conducted at any time during an employee's shift. Random alcohol tests can only be performed just before, during, or just after the performance of a safety sensitive duty. However, under City of Joplin's authority, a non-DOT random alcohol test may be performed any time the employee is on duty. Testing can occur during the beginning, middle, or end of an employee's shift.

7) Employees are required to proceed immediately to the collection site upon notification of their random selection.
    a. Employees are expected to arrive at the testing site as quickly as possible, and preferably within two hours of the notice to test. If the employee is not able to arrive at the testing site within that time, the employee is required to notify Human Resources.
    b. Failure to report within the two hour time frame will result in disciplinary action up to and including termination from City of Joplin employment under the sole authority of the City of Joplin.

O. RETURN-TO-DUTY TESTING

City of Joplin will terminate the employment of any employee who tests positive or refuses a test as specified in section Q of this policy. However, in the rare event an employee is reinstated as a result of a court order or other action beyond the control of the City of Joplin, the employee must complete the return-to-duty process prior to resuming safety-sensitive functions.

All covered employees who previously tested positive on a drug or alcohol test or refused a test, must be evaluated by a Substance Abuse Professional (SAP). Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend a return-to-duty test only when the employee has successfully completed the treatment requirements and is known to be drug and alcohol-free and there are no undue concerns for public safety.

The employee's return-to-duty test must be negative for drugs, alcohol (below 0.02 for alcohol), or both before the employee may resume safety-sensitive duties. For an initial positive drug test a return-to-duty drug test is required and an alcohol test is allowed. For an initial positive alcohol test a return-to-duty alcohol test is required and a drug test is allowed.

Additionally, non-DOT return-to-duty testing is required for all City employees who have been off work for more than 60 days, for any reason. Further, non-DOT return-to-duty testing is required for all City employees who have been off for more than 30 days because of an injury or illness that requires medical attention. All such testing will be done solely under the authority of the City of Joplin and will be conducted using non-DOT forms.

P. FOLLOW-UP TESTING

Covered employees that have returned to duty following a positive or refused test

will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty test. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed during the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the SAP, reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate from and in addition to random, post-accident, reasonable suspicion and return-to-duty testing.

In the instance of a self-referral or a management referral, the employee will be subject to non-USDOT follow-up tests and follow-up testing plans modeled on the process described in 49 CFR Part 40. However, non-USDOT follow-up tests and all paperwork associated with an employee's return-to-work agreement that was not precipitated by a positive test result (or refusal to test) do not constitute a violation of the Federal regulations, will be conducted solely under city authority, and will be performed using non-DOT testing forms.

Q. RESULT OF DRUG/ALCOHOL TEST

1) Any covered employee that has a verified positive drug or alcohol test, or test refusal, will be removed from his/her safety-sensitive position, informed of educational and rehabilitation programs available, and referred to a Substance Abuse Professional (SAP) for assessment. The employee also will be terminated.

2) Following a negative dilute test result, the employee will be required to undergo another test. Should this second test also have a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.

3) Refusal to submit to a drug/alcohol test shall be considered a positive test result and a direct act of insubordination and shall result in termination and referral to the SAP. A test refusal includes the following circumstances:

    a. Failure to appear for any test (excluding a pre-employment test) within a reasonable time, as determined by the employer, after being directed to do so by the employer.
        i. For reasonable suspicion, post-accident and random testing, the employee is required to arrive at the testing site within two hours of the notice to test. Two hours is considered to be a reasonable amount of time by the City of Joplin.

ii. For pre-employment, return-to-duty and follow-up testing the employee is expected to arrive at the test site at the appointed time.

b. Failure to remain at the testing site until the testing process is complete.
c. Failure to provide a urine or breath specimen for any drug or alcohol test required by P**art 40** or DOT agency **regulations.**
d. In the case of a directly observed or monitored collection in a drug test, failure to permit the observation or monitoring of the provision of a specimen.
e. Failure to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
f. Failure to take a second test the employer or collector has directed the employee to take.
g. Failure to undergo a medical examination or evaluation, as directed by the MRO as **part** of the verification process, or as directed by the DER as **part** of the ``shy bladder'' or “shy lung” procedures.
h. Failure to cooperate with any **part** of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process).
i. Submission of a specimen that has been verified as adulterated or substituted test by the MRO.
j. Failure or refusal to sign Step 2 of the alcohol testing form.
k. Failure to follow the observer’s instructions during an observed collection including instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if there is a prosthetic or other device that could be used to interfere with the collection process.
l. Possession or wearing of a prosthetic or other device that could be used to interfere with the collection process.
m. Admission to the collector or MRO that the employee adulterated or substituted the specimen.

4) For the first instance of a verified positive test from a sample submitted as the result of a random, reasonable suspicion or post-accident drug or alcohol test (≥ 0.04 BAC), disciplinary action against the employee shall include immediate termination of employment with the City of Joplin, and referral to a Substance Abuse Professional for assessment.

5) An alcohol test result of ≥0.02 to ≤ 0.039 BAC, while not a positive test result as defined by DOT, shall result in discipline up to and including termination from City of Joplin employment under the sole authority of the City of Joplin.

6) In the instance of a self-referral or a management referral, disciplinary action against the employee shall include:

    a. Mandatory referral for an assessment by an employer approved counseling professional, formulation of a treatment plan, and execution of a return to work agreement;
    b. Failure to execute, or remain compliant with the return-to-work agreement shall result in termination from City of Joplin _employment.
        i. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; the employee is cooperating with his/her recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as described in Section P of this policy; however, all follow-up testing performed as part of a return-to-work agreement required under section Q.9 of this policy is under the sole authority of City of Joplin and will be performed using non-DOT testing forms.

    c. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination. All tests conducted as part of the return to work agreement will be conducted under city authority and will be performed using non-DOT testing forms.
    d. A self-referral or management referral to the employer's approved counseling professional that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered as a positive test result in relation to the progressive discipline defined in Section Q of this policy.
    e. Periodic unannounced follow-up drug/alcohol test conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result in relation to the progressive discipline defined in Section Q of this policy.
    f. A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment with the City of Joplin.
    g. A Voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing.

10) Failure of an employee to report within five days a criminal drug statute conviction for a violation shall result in termination.

R. GRIEVANCE AND APPEAL

The consequences specified by Section 40.149(c) for a positive test or test refusal are not subject to arbitration or an appeal, as specified in the Rules and Discipline section of the Rules and Regulation manual.

S. PROPER APPLICATION OF THE POLICY

The City of Joplin is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination. Employees are expected to aid in the enforcement of this policy. Employees are also expected to realize that the proper enforcement of this policy is in the best interest of the City of Joplin and all of its employees.

T. INFORMATION DISCLOSURE

1) Drug/alcohol testing records shall be maintained by the City of Joplin Drug and Alcohol Program Manager and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without the written consent of the tested employee.

2) The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP follow-up testing plans.

3) Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, and other transit system management personnel on a need to know basis.

4) Records will be released to a subsequent employer only upon receipt of a written request from the employee.

5) Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on

behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the proceeding.

6) Records will be released to the National Transportation Safety Board during an accident investigation.

7) Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.

8) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.

9) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over the City of Joplin or the employee.

10) If a party seeks a court order to release a specimen or **part** of a specimen contrary to any provision of Part 40 as amended, necessary legal steps to contest the issuance of the order will be taken

11) In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

This Policy was adopted by the *Joplin City Manager on December 16, 2014.*



Sam Anselm, City Manager

Attachment A

Job Title	Testing Authority
Full-Time Positions	
Automotive Mechanic I	FTA
Automotive Mechanic II	FTA
Automotive Service Worker	FTA
Transit Driver I	FTA
Transit Driver II	FTA
Transit Dispatch	FTA
Transit Supervisor	FTA
Transportation Coordinator	FTA
Airport Manager	DOT
Airport Operations Supervisor	DOT
Airport Operations Worker	DOT
Chief WW Plant Operator I	DOT
Chief WW Plant Operator II	DOT
Equipment Operator	DOT
Fleet Maintenance Supervisor	DOT
Heavy Equipment Operator	DOT
Laborer II	DOT
Infrastructure Superintendent	DOT

Infrastructure Maintenance Supervisor (Streets)	DOT
Wastewater Plant Technician	DOT
Wastewater Plants Superintendent	DOT
Utility Locator	DOT
Animal Control Officer	COJ-SAFE
Arborist	COJ-SAFE
Assistant Director of Health/ Env./Epid. Coordinator	COJ-SAFE
Assistant Director of Human Resources	COJ-SAFE
Assistant Director of Parks and Recreation	COJ-SAFE
Assistant Director of Public Works/Operations	COJ-SAFE
Assistant Director of Public Works/Engineering Manager	COJ-SAFE
Assistant Police Chief	COJ-SAFE
Battalion Chief	COJ-SAFE
Building Inspector	COJ-SAFE
Building Maintenance Supervisor	COJ-SAFE
Building Maintenance Technician	COJ-SAFE
Chief Building Official	COJ-SAFE
Chief Wastewater Plant Tech	COJ-SAFE
Civil Engineer I	COJ-SAFE
Civil Engineer II	COJ-SAFE
Communications Technician	COJ-SAFE
Communications Technician Manager	COJ-SAFE
Community Development Assistant	COJ-SAFE

Community Health Director	COJ-SAFE
Community Health Nurse (RN)	COJ-SAFE
Community Health Planner/Educator	COJ-SAFE
Construction Inspector	COJ-SAFE
Cook	COJ-SAFE
Custodian	COJ-SAFE
CVB Director	COJ-SAFE
CVB Tourism & Events Specialist	COJ-SAFE
Deputy Fire Chief	COJ-SAFE
Detention Officer	COJ-SAFE
Director of Information Services	COJ-SAFE
Director of Planning Development & Neighborhood Services	COJ-SAFE
Director of Sales/CVB	COJ-SAFE
Emergency Management Coordinator	COJ-SAFE
Engineering Technician	COJ-SAFE
Environmental Public Health Specialist I	COJ-SAFE
Environmental Public Health Specialist II	COJ-SAFE
Evidence Technician	COJ-SAFE
Facility & Events Manager	COJ-SAFE
Fire Apparatus Fleet Manager	COJ-SAFE
Fire Captain	COJ-SAFE
Fire Chief	COJ-SAFE

Fire Driver/Engineer	COJ-SAFE
Fire Marshall	COJ-SAFE
Fire Training Chief	COJ-SAFE
Firefighter/EMT	COJ-SAFE
Golf and Athletic Field Maint Supervisor	COJ-SAFE
Golf Course Maintenance Supervisor	COJ-SAFE
Golf Course Operator	COJ-SAFE
Human Resources Director/Risk Mgmt	COJ-SAFE
Human Resources / Safety Specialist	COJ-SAFE
Infrastructure Maintenance Supervisor (Sewer)	COJ-SAFE
IT Analyst	COJ-SAFE
Jail Administrator	COJ-SAFE
Jail Shift Supervisor	COJ-SAFE
Labor I	COJ-SAFE
Land Surveyor	COJ-SAFE
Lead Cemetery Caretaker	COJ-SAFE
Lead Parks Caretaker	COJ-SAFE
Licensed Practical Nurse	COJ-SAFE
Medical Services Coordinator	COJ-SAFE
Neighborhood Services Officer	COJ-SAFE
Neighborhood Services Manager	COJ-SAFE
Network Manager	COJ-SAFE
Nutritionist I	COJ-SAFE

Nutritionist II	COJ-SAFE
Parking Enforcement Officer	COJ-SAFE
Parks & Recreation Director	COJ-SAFE
Parks Caretaker	COJ-SAFE
Parks Facility Maintenance Supervisor	COJ-SAFE
Golf/Athletic Field Maintenance Supervisor	COJ-SAFE
Park Facilities Maintenance Technician	COJ-SAFE
Parks Maintenance Supervisor	COJ-SAFE
Police Captain	COJ-SAFE
Police Chief	COJ-SAFE
Police Corporal	COJ-SAFE
Police Officer	COJ -SAFE
Police Officer II	COJ-SAFE
Police Officer Trainee	COJ-SAFE
Police Sergeant	COJ-SAFE
Pretreatment Inspector- WWP	COJ-SAFE
Property Negotiator/Appraiser	COJ-SAFE
Public Safety Communications Manager	COJ-SAFE
Public Safety Communications Operator	COJ-SAFE
Public Safety Communications Supervisor	COJ-SAFE
Public Works Director	COJ-SAFE
Recreation Supervisor	COJ-SAFE

Recycling Coordinator	COJ-SAFE
Recreation Coordinator	COJ-SAFE
Regional Response Planner	COJ-SAFE
Small Engine Mechanic	COJ-SAFE
Systems Operator	COJ-SAFE
Traffic Markings/Sign Worker	COJ-SAFE
Traffic Signals Technician	COJ-SAFE
Utility Worker	COJ-SAFE
Wastewater Laboratory Assistant	COJ-SAFE
Wastewater Laboratory Supervisor	COJ-SAFE
Wastewater Laboratory Technician	COJ-SAFE
Wastewater Plant Operator	COJ-SAFE
Wastewater Plant Utility Worker	COJ-SAFE
Wastewater Pre-Treatment Inspector	COJ-SAFE
WIC Services Coordinator	COJ-SAFE
Wastewater Pretreatment Inspector	COJ-SAFE
WIC Certifier	COJ-SAFE
WIC Services Coordinator	COJ-SAFE

Part-Time/ Seasonal Positions

Aquatic Supervisor	COJ-SAFE
Court Bailiff	COJ-SAFE
Day Camp Director	COJ-SAFE

Laborer I	COJ-SAFE
Lifeguard	COJ-SAFE
Pool Operator	COJ-SAFE
Recreation Instructor	COJ-SAFE
School Crossing Guard	COJ-SAFE
School Crossing Guard Coordinator	COJ-SAFE

Attachment B Contacts

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s).

City of Joplin Drug and Alcohol Program Manager
Name: Dave Allgood
Title: HR Director & Risk Manager
Address: 602 S. Main St. Joplin MO, 64801
Telephone Number: 417-624-0820 ext. 210

Medical Review Officer
Name: Dr. Dennis Estep
Title: Physician
Address: 444 Four State Drive Suite 1 Galena, KS 66739
Telephone Number: 620-783-4441

Substance Abuse Professional
Name: Dr. Michael Londe
Title: Doctor of Behavioral Sciences
Address: 1102 W. 32nd St. Joplin MO, 64801
Telephone Number: 417-781-2868

HHS Certified Laboratory Primary Specimen
Name: CRL Clinical Reference Laboratory
Address: 8433 Quivira Rd. Lenexa KS 66215
Telephone Number: 1-888-265-7956

This Policy was adopted by the *Joplin City Council* on *12.12.2014- Updated 7.17.15*

Attachment B Contacts

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HHS Certified Laboratory Primary Specimen
Name: CRL Clinical Reference Laboratory
Address: 8433 Quivira Rd. Lenexa KS 66215
Telephone Number: 1-888-265-7956

8.4 PROHIBITION OF WORK SLOWDOWN

Employees are prohibited from engaging either directly or indirectly in a situation that would cause a work slowdown. A work slowdown is defined as an individual or concerted effort to purposely interfere or prevent the completion of daily activities or a specific project. This includes an effort or pattern to reduce the staffing levels of a department or division. Employees found to be participating directly or indirectly in a work slowdown will be subject to discipline up to and including discharge.

8.5 ABSENTEEISM AND TARDINESS

The City has a responsibility to provide continued and uninterrupted service to the citizens of Joplin. This responsibility can only be fulfilled when each employee is present during the work hours scheduled. Punctuality and regular attendance are essential to the proper functions of the City as a whole.

If absenteeism or tardiness is not approved in advance, and it is necessary to be present, employees must notify their immediate supervisor, or the person so designated by the supervisor, as soon as they become aware that they are going to be absent. Proper notification must be made before the employee's designated shift begins. Only in cases of emergency will this notification requirement be waived.

Excessive absenteeism, tardiness or refusal to comply with the proper notification procedures will be documented and considered as grounds for disciplinary action.

Excessive absenteeism is defined as six (6) different occasions in a twelve (12) month period. Excessive tardiness is defined as ten (10) different occasions in a twelve (12) month period. However, a combination of absenteeism and tardiness of a persistent pattern may also be excessive. If for example and employee is off from work for two (2) days with the flu, this is considered one (1) occasion; however, if that employee is off two (2) times on separate incidents with the flu, then this is considered two (2) occasions.

When an employee is absent or tardy without proper notice, supervisors will follow normal counseling and correcting techniques, including the disciplinary steps (1 - 3) described in subsection 8.6. If the correcting techniques do not resolve the notification problem or the absences and/or tardiness become excessive or occur in a persistent pattern, terminations of employment may be authorized.

8.6 DISCIPLINARY ACTION

Violation of work rules, instances of unacceptable behavior, misconduct, or continued unsatisfactory performance will subject employees to "progressive discipline". In other words, the severity of penalties imposed for unacceptable conduct will increase with each occurrence. However, the overriding philosophy behind progressive discipline is that no employee should be dismissed without fair warning and an opportunity to improve. However, the City reserves the right to deviate from the following schedule of counseling

whenever it is necessary or advisable to do so. The City will make every reasonable effort to ensure that employees are treated in a fair and uniform manner, but it must reserve the right to treat each individual situation in light of the unique circumstances present whenever there is a work rule violation or other unacceptable behavior. Obviously, some types of misconduct are so intolerable or objectionable that an employee must be dismissed, even for a first offense. Our approach to correcting unacceptable behavior or misconduct will normally consist of the following actions:

ORAL REPRIMAND - STEP 1: This is an oral warning to erring employees that their conduct is unacceptable and that further infractions will lead to more severe penalties. A record of this discussion will be maintained by the supervisor and signed by the employee but not put in the employee's personnel file unless further disciplinary action is taken.

WRITTEN REPRIMAND - STEP 2: This is a written record of a reprimand usually after a previous oral reprimand. The reprimand will describe the unacceptable conduct or performance and specify the improvement needed. A copy of this reprimand will be signed by the employee. This record will be retained in the employee's personnel file but shall not be considered in determining disciplinary action after the reprimand is two (2) years old.

DISCIPLINARY SUSPENSIONS - STEP 3: This is an ordered absence from duty without pay for a prescribed period of time due to repeated instances of minor misconduct or for single actions resulting in unacceptable conduct or behaviors. A record of the suspension will be signed by the employee and retained permanently in the employee's personnel file.

DISMISSAL - STEP 4: This is a last resort action for employees who fail to improve their conduct or performance after imposition of progressive disciplinary actions previously taken
or for single serious unacceptable conduct or behaviors.

8.7 WORK RULES

For the most part, good behavior is City employment is simply a matter of good common sense. Therefore, it is not the City's intention to create a catalog of all possible rules, disciplinary offenses and penalties. However, employees have a right to know what conduct the City finds intolerable as well as what conduct the City will encourage and reward. So that all employees are informed in advance about these rules, some of these actions are listed below. Please be mindful that this list is not all encompassing as there may be some types of conduct detrimental to the City and its employees which might have been omitted. Failing to mention a certain type of detrimental conduct does not mean such conduct is permitted. "Offenses of the rules and the likely disciplinary actions include the following: A-Oral Reprimand, B-Written Reprimand, C-Suspension, D-Dismissal".

Please keep in mind that this is just a guideline and the City must evaluate each situation of incident in its own merit and consider the severity of the incident when determining what disciplinary action should occur. The list below is only a guideline of actions and the likely action may not apply if the disciplinary steps do not fit the violation.

LIKELY ACTIONS 1ST	2ND	3RD	4TH	
A	B	C	D	Leaving early, taking unauthorized breaks, taking longer than authorized coffee, rest or meal breaks;
A	B	C	D	Failure to meet established standards of clean personal appearance of clothing when the job requires personal contact with people;
A	B	C	D	Littering or contributing to poor housekeeping, unsanitary or unsafe conditions on City premises;
A	B	C	D	Negligence, inefficiency, incompetence, or unsatisfactory performance of job duties;
A	B	C	D	Failure to perform job assignment;
	B	C	D	Failure to properly notify supervisor or designee of absence or tardiness as described in 8.5 of this manual;
	B	C	D	Lack of professional or managerial judgement resulting in the undermining of the department, division, or the organization as a whole;
	B	C	D	Violating a safety rule or performing unsafe work practices;

B	C	D	Upon conviction of a traffic violation while in a City-owned vehicle or while on City time in any vehicle;
B	C	D	Posting or removal of any communication notices without proper authorization of the department head or the manager, unless specifically allowed under the Personnel Policies and Procedures;
B	C	D	Negligence, inefficiency, incompetence, or unsatisfactory performance of job duties;
B	C	D	Failure to obey reasonable orders of a supervisor;
B	C	D	Failure to perform job assignment;
B	C	D	Violations of the City or individual department safety manual/procedures;
	C	D	Negligent misuse, willful or malicious damage or destruction to City property or others;
	C	D	Concealing or failure to report a significant error, mistake, unsafe working condition or injury;
	C	D	Discourteous or disrespectful conduct to citizens;
	C	D	Removing any City equipment, property, or materials from the worksite or assigned work area or use of city personnel and equipment without proper authorization;
	C	D	Violation of established seat belt policy and other safety related policies;
		D	Excessive tardiness (See Subsection 8.5);
		D	Excessive absenteeism (See Subsection 8.5);
		D	Threatening, intimidating, coercing, fighting, abusive, disrespectful language or interfering with other employees or a supervisor on the job;
		D	Falsifying any record, report (written or oral), or document arising from your employment with the City;
		D	When authorized under the substance abuse policy 8.3;

D	Taking, receiving, dealing, or divulging competitive examination materials without proper authorization or cheating in any way on a testing procedure;
D	Inducing or attempting to induce any employee in the service of the City to commit an unlawful act, or to commit an unlawful act, or to act in violation of any lawful departmental official regulations, orders or professional ethics;
D	Sleeping on duty except when acceptable as a normal portion of the job assignment;
D	Stealing City equipment or property;
D	Attempting to coerce City Council members to act upon matters regarding personnel issues or other issues;
D	Conviction of a felony while in employment with the City;
D	Acceptance of gratuities or gifts by employees in exchange for services;
D	Refusal to obey reasonable orders of a supervisor;
VARIES	Violating any departmental rules and regulations;
VARIES	Violation of any policies outlined in this manual;

The above mentioned work rules are a guideline to examples of misconduct that could lead to disciplinary action. These work rules are not intended to be all inclusive and, therefore, misconduct or other unacceptable actions of employee behavior shall also be subject to disciplinary action.

Any departmental rules already in place or to be established shall not supersede this manual nor shall they conflict with any portion of this manual.

8.8 DUE PROCESS

In the event that disciplinary action shall be taken to correct an employee's conduct of performance and the results of such action shall result in the loss of pay in any form including involuntary transfers, demotions, suspensions or dismissals, the employee has a right to due process procedures.

Under the City's due process requirements, before any action can be taken resulting in one of the above mentioned actions, the following must take place:

a. The employee is given written notice as to the time of a Fact Finding Administrative Hearing to discuss work rule violations or other unacceptable actions or behaviors. This notice shall include time, date and location of such hearing.

b. Employee is provided the reason or facts constituting the basis for the action by the City.

c. Employee is provided an opportunity to respond or explain his side.

d. Department head and/or designee and Personnel Director shall make disciplinary recommendations, if any, to the City Manager.

e. City Manager shall review the Fact Finding Administrative Hearing information and either accept, reject, or modify the recommendations. Employee is then given notice of such decision by City Manager.

   An employee may be suspended <u>with pay</u> pending the outcome of a routine investigation or a fact finding administrative investigation.

f. Advise the employee of their rights to and procedure for requesting an appeal of the adverse action, if any.

8.9 GRIEVANCES

Whenever an employee has a complaint, either resulting from disciplinary action or general work grievances that are not otherwise covered in this manual, they should present the
matter to their immediate supervisor and attempt to resolve the matter in an equitable fashion. Actions that result in the dismissal, demotion, suspension or laying off of employees are not to be heard through this grievance policy, but rather through the appeal procedure outline in Sub-Section 8.10 of this manual.

It shall be the policy of the City to attempt to prevent situations which lead to grievances and to deal promptly with those which occur. Employees are to use the following procedure in pursuing a grievance:

a. State in writing grievances or complaint and discuss with immediate

supervisor within forty-eight (48) hours after the incident occurs. The Supervisor must respond in writing to the employee within five (5) working days in an effort to resolve the matter.

NOTE: If the grievance is filed against a supervisor reporting directly to a department head, skip procedure #1 and operate under procedure #2; however, the grievance must be filed in writing within forty-eight (48) hours of the occurrence to next level of authority.

b. If the matter is not successfully resolved with the immediate supervisor, the employee shall state the grievance in writing within three (3) working days from the Supervisor's response to the department head. This authority of designee shall investigate and render a decision in writing to the employee within seven (7) working days from the date they received the grievance.

c. In the event the above procedures do not resolve the situation, the employee shall forward all written documentation within three (3) working days of the Department Head's response concerning the grievance to the Director of Personnel with a written explanation of his dissatisfaction. The Personnel Director will forward a written recommendation to the employee and the City Manager within seven (7) working days of receipt of grievance.

NOTE: If the grievance is filed against a department head reporting directly to the City Manager, the grievance must be submitted in writing directly to the City Manager within forty-eight (48) hours of occurrence. Then, procedure #4 shall apply.

d. The City Manager shall make final decision concerning the alleged grievance within ten (10) working days from the date of receiving grievance in writing to all concerned. The City manager's decision shall be final and there shall be no further appeal process.

Failure by grieving party to comply with these procedures will cause the forfeiture of the grievance.

The response time by the appropriate authorities may be extended if these authorities are unavailable during the above stated response time period. Unavailable shall cover instances such as absent due to City business, vacation, or other leave time absent from work.

8.10 APPEAL TO PERSONNEL BOARD

Any classified employee who is dismissed, demoted, suspended or laid off may appeal to the Personnel Board within thirty (30) days after the effective date of such action by filing with the Personnel Board in writing a statement under oath of the reasons for said appeal. And upon such appeal, the appealing employee and the Director of the Personnel

Department shall, after reasonable notice have the right to be heard publicly and to present evidence. Both the employee and the Director of the Personnel department shall have the right to counsel, and at the hearing, technical rules of evidence shall not apply. The Personnel Board shall employ a skilled reporter whose duty it shall be to take full stenographic notes of the oral evidence in such hearing.

The Personnel Board shall affirm the action of dismissal, demotion, suspension or lay off; or shall order the reinstatement of the employee, or restore him to his former rank or compensation, subject to the limitations imposed in Sub-Section 5.04 of the Charter. The decision of the Personnel Board shall be the final determination of all appeals unless set aside by an appropriate court order or decree and in such instance the cost of the transcript of the hearing shall be paid by the City.

SECTION NINE - MISCELLANEOUS PROVISIONS

9.1 CONDUCT

Each employee is expected to support, obey and defend the constitution of the United States, the constitution of the state of Missouri, and the municipal laws of the City of Joplin.

Employees have a responsibility to maintain the best relations possible with the public both on and off duty.

9.2 PERSONAL APPEARANCE

Each employee is expected to dress appropriately and maintain the standard of personal grooming as required by their position. If headgear, uniform, and/or foot wear or other gear is furnished by the City, it must be worn on duty, unless authorization to do otherwise is given by department head. Shirts, shoes, long pants or dresses must be worn by all employees at all times, except the staff and support in the recreation department provided they are not performing any maintenance duties. This is not only to diminish the risk of injury, but also to project the proper image of employees to the public. Neatness and cleanliness are essential.

9.3 COMMUNITY ACTIVITIES

Employees are encouraged to become acquainted with the many community activities available and to participate in any form of wholesome enjoyment which will bring personal satisfaction and reflect favorably upon the City.

9.4 CITIZEN COMPLAINTS

Employees must give prompt courteous attention to all citizens who call or appear personally with a complaint or question. If employees cannot answer the question or handle the complaint, they should transfer the person calling to someone when appropriate who can, or take the caller's name and number for a call back later. Employees should never ask the citizen to call another number if they cannot be transferred, but either take a written message regarding the citizen's problem and route it to the proper departmental area, or inform the proper City employee to return the call to the citizen. If the citizen appears to be over emotional and the employee feels they are being personally abused, the incident should be reported to the supervisor who in turn will go immediately to the department head and/or the City Manager.

9.5 OUTSIDE EMPLOYMENT

Employees of the City may be self employed or may take occasional part-time jobs if approved in advance by their Department Head or the City Manager. However, no employee shall engage in an activity which will interfere with the individual's attendance or

performance on the job as determined by the Department Head or City Manager on an individual basis. Nor will the Department Head or City Manager permit employment which, in his/her judgment, would reflect negatively upon the Department or the City.

Employees seeking outside employment must complete and submit an "Outside Employment Request Form" to their Department Heads. In the case of exempt personnel or public safety employees, such as Police, Fire and Emergency Communications Personnel, seeking outside employment, they must submit their "Outside Employment Request Form" to the City Manager, after receiving approval from their Department Head.

The City Manager or Department Head may approve such employment if there appears to be no current or perceived conflict with the interests of the City. Any request which could cause, or could be perceived to cause, a conflict with the interests of the City of Joplin, will be denied. Employees are prohibited from using their affiliation with the City of Joplin in order to solicit, gain, or retain outside employment.

The City Manager or Department Head approving such request will review said request annually and on a periodic basis to ensure that the employee's efficiency and ability to perform their assigned duties for the City are not impaired and that no conflict of interest has arisen. If there is a change in an employee's outside employment status, they must report said change to their Department Head or to the City Manager for re-review and approval or denial of their request for outside employment.

The City reserves the right to revoke its approval of outside employment if during the course of said employment a conflict or perceived conflict with the interests of the City develops. All decisions rendered by the City Manager regarding outside employment will be final and are not subject to an appeal process.

Employees of the City may not engage in outside employment for business activities under any circumstances while on duty nor may City property be used for any reason other than City functions.

9.6 PERSONNEL RECORDS

A central file of records on all personnel is maintained by the City. Employees may upon request to the Personnel Director review his/her own personnel file during normal business hours at the City's Personnel office. The information in the file may be photocopied but no information may be removed from the office.

The personnel file will contain for each employee:

a. Resume or standard City application form;

b. Oral, written or other examination results;

c. Various entrance checks such as references;

d. Copy of position or pay rate change authorization;

e. All commendations or certifications of training completed;

f. Reprimands and disciplinary action notices;

g. Supervisor/employee conference reports;

h. Other personnel action, notices and personnel data required for the proper administration of the personnel program.

NOTE: Medical records or medical information shall be placed in a separate file. This confidential information shall not be made available to anyone other than the Personnel Department without the written consent of the employee.

Employee personnel records shall be considered confidential and shall be accessible only to the persons listed below:

a. The Employee;

b. The City Manager;

c. The Employee's Department Head;

d. The Employee's Supervisor;

e. The Personnel Director

f. The Personnel Assistant;

No adverse material shall be placed in an employee's personnel file without the knowledge of the employee. No portion of any personnel file shall be duplicated by any person other than those listed above without the consent of the employee.

9.7 INFORMATION REQUIRED

In order for the City to keep its records up to date, employees must notify the personnel department of any of the following:

a. Address, telephone number or emergency number changes;

b. A change in the number of dependents you want claimed for state and local income taxes;

c. Change in your pension plan or insurance beneficiary;

d. Changes in the person to be notified in case of an emergency;

e. Name of other health insurance companies insuring you and your family;

f. Names of new dependents to be covered by the health insurance;

g. Changes in driving status immediately;

h. Changes in any payroll withholdings;

It is the responsibility of the employee to notify the Personnel Department of these changes and arrange to have time to complete and sign any related papers.

9.8 RESIDENCY REQUIREMENTS

POLICY
In an effort to attract and retain employees of high quality, the residency requirement for department heads includes a regionalized approach. That approach being that Department Heads of the City of Joplin, MO are not required to live within the city limits of Joplin upon employment.

PROCEDURE
Department Heads are required to reside within a 12-mile aerial distance of City Hall.

All employees of the Fire, Police and Emergency Management Departments and all employees who are compensated for being "on call" after normal duty hours shall reside within paging distance of the City Building in which they work.

It is the responsibility of the Department Head, Division Head and/or supervisor to ensure that employees in jobs with this requirement maintain an address that meets the 12-mile aerial distance or the paging distance.

- Check with your Department Head or Supervisor to determine the appropriate paging distance for your Department.

Exceptions to this requirement will be made only with the recommendation of the City Manager and approval of the City Council.

9.9 INDEMNIFICATION

Subject to the requirements of federal, state, or local laws, the City shall indemnify all City employees for any claim for alleged personal legal liability arising out of any act or omission by any City employee during the performance of duties, within the scope of employment.

The employee shall be responsible to report all employment related claims and shall be subject to legal counsel provided by the City unless given authorization in writing by the City Manager to obtain legal counsel elsewhere at City expense. This authorization must be approved in advance of any legal expenses being incurred by the employee. Failure of employee to meet such requirement may result in the City's refusal to defend or indemnify the employee.

9.10 ADMINISTRATIVE RULES

The City manager may make administrative rules for matters that are not covered or addressed in this manual insofar as the rules are consistent and are not in violation with any rules or procedures set forth in this manual.

MEMORANDUM

TO: **Department Heads**

FROM: **Steve Lewis, City Manager**

RE: **Administrative Changes - Computer Use Policy**

DATE: **September 28, 1999**

In accordance with procedures described in subsection 7.0, Policy Changes, of the City's Computer Use Policy, I am hereby making the following administrative changes to that Policy.

SUBSECTION 1.0, OVERVIEW
It is imperative to note that as the City provides the employee access to many new capabilities, ownership of the equipment, data and software continues to reside with the City.

SUBSECTION 4.2.3, INTERNET USE
In addition to the previously-approved use of City equipment and access to the Internet for personal use after business hours, authorization is hereby granted for such use and access before business hours and during an employee's assigned lunch hour, subject to the limitations of Subsection 4.2.3. This use and access is prohibited during employee breaks.

SUBSECTION 4.5.1, SOFTWARE INSTALLATION AND PERSONAL FILES
As further clarification of the prohibitions against installation of software on City computers, it is hereby noted that the downloading or installation of games on City computers is expressly forbidden.

SUBSECTION 6.0, POLICY VIOLATION
Inappropriate or prohibited software and/or data on a City computer will be removed without permission of the employee. If violation of this policy results in damage to the City, the employee will be subject to discipline up to and including termination.

MEMORANDUM

TO: **Department Heads**

FROM: **Steve Lewis, City Manager**

RE: **Administrative Rules – Motor Vehicle Operator's License Requirements**

Date: **October 26, 1999**

In accordance with procedures described in Section 9.10 of the Personnel Rules & Regulations, I am hereby adding the following administrative rules to Section Nine (Miscellaneous Provisions) of those Rules & Regulations.

MOTOR VEHICLE OPERATOR'S LICENSE

A. All employees who operate City-owned vehicles, or, who may operate their own vehicles in the scope and course of City employment, shall have a valid driver's license of the appropriate class as is required by his/her job classification. Failure to obtain or maintain a driver's license of the appropriate class shall subject the employee to discipline under Section Eight, RULES AND DISCIPLINE, of the Personnel Rules and Regulations, up to and including termination.

B. The Director of Human Resources shall, at least as often as two times annually, direct the verification in such manner as he deems appropriate, that each designated employee has a valid Motor Vehicle Operator's License as is required by his/her job classification.

C. In the event an employee shall have his/her driving privileges revoked, suspended or restricted by judicial order, he/she shall immediately notify his/her supervisor, who shall notify the Director of Human Resources. No employee shall operate a City-owned vehicle or operate their own vehicle in the scope and course of their employment while their driving privileges are revoked, suspended or restricted by judicial order, unless such operation is authorized under that order.

D. All employees who are covered by this policy shall be deemed to have consented to the periodic verification of their driving status by the City of Joplin as a condition of employment.

MEMORANDUM

TO: **Leroy Getchell, Director Finance**
Ted Sandlin, Director of Human Resources

FROM: **Steve Lewis, City Manager**

RE: **Administrative Rules – Compensatory Time Off**

DATE: **April 16, 2001**

In accordance with procedures described in Section 9.10 of the Personnel Rules & Regulations, I am hereby directing you to add the following administrative rules to Section 6.4, Overtime and Compensatory Time, of the those Rules & Regulations:

- **Compensatory time off shall be counted as time worked only when earned.**
- **In no case shall overtime be paid more than once for the same hours worked.**

These rules are to be considered immediately in effect, and should implemented with the pay period that began April 7, 2001.

MEMORANDUM

TO: Department Heads
FROM: Harold McCoy, Interim City Manager
RE: Administrative Rules – Leave Accrual and Usage
DATE: July 16, 2004

It has come to my attention that there are several conflicting interpretations regarding the accrual and usage of leave time and monetary compensation for various forms of employee leave. This is particularly evident and pertinent in the case of those employees who work other than eight-hour shifts. Further complicating matters is the fact that a "day" is no operationally defined in several sections of the Personnel Rules & Regulations.

Of course, the City desires consistency and equity among employees in matters pertaining to the accrual and usage of leave time. Thus, in accordance with procedures described in Section 9.10 of the Personnel Rules & Regulations, I am hereby adding the following administrative rules to Section Nine (Miscellaneous Provisions) of those Rules & Regulations. These rules will apply only to those positions that typically work 2080 hours annually; they do not apply to firefighting personnel who typically work 2912 hours annually. Further, these rules only apply to full-time employees; the accrual and usage of leave time for part-time employees is allocated in proportion to their average workday. Finally, these rules should not be construed as precluding nonexempt employees from taking floating holiday, vacation and sick leave in partial day increments.

FLOATING HOLIDAY LEAVE
Accrual: Employees will accrue floating holiday leave in accord with policies stated in the Personnel Rules & Regulations.

Usage: All employees, regardless of the number of hours typically worked in a shift, will be granted eight (8) hours of floating holiday pay per full floating holiday used. Employees working shift other than eight hours per day will be allowed to apply their accrued vacation leave, floating holiday leave, or compensatory time off if they wish to be compensated for hours beyond the eight hours granted, up to the actual number of hour comprising the shift.

HOLIDAY LEAVE
Accrual: Employees will accrue holiday leave in accord with policies stated in the Personnel Rules & Regulations, and at the rate of eight (8) hours per holiday.

Usage: All employees, regardless of the number of hours typically worked in a shift, will be granted eight (8) hours of holiday pay per holiday used. Employees working shifts other than eight hours per day will be allowed to apply their accrued vacation leave, floating holiday leave, or compensatory time off if they wish to be compensated for hours beyond the eight hours granted, up to the actual number of hours comprising the shift.

VACATION LEAVE

Accrual: Employees will accrue vacation leave in accord with policies stated in the Personnel Rules & Regulations.

Usage: All employees, regardless of the number of hours typically worked in a shift, will be granted eight (8) hours of vacation leave per full vacation day used. Employees working shifts other than eight hours per day will be allowed to apply their accrued vacation leave, floating holiday leave, or compensatory time off if they wish to be compensated for hours beyond the eight hours granted, up to the actual number hours comprising the shift.

SICK LEAVE

Accrual: Employees will accrue sick leave at the rate of eight (8) hours per month of service or major fraction thereof.

Usage: All employees, regardless of the number of hours typically worked in a shift, will be granted eight (8) hours of sick leave per full sick day used. Employees working shifts other than eight hours per day will be allowed to apply their accrued vacation leave, floating holiday leave, sick leave, or compensatory time off if they wish to be compensated for hours beyond the eight hours granted, up to the actual number of hours comprising the shift.

SICK LEAVEY BUYBACK

Eligibility: Eligibility for sick leave buyback will be in accord with policies stated in the Personnel Rules & Regulations.

Usage:

***Election of a Day Off With Pay*: All employees, regardless of the number of hours typically worked in a shift, will be granted eight (8) hours of sick leave per day of sick leave buyback used. Employees working shifts other than eight hours per day will be allowed to apply their accrued vacation leave, floating holiday leave, sick leave, or compensatory time off if they wish to be compensated for hours beyond the eight hours granted, up to the actual number of hours comprising the shift. The employee's sick leave balance will be reduced by eight hours.**

***Election of Cash for One Day*: All employees, regardless of the number of hours typically worked in a shift, will be compensated for eight (8) hours at their regular rate of pay per day of sick leave buyback day for which the elect to receive payment. The employee's sick leave balance will be reduced by eight hours.**

In conjunction with these administrative rules, nonexempt employees will be expected to account for, through usage of applicable and available leave time (i.e., not "Absent Without Pay"), all work hours assigned by their department head in their current work schedule. For example, if an employee assigned to 12-hour shifts has worked 36 hours in a week and takes an assigned 12-hour day off later in the workweek, he/she must use applicable and available leave time to account for the 12-hour absence.

These administrative rules will be in effect and implanted beginning with the pay

period that begins July 24, 2004. The rules will only be applied from this point forward (i.e., there will be not retroactive adjustments).

MEMORANDUM

TO: Department Heads

FROM: Harold McCoy, Interim City Manager

RE: Administrative Rules – Cell Phone Subsidy

DATE: September 27, 2004

Subsidies for cell phones may be approved by the City Manager, upon the recommendation of the affected department head. Such subsidies shall be used to compensate for required cell phone usage by City employees.

In accordance with procedures described in Section 9.10 of the Personnel Rules & Regulations, I am hereby adding the following administrative rules to Section Nine (Miscellaneous Provisions) of those Rules and Regulations. These administrative rules apply to all employees of the City of Joplin. They are intended to provide guidelines for subsidies paid to City employees who are required to have cell phone access. Each department director is responsible for enforcement of these administrative rules as to cell phone accessibility by employees within his/her department.

1. **Employees who are designated to receive a cell phone subsidy will be required to provide the Finance Department the phone number which is to be distributed internally to City department or other authorized personnel.**
2. **Cell phone numbers must be on the Joplin exchange to avoid long distance charges between the City and the employee. Exceptions to this rule must be approved by the City Manager.**
3. **The cell phone subsidy shall be added to the employee's paycheck and shall therefore be subject to appropriate taxation. The subsidy shall be based on the plan selected by the employee plus 30% tax for personal taxes and phone taxes with a ceiling of $52.00 (some exceptions apply). This will fund a $40.00 plan with $12.00 in taxes. Exceptions to this rule must be approved by the City Manager.**
4. **To set up the subsidy plan, employees who have been approved for a cell phone should bring the plan information to the Finance Department (this can be the front page of an existing bill or the original paperwork). The Finance Director will calculate the amount of the subsidy based on the plan selected and retain a copy for the City's records.**
5. **For City employees with an existing city cell phone, the following**

provision will apply.

- **Cell phones will be transferred over as close to October 31, 2004 as practical. The City will reimburse the employee for normal cell phone charges between the date of transfer and October 31, 2004.**
- **Employees with unexpired contracts will be expected to assume financial responsibility for their cell phones effective November 1, 2004. The City will assist the employees in transferring this liability. Employees will be able to change their existing plans as long as they stay with the same carrier with no additional fee assessed to the employee. If an employee (with an unexpired contract) wishes to change to a different carrier, the employee will be expected to pay the cancellation fee as well as any other incurred charges.**
- **Employees who choose to turn in their cell phones and switch to a pager will not be expected to pay a cancellation charge. However, if an employee decides at a later date to apply for a cell phone, the employee will then be required to pay the cancellation fee previously imposed on the City.**
- **Employees with expired contracts (of no contracts) have the option of staying with the existing carrier (with no activation fee) or changing to a different carrier (with an activation fee). The activation fee and other incurred charges will be the responsibility of the employee.**
- **Employees will be allowed to keep their existing phones and phone numbers. If the employee stays with the existing carrier, there will be no cancellation or activation fees.**
- **Employees, who did not previously have a City-issued cell phone but will have one under this program, will have the option of assuming an existing contract and cell phone of an employee who is canceling an unexpired contract. This will save the employee the cost of the cell phone and activation fees and will save the City the cancellation fee.**

6. **Employees who have exceeded their monthly cell phone subsidy can apply for reimbursement if recommended by their department head and approved by the Finance Director under the following circumstances:**
   - **Roaming fees incurred in calling the City of Joplin on city business while out of the area.**
   - **Unusually high minutes for city business due to special events not in the ordinary course of business (i.e., Air fest, held once a year).**
   - **To apply for reimbursement, the employee will be responsible to document the reason for the overage and specifically identify calls related to city business. Please note: city calls will have priority over personal calls if the employee exceeds the plan**

minutes. For example, if an employee has a plan with 500 anytime minutes and uses 600 minutes of which 400 is city business; no reimbursement will be issued to the employee.

7. **In no instance shall a subsidy be considered an entitlement or permanent component of the compensation of a particular position. Subsidies can be revoked at any time based on the recommendation of the department head and the approval of the City Manager.**

These administrative rules will be in effect and implemented beginning September 27, 2004.

9.11 COMPUTER USE POLICY

1.0 Overview

The increased presence of communication technology in the workplace provides Organizations with numerous opportunities to operate more effectively and efficiently. Specifically, electronic mail (e-mail) and the Internet allow employees to Quickly access, sort and distribute useful information between themselves, their customers, and the rest of the world. The use of office oriented software also allows employees to perform daily tasks in the time and manner now expected in today's professional environment.

However, a workplace reliant on the presence of technology must also protect itself from the damage and misuse of that technology. Specifically, this policy defines misuse of:

1. Internet access and use as it pertains to unacceptable practices of improperly downloading files which may contaminate City information systems and databases, accessing, downloading, or communicating objectionable material, and using City work time to access non-work related information.
2. Installing personal computer programs or files onto City Of Joplin computers.
3. Copying or removing the City of Joplin's computer software.

Each individual user is responsible for the appropriate use of computer and telecommunications resources as described in this policy. Employees are expected to maintain the same degree of etiquette, responsibility, and professionalism as is expected of them in the course of their normal job functions as defined in their job description. Each department is responsible for keeping an updated list of internet access and approved software for each user in their department and ensuring that each staff member is familiar with the contents of this policy.

2.0 Purpose

This purpose of this policy is to ensure that the use of City of Joplin computer and telecommunications resources and services among employees is consistent with municipal policies, all applicable laws, and individual user's job responsibilities.

3.0 Definitions

Objectionable/Improper Material – Pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are demeaning or pornographic.

4.0 Policy

4.1 General Computer Use

4.1.1 The City of Joplin shall not be responsible for any illegal or objectionable/improper use of any aspect of the City's computer system by its employees.

4.1.2 Users shall not share passwords for any computer or with any unauthorized person, nor obtain any other password by any unauthorized means.

4.1.3 Use of another staff member's password can result in appropriate corrective action being taken, including, but not limited to, employee suspension, demotion, or dismissal.

4.1.4 Upon termination from employment, or discontinued computer use authorization, an employee shall not attempt to use or access the City of Joplin computer system(s).

4.1.5 Files and records created and/or stored on city computers may be subject to State of Missouri Open Records Laws. Therefore, files may be accessed, or activities monitored, when authorized by a Department Director.

4.2 Internet Use

4.2.1 Department Directors are responsible for determining which employees' work productivity can be enhanced by Internet access. Directors are then responsible for authorizing and monitoring use of the Internet within their department. Monitoring will be based upon reports generated by Information Services (IS) staff.

4.2.2 The appropriate Department Director must authorize, in writing, employee Internet accesses. A condition of authorization is that all Internet users must read a copy of this policy, and all applicable department policies on Internet use. Department Directors must keep an update list of all approved Internet users and their applications (i.e. Web or gopher research, FTP file downloads, e-mail, newsgroup usage, etc.). The City of Joplin has the right, but not the duty, to monitor any and all aspects of the computer system, including Internet use, to ensure compliance with this policy.

4.2.3 Access to the Internet via City equipment for personal use is prohibited during business hours. Use of City equipment and access to the Internet for personal use after business hours is authorized, provided it is not used for an employee's private business purpose, or to access objectionable/obscene material. The user cannot disrupt of interfere with the work performed by users of the City's own computer system or misrepresent the interest of the City.

4.2.4 Use of the Internet must be consistent with all City Personnel Policies and Procedures regarding employee conduct.

4.2.5 Objectionable/improper material is available on the Internet. Individuals should be aware that the City has no control over, and cannot be responsible for, the content available on the Internet.

4.2.6 Newsgroups are Internet posing services and can be valuable research tools for some City employees. However, these services also generate unsolicited e-mail from a variety of sources (including groups who distribute objectionable/improper material). Employees shall not access newsgroups without approval from their Department Director, and training from IS staff to protect against the unauthorized

distribution of
the employee's e-mail address.

4.2.7 Objectionable/improper materials should not be accessed, downloaded, or communicated by employees at any time, except for investigative purposes by designated law enforcement personnel when said material is evidence in a criminal investigation.

4.2.8 Resources which require a fee, including on-line purchases or subscriptions, are prohibited without prior written approval from a Department Director.

4.2.9 All use of Internet via City equipment must comply with all applicable laws and policies (federal, state, and local laws, in addition to City policies). Therefore, Internet access via City equipment must not be used for illegal, improper, or illicit purposes.

4.2.9.1 Users shall not use City equipment to attempt any unauthorized use, or interfere with other users legitimate use of any internal or external computer.

4.2.9.2 Users shall not create, install, or knowingly distribute a computer virus of any kind on any municipal computer, regardless of the whether any demonstrable harm results.

4.2.9.3 Users must follow all City established procedures for loading any files or data from an external source, including the Internet. Damage to City computer systems resulting from a failure to follow City procedures will result in appropriate corrective action being taken (see section 6.0 Policy Violation).

4.3 Electronic Mail (e-mail)

4.3.1 The City of Joplin has the right, but not the duty, to monitor any and all aspects of the computer system, including employee e-mail, to ensure compliance with this policy.

4.3.2 The internal and external computer accounts are given to individual users to assist them in the performance of their jobs. Employees should not have an expectation of privacy in anything they create, send, or receive on the computer.

4.3.3 Objectionable/improper material crated, sent, or received in the form of e-mail is prohibited. Anyone receiving unsolicited objectionable/improper material should immediately report the incident the their supervisor. Unreported objectionable/improper material will be considered "solicited by the individual user."

4.3.4 E-mail communication should be created and distributed with the same care and level of professionalism as any other form of written communication. Anything created on the computer may, and likely will, be reviewed by others. *E-mail should not be considered confidential communication*. Employees should be aware that although they have deleted an e-mail item, the item still may be recovered and read by others.

4.3.5 Employees choosing to forward, copy or alter e-mail should do so with

care, taking into consideration the intent of the sender.

4.3.6 No confidential information may be transmitted via e-mail.

4.3.7 Without prior written permission, the computer and telecommunication resources and services of the City of Joplin shall not be used for the transmission or storage of commercial or personal advertisements, solicitations, promotions, destructive programs (viruses and/or self-replicating code), political material, or any other unauthorized use.

4.3.8 Due to the inherently unsecure and potentially discoverable nature of e-mail, employees, officers and officials should not communicate via e-mail concerning any substantive matter with the City Attorney, the Assistant City Attorney, the City Prosecutor or associated staff.

4.3.9 In no event shall any employee, officer or official communicate with each other or with any legal staff concerning any known threatened, pending, or ongoing legal proceeding.

4.3.10 An employee's ability to connect to other computer systems through the City of Joplin network does not imply a right to connect to those systems or to make use of those systems unless specifically authorized by the Department Director.

4.4 Software Duplication

4.4.1 Any duplication of copyrighted personal computer software (i.e. Windows '95, Word, Excel, Powerpoint, Access), is a violation of federal copyright law. Generally, under federal copyright law, the software that is licensed for use on one (1) personal computer may not be duplicated for use on any other personal computer.

4.4.2 Copyrighted personal computer systems will not be duplicated.

4.4.3 Any duplication of copyrighted computer software, inclusive of personal computer systems, except for backup purposes, is a violation of federal copyright law. This software will not be duplicated accept for authorized tests or backup purposes.

4.5 Software Installation and Personal Files

4.5.1 No copyrighted or non-copyrighted software shall be installed on a City of Joplin computer without a review and authorization of said system from an IS professional designated by the City Manager.

4.5.2 Department Directors shall keep and monitor a record of authorized computer software for all individual users within their department. A current list shall be provided to City IS at all times.

4.5.3 Personal files on City equipment is subject to being viewed by others. Objectionable/inappropriate material on personal files is prohibited. Files kept on City personal computers for the purposes of personal private business is also prohibited. Individual users should use their best judgments as to files kept on personal computers as files kept on this equipment can be considered public record and subject to review by the City and others.

4.6 Computer Viruses/Malfunctioning Computer Equipment

4.6.1 Departments shall be responsible for ensuring that all computer users

know and understand safe computing practices. This shall include, but not be limited to:

1) performing frequent backups on data files consistent with City policy,
2) and using anti-virus software to scan for viruses on all files that are downloaded to disk from BBSs, the Internet, or any other outside source.

4.6.2 Instances of malfunctioning computer equipment that extends beyond one personal computer shall be immediately reported to the City's IS professional, or the City Manager. If the event is determined a virus outbreak, it will be logged along with the eradication method used by the department. Other Departments shall immediately be notified.

4.6.3 In the event of a serious virus outbreak, or in the case of a continued breach of this policy by a department, that department will be disconnected from the Internet and the City's other computer systems until such time as it again complies with the City's Computer Policy.

5.0 Department Director's Responsibilities

For each staff member within a Department, that Department's Director or acting Director is responsible for:

5.1 Maintaining an updated list of staff having internet access; plus communicating the list in writing to the appointed representative of the City's Information Services Department.

5.2 Maintaining a list of approved personal computer software for each user within the Department.

5.3 Insuring that each computer-using member of the Department has reviewed and understands this policy.

5.4 Maintaining a hard copy or legal image of each staff members written verification that they have reviewed the policy, and insuring a copy of the verification is on file with the City's Personnel Department.

6.0 Policy Violation

Violation of this policy shall result in corrective action being taken which is pursuant to Section Eight of the City of Joplin Employee Rules and Regulations.

7.0 Policy Changes

From time to time, the City Manager may make administrative changes to this policy. These changes shall not change the intent of this policy and will be distributed to all computer users within the organization.

FRINGE BENEFITS

The Personnel Department is responsible for coordination and management of the Fringe Benefits Program. If you have a question about fringe benefits or a problem with your medical protection plan, contact your supervisor or the Personnel Department.

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REQUEST LEAVE POLICY

There are times when you may need to be absent from work for a reason not covered by the Family and Medical Leave Act (FMLA), in Section 3B (Fringe Benefits). On these occasions, not covered by the FMLA, the following rules relating to the use of sick/emergency or vacation leave shall apply. All situations which are eligible under the FMLA, will be governed by the guidelines listed in Section 3B (Fringe Benefits) and are not subject to the rules listed below.

All requests for leave shall be submitted by the employee to the immediate supervisor. All requests for leave of absence shall be made at least forty-eight (48) hours in advance of the beginning dates except for sick leave and emergency leave which shall be made as soon as possible. At the discretion of a supervisor, the forty-eight (48) hour advance

notice requirement may be waived. Each department head is responsible for leaving the necessary amount of employees to perform departmental functions and is expected to monitor and regulate leave usage accordingly.
In no event shall a leave be approved when the time off would exceed the accrued leave time balance without written approval of the City Manager.

1. HOLIDAYS

A. Employees Other than 56-hour Fire Department Employees

The following is a list of the paid holidays for positions assigned to a forty (40) hour work week:

New Years Day	**January 1**
Presidents' Day	**Third Monday in February**
Memorial Day	**Last Monday in May**
Independence Day	**July 4**
Labor Day	**First Monday in September**
Thanksgiving Day	**Fourth Thursday in November**
Friday Following Thanksgiving Day	**Fourth Friday in November**
Christmas Day	**December 25**
Floating Holiday (2)	**Mutually convenient for the employee and department head**

If a holiday falls on a Saturday, the holiday will be taken on the preceding Friday. Holidays falling on a Sunday will be taken on the following Monday.

In order to use floating holidays, an employee must have been employed by the City for two (2) consecutive months. Employees will accumulate floating holidays under the following schedule: if hired November 1 through April 30, employee will have 16 hours of floating holiday leave available after completion of 2 months of service. If hired May 1 through July 31, the employee will have 8 hours of floating holiday leave available after completion of 2 months of service. If hired August 1 through October 31, the employee will have no floating holiday leave for that year. Floating holidays may not accumulate from one fiscal year to the next. Unused floating holidays shall be payable upon separation from City service.

Full-time employees required to work on holidays shall receive an equal number of work days off with regular pay or be paid for the holiday and the actual hours worked.

Part-time employees who are employed throughout the year shall be entitled to eight (8) holidays for which they shall receive pay proportioned to their average work day.

Employees who are employed on a temporary seasonal basis shall be entitled to holiday leave or pay for holidays occurring during their periods of employment in proportion to their average work day.

B. 56-hour Fire Department Employees

56-hour Fire Department employees shall be entitled to five and one-half (5.5) paid twenty-four (24) hour shifts during the calendar year. The selection of this time is on a seniority basis. The use of this time will be in periods of whole shifts. 56-hour Fire Department employees will accumulate floating holidays under the following schedule: if hired January 1 through April 30, the employee will have five and one-half (5.5) twenty-four (24) hour shifts of floating holiday leave available after the completion of two (2) months of service. If hired May 1 through August 31, the employee will have three (3) twenty-four (24) hour shifts of floating holiday leave available after completion of two (2) months of service. If hired September 1 through December 31, the employee will have no floating holiday leave for that year. Employees may accumulate floating holiday leave in increments of less than a whole shift from one calendar year to the next, but shall not be allowed to retain more than twenty-three (23) hours of total floating holiday leave accrual at the end of any calendar year. Unused floating holidays shall be payable upon separation from City service.

2. ANNUAL LEAVE – VACATION

Vacation time is intended to benefit the employee and serve as a time of mental and physical refreshment; therefore, employees are encouraged to use their vacation time.

Vacations are determined for employees assigned to full or part time positions by length of continuous service. The following schedule will determine the number of hours earned per month, yearly, and accumulation totals. Annual leave may not be taken by new employees during the first six (6) months of their employment and shall be limited to one week during
The remaining six (6) months of the year.

<u>POLICE AND GENENRAL EMPLOYEES</u>

LENGTH OF SERVICE	MONTHLY ACCRUALS	YEARLY ACCRUALS	DAYS ACCRUED	MAXIMUM ACCRUAL
0 - 9 years	6.67 hrs	80 hrs	10	160 hrs
9 - 14 years	10 hrs	120 hrs	15	240 hrs
Over 14 years	13.34 hrs	160 hrs	20	240 hrs

FIRE DEPARTMENT EMPLOYEES

LENGTH OF SERVICE	MONTHLY ACCRUALS	YEARLY ACCRUALS	DAYS ACCRUED	MAXIMUM ACCRUAL
0 - 9 years	10 hrs	120 hrs	5	240 hours
9 - 14 years	14 hrs	168 hrs	7	336 hours
Over 14 years	18.67 hrs	224 hrs	9.34	336 hours

Part-time employees who are employed throughout the year and work on a basis of one-half (1/2) a normal week shall receive vacation time proportioned to their average work week.

Upon separation from service for any cause, an employee shall be paid a lump sum payment for any accumulated vacation time with the final paycheck.

Vacation shall not be used to extend a date of retirement or termination date unless specifically approved by the City Manager.

Vacation leave and holiday leave may not be used for the same work shift.

Sick and Emergency Leave will not be substituted for scheduled vacation leave. The only exception will be employees who have a verifiable workers compensation injury and are under doctor's orders to remain off work. Employees who are on pre-approved vacation schedule and get injured on the job prior to the use of the vacation time to the extent that by doctor's orders they must remain off work during the period in which the vacation time was scheduled, may reschedule their annual vacation.

3. SICK AND EMERGENCY LEAVE

In all cases where applicable, leave will be subject to and designated by the City of Joplin as FMLA leave and counted against an eligible employee's FMLA leave entitlement. All situations which are eligible under the FMLA will be governed by the rules and regulations stated in section 3B (Fringe Benefits), FMLA. Only those situations which do not meet the eligibility requirements for the FMLA, will be governed by the Sick and Emergency Leave policy.

Sick leave with pay shall be granted to an employee only when the employee is unable to perform their duties due to the reason of personal sickness or injury; except an employee shall be granted sick leave for necessary medical, dental and optical examination and treatment provided that sick leave granted for such reasons shall not exceed the actual time necessary for examination or treatment.

An employee who is absent for a period of more than three (3) consecutive working days or consistently for shorter periods and requests sick leave to cover such absences may be required
to furnish a doctor's certificate as a condition of granting, attesting to the fact that the

employee's absence has been due to personal sickness or injury.
Employees will be allowed to use Sick Leave when there is illness in the family requiring the attendance of the employee. The employee may be required to furnish the employees immediate supervisor with a written reason of why the attendance was necessary. The list below shall be a description of the members of the family an employee will be allowed to use Sick Leave for. This list may be expanded in circumstances that would be impractical to deny the employee their attendance to the family member. The expansion of the list must be done a case by case basis and approved by the Personnel Director.

1. **Spouse**
2. **Child**
3. **Parent**
4. **Brother/Sister (Emergency Only)**
5. **Father/Mother**
6. **Father/Mother-in-Law (Emergency Only)**
7. **Fiancé or Fiancée**
8. **Legal Guardian**
9. **Other persons who are dependent upon the employee for their care and maintenance**

This shall include all step and half relatives for the above-mentioned family members.

Employees who use Sick Leave must notify their Supervisor prior to the beginning of each work day or as soon as possible thereafter. All regular full time employees shall accrue sick leave at the rate of one (1) day for each month of service or major fraction thereof.

Part-time employees who are employed throughout the year and work on a basis of on half (1/2) a normal work week shall receive sick leave proportioned to their average work week.

When an employee is absent from work due to Sick or Emergency Leave, the employee's time off from work shall be charged to the employees accrued sick leave balance.

Temporary/seasonal and contract employees shall not accrue sick leave.

A seasonal/temporary employee who is retained as a regular full time employee without a break in service shall accrue sick leave from date of temporary employment.

Sick Leave shall accrue from the date of full time appointment or retroactive to date of employment for seasonal/temporary employees.

Unused sick leave shall be accumulated and available for an employee's future use.

On separation for the City's service, an employee shall not be entitled to receive

reimbursement for accrued sick leave.

Any employee discovered misusing the sick leave privileges will be subject to discipline.

The minimum amount of Sick Leave to be charged shall be one (1) working hour.
Sick Leave shall not be used to extend the date of retirement.

3A. INCENTIVE FOR PERFECT ATTENDANCE

As a reward for perfect attendance, an employee shall be allowed if no sick leave is used during a six month period to either receive cash for one day or a day off with pay. Either choice will reduce the employees sick leave balance by one day. The employee may choose one day off or one days pay in most departments. Employees in certain departments may be required to take pay for the day when manpower scheduling dictates, this will be at the department heads discretion. If the employee elects the day off this must be approved by the supervisor and the day must be taken within the next six month period or be forfeited. Employees who elect cash will be paid within thirty (30) days after the end of the six month period and will be subject to applicable taxes. The six month periods will be defined as November 1 – April 30 and May 1 – October 31 and will allow for a maximum of two days during the fiscal year.

Employees will be allowed two situations in which they will not be penalized for using sick leave. Funeral leave for family members which are described in section 10.4, will not be considered in determining perfect attendance for sick leave. Employees will be allowed a total of four (4) hours for each above defined six month period for scheduled doctor and dentist appointments which will not be considered when evaluating an employee's eligibility for the perfect attendance incentive.

3B. FAMILY AND MEDICAL LEAVE ACT

A 1993 law known as The Family and Medical Leave Act of 1993 (FMLA) gives eligible employees the right to take unpaid leave (although accrued paid leave, if available must be substituted for unpaid leave) for a period of up to 2 work weeks for the birth or placement (adoption of foster care) of a child or because of the employee's or a family members serious health condition. An employee is entitled to have health benefits coverage maintained during the FMLA leave period on the same terms and conditions as if the employee had continued to work, and, upon return from leave, to be reinstated to the same or equivalent job.

The City of Joplin's policies generally with respect to the FMLA leave are as follows:

1) In all cases where applicable, leave will be designated by the City of Joplin as FMLA leave and counted against an eligible employee's FMLA leave entitlement for the applicable 12-month period. The applicable 12-month period shall be the most recent 12-month period immediately preceding the date on which the requested FMLA leave begins.

2) FMLA requires that employee's ordinarily must provide thirty (30) days advance notice when the leave is "foreseeable". If circumstances require leave to begin in less than thirty (30) days, the employee must provide notice "as soon as practicable".

"Request for Leave" forms are available in the Personnel Department

3) If leave for an employee's or family member's serious health condition is requested or taken for a period of more than seven (7) consecutive days, the City of Joplin will required medical certification (on a form approved by the City of Joplin) of the condition which necessitated the request for leave. An employees right to take (or continue, if already underway) FMLA leave will be denied unless and until such time as the required medical certification is submitted to the City of Joplin. The City of Joplin reserves the right to require an employee, at the City of Joplin's expense, to obtain a second or third medical opinion or certification from other health care providers. The City of Joplin reserves the right to require periodic medical recertification (usually at 30-day intervals) relating to the employ's or family member's serious health condition.

4) The City of Joplin will require the use (substitution) of any available accrued paid leave (e.g. sick/emergency leave, vacation leave, and comp. time) prior to using any unpaid leave.

5) During any portion of an employee's FMLA leave where accrued sick/emergency and comp. time off is not applicable, employee's will be required to continue to make premium payments and/or contributions to maintain existing Health and Dental coverage.

6) Employee's who take FMLA leave for their own serious health condition and the medical leave continues for more than two consecutive weeks, will be required to submit a fitness-for-duty (return to work) medical certification as a precondition of reinstatement to employment.

7) Employee's who take FMLA leave for their own serious health condition or a family member's serious health condition, request intermittent leave or a reduced schedule. Such leave is only available when "medically necessary" and when the employee has provided satisfactory medical certification. During such periods, the City of Joplin may temporarily transfer the employee to an alternative equivalent position so the City of Joplin's operations can better accommodate such recurring periods of absence.

8) Upon return from FMLA leave, most employees must be restored to their original or equivalent position with equivalent pay, benefits and other employment terms.

9) The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

10) Employees who take FMLA leave, and fail to return to work at the conclusion of the leave period, will be liable to the City of Joplin for prepayment of the City of Joplin's

share of health insurance premiums along with any other benefit coverage premiums paid during the leave period to maintain these coverage's, unless the failure to return is due to the continuation, recurrence, or onset of a serious health condition which would have qualified for FMLA leave, or is due to other circumstances beyond your control.

3C. CARE LEAVE POLICY

PURPOSE:

To establish a Care Leave Program to provide supplemental paid leave to employees who have exhausted all of their accrued leave time (including vacation, holiday, sick, and compensatory time) due to a personal illness or injury which is life threatening or catastrophic. The requesting employee or designee will be responsible for obtaining the doctor's certificate and completing
paperwork to be submitted, for the leave provided herein, to the Care Leave Steering Committee created under this policy. The Care Leave Program created under this policy is a privilege which may be terminated without cause at the discretion of the City Manager at any time. A denial of Care Leave by the Care Leave Committee is not a denial of any right, and therefore the requesting employee may not appeal the decision to the City's Personnel Board. Nothing contained herein shall limit or add to the rights of an employee under the Family Medical Leave Act.

I. DEFINITIONS: As used in this policy, the following terms shall have the meaning set out as follows:

A. CARE LEAVE COMMITTEE:

A City-wide committee of seven members, appointed by the City Manager Or designee, which is responsible for administering the Care Leave Program.

B. CARE LEAVE BENEFITS:

Voluntary contributions of accrued sick, vacation, floating holiday or Compensatory leave for the benefit of another employee; awarded from a pool or designated to a specific individual.

C. DONOR:

A City employee who donates accrued leave to the Care Leave fund for the pool or to a designated individual.

D. LIFE THREATENING OR CATASTROPHIC:

An injury or illness that extends at least twenty (20) calendar days beyond the
Expiration of the employee's accrued leave time.

E. POOL:
A City-wide accumulation of voluntary City employees' contributions of sick, vacation, floating holiday, and compensatory time available for Care Leave.

F. DESIGNATION TO AN INDIVIDUAL EMPLOYEE:

A donation of accrued leave by a City employee for a specified, eligible employee under the procedures set out herein. Any specific designation to an individual which is not used for any reason by the designated individual shall revert to the City-wide pool.

G. RECIPIENT:

A City employee who is found eligible and awarded Care Leave benefits under the criteria in this policy.

H. SICK LEAVE DONATION:

Any employee may donate accrued sick leave to the pool or to an individual eligible for Care Leave under this policy, provided however, sick leave contributions must be donated at a minimum of four hours. Sick leave donated either to the pool or designated individual will be converted to the care leave fund on an hour-for-hour basis. For example, a sick leave donation of four hours of sick leave shall convert to four hours of a Care Leave donation. Minimum donation four hour. Maximum donation forty hours per calendar year.

Fire Department Personnel wishing to donate must donate a minimum of twelve hours. The maximum donation for fire department personnel is seventy-two hours per calendar year.

I. PERSONNEL:

Department of Personnel for the City of Joplin.

II. ELIGIBILITY CRITERIA FOR CARE LEAVE BENEFITS:

Any full-time or part-time regular employee shall be eligible for Care Leave under the conditions as follows:

A. The requesting employee is not on unpaid disciplinary status during the period requested for Care Leave;

B. The requesting employee has exhausted all accrued leave;

C. The requesting employee has experienced a personal injury or illness (to himself/herself or an immediate family member; as defined in the City's Personnel Rules and Regulations) which is life threatening or catastrophic and not job related;

D. The requesting employee need not have contributed to the Care Leave fund

to be eligible for Care Leave; and

E. The requesting employee has not exceeded for any qualifying injury or illness, the maximum amount of time for the fund; and

F. The requesting employee has not abused or misused sick leave in the past calendar year. The Personnel Department will review the employee's sick leave usage with the employee's supervisor and/or department head prior to the committee's review and report the findings to the Committee.

III. METHOD TO DONATE TO THE FUND:

Employees may donate to the Care Leave pool or designate a donation to an individual by submitting a Care Leave Donation Form to the Personnel Department.
Personnel shall forward a copy of the form to the Chair of the Care Leave Committee. Contributions made to Care Leave shall not subsequently be returned to the donor, except as a Care Leave recipient under this policy. All Care Leave donations, once designated to either an individual or the Care Leave pool, may not be subsequently designated or modified by the donor.

IV. METHOD TO REQUEST LEAVE FROM THE CARE LEAVE POOL:

An eligible employee or a designated representative, i.e., spouse, or an immediate relative or legal guardian, may request Care Leave from the pool by submitting a Care Leave Request Form to the Personnel Department. The Personnel Department shall, upon receipt, forward a copy to the Chair of the Care Leave Committee. A physician's statement, describing the illness or injury, must accompany the request for Care Leave and must include the diagnosis of the illness or injury, and a prognosis, including the estimated needed time away from work and whether the employee can work a modified work schedule. It should also state whether the disability will be permanent. If the disability is permanent, the personnel Department will work closely with the employee to discuss the employee's respective retirement plan. Any failure to comply with these procedures may result in the denial of the Care Leave request based upon a finding of noncompliance.

V. COMPOSITION AND DUTIES OF CARE LEAVE COMMITTEE:

A. The Care Leave Committee shall be comprised of one (1) member from the Departments of Public Works, Police, Parks, Fire, and Personnel and two (2) members shall be appointed at-large from the employees employed in the remaining departments or sections: City Clerk, City Manager's Office, Emergency Communications, Finance, Health, Legal, Municipal Court, Convention and Visitors Bureau, Emergency Preparedness or a Public Works Division which is not currently represented on the Committee

or any new department created at the City of Joplin after this policy was written.

The employees from Public Works, Police, Parks, Fire and Personnel will, within their respective departments, choose one (1) representative to serve on the Care Leave Committee. At-large employee representatives will be appointed by the City Manager.

For the initial term, five members on the Committee, who are appointed from the respective departments, shall be one (1) year, and the remaining two shall serve for two (2) years. Thereafter, the Committee members from the respective departments shall serve staggered two (2) year terms. The members appointed at-large shall hold office for two (2) years and shall represent different departments and/or divisions in the at-large pool. After the first two years, the replacements of the initially appointed members at-large shall not be from a division or department already represented by a former member at-large until all agencies in the at-large pool are exhausted.

The Committee must have a quorum (four members) to conduct business but may decide to adjourn with less than a quorum.

The Committee must agree to maintain all information on a confidential basis. Any breach of confidentiality will result in the committee member being excused and a replacement member from the same department will be appointed.

B. <u>DUTIES OF THE CARE LEAVE COMMITTEE</u>:

The Care Leave Committee shall have the responsibilities as follows:

a. To meet, as needed, to review all applications for Care Leave, and after determining the employee is eligible, to either approve or disapprove the request for leave as requested in the application.

b. The Committee shall consider the criteria set out in this policy to approve or disapprove the request of Care Leave benefits. The decision of the Care Leave Committee regarding any request for Care Leave shall be final. No appeal to the Personnel Board will be considered. Employee's may utilize the grievance process as outlined in the City's Personnel Rules and Regulations Section 8.9.

c. Monitor the Care Leave pool balances and determine the amount of Care Leave employees will be eligible to receive as established in this policy.

d. The Care Leave Committee shall have the right and duty to issue any necessary interpretations or clarifications of the Care Leave Program and shall recommend any policy changes for the City Manager's, or designee's,

consideration.

e. Record and maintain minutes of meetings.

f. Establish internal operating rules.

g. Maintain confidentiality of all matters and maintain nondiscriminatory actions in the administration of the program.

C. <u>THE PERSONNEL DEPARTMENT SHALL BE RESPONSIBLE TO;</u>

1. Secure adequate medical documentation from the employee which justifies whether the illness is life threatening, catastrophic or resulting in a permanent disability thereby initiating application to the employee's respective retirement plan.

2. Verify the exhaustion of the leave time for the requesting employee. Exhaust any leave balances that may accrue while an employee is utilizing the Care Leave Program.

3. Maintain appropriate leave records for donors and recipients of Care Leave.

4. Maintain records of all denials or disapprovals of Care Leave requests.

5. Maintain records of all pool balances.

6. Forward each Care Leave Request Form and supporting documentation, with a recommendation as to whether the employee meets the above eligibility requirements, to the Care Leave Committee. Care Leave Request Forms must be received in Personnel by the 15th of the month in order for eligible recipients to begin receiving benefits the following month.

7. Notify the employee of approval or disapproval to receive Care Leave.

8. Notify the Care Leave Committee immediately upon becoming aware of when a Leave recipient's medical emergency terminates.

VI. CRITERIA FOR APPROVING/DISAPPROVING CARE LEAVE REQUESTS

The Care Leave Committee shall consider the following criteria in the awarding of Care Leave benefits.

A. The amount of Care Leave the employee is eligible to receive will be based upon a physician's statement containing the medical diagnosis and prognosis. The maximum amount of Care Leave an employee may receive is 180 calendar days per qualifying illness or injury.

B. The committee shall determine the amount of leave to be allocated to any recipient by ascertaining the recipient's proportionate share from the pool balances available during the awarding period and the number of eligible recipients, provided no recipient exceeds the maximum amount provided under the policy.

C. If the recipient's proportionate share of the pool balances cannot accommodate the amount of time the employee is eligible to receive, then the differences may be carried over to subsequent months which cover the time for which the employee is medically determined eligible. The employee may not roll over more than the amount of time the employee is eligible to receive.

D. The Care Leave Committee has the right to require an updated medical statement from an employee as needed to fulfill the purposes in this policy.

E. Any amount of Care Leave granted for the month, but not needed, will be returned to the pool.

F. Employee may accrue vacation, sick leave or holiday credits while using donated leave. All accrued time, on the books, must be exhausted before the Care Leave will cover the leave time.

G. An employee who uses Care Leave from the pool is not required to pay back the time received to the Care Leave Fund.

4. FUNERAL LEAVE

In the event of death of a City employee, employees of the City may be granted one-half (1/2) day funeral leave not to exceed four (4) hours for attendance at the funeral providing a working schedule can be arranged by the department head that will not materially impair the ability of the department to perform its public duties.

In no event shall any Non-Fire employee be allowed more than five (5) calendar days to attend the funeral of a person in the employee's family; for Fire Department employees the maximum time off shall be two (2) shifts. This provision shall be handled on a case-per-case basis and decisions shall be based upon the distance of travel, relationship with employee and deceased family member, and subject to approval by the Personnel Director. However, in no event is this maximum leave time automatic. Family in this case shall be defined as follows:

1. **Spouse**
2. **Child**
3. **Parent**
4. **Brother/Sister**
5. **Father/Mother**
6. **Employee's Grandparents**
7. **Employee's Mother/Father-in-Law**
8. **Fiancé or Fiancée**
9. **Legal Guardian**
10. **Grandchildren**
11. **Spouse's Grandparents**
12. **Other persons who are dependent upon the employee for their care and maintenance.**
    This shall include all step and half relations for the above mentioned family members.

The minimum funeral leave chargeable shall be one (1) working hour and shall be deducted from the sick leave balance.

Any employee discovered misusing the funeral leave privileges will be subject to discipline

5. MATERNITY LEAVE

See Section 3B (Fringe Benefits), Family and Medical Leave Act (FMLA).

5A. BREAK TIME FOR NURSING MOTHERS

The City of Joplin acknowledges the worksite accommodation law in the U.S. Patient Protection and Affordable Care Act enacted in March 2010, which amends the Fair Labor Standards Act (FLSA) and therefore provides breastfeeding employees reasonable time to express milk at work and a private area for milk expression.

1. **Lactation Accommodation Provisions**
   - **A. Reasonable Time to Express Milk at Work**

     Employees shall be provided reasonable time to express milk while at work for up to three years following the child's birth each time the employee has need to express milk. Employees should use usual break and meal periods for expressing milk, when possible. If additional time is needed beyond the provided breaks, employees may use personal leave or may make up the time as negotiated with their supervisors.
   - **B. A Private Area for Milk Expression**

     Employees will be provided with a private place, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public, to express breast milk. The room can be a designated space for lactation. If this is not practical or possible, a vacant office, conference room, or other small area can be used so long as it is not accessible or visible to the public or other employees while the nursing employee is using the room to express milk. The room will:
     - **Be in close proximity to the employee's work station when possible**
     - **Have a door equipped with a functional lock or, if this is not possible, the room will have a sign advising that the room or location is in use and not accessible to other employees or the public**
     - **Be well lit**
     - **Ensure privacy by covering any windows with a curtain, blind, or other covering**
     - **Contain at a minimum a chair and a small table, counter, or other flat surface**
     - **Include an electrical outlet**
     - **Ideally provide nearby access to clean water**
2. **Fair Labor Standard**

   No employee shall be discriminated against for breastfeeding or expressing milk during the work period, and reasonable efforts will be made to assist employees in meeting their infant feeding goals while at work.
3. **Policy Dissemination**

   This policy shall be communicated to all current employees and included in new employee orientation training.
4. **Privacy**

Any act found to be intentional that invades a nursing mother's privacy shall be treated as a disciplinary offense and reported to the appropriate manager.

5. **Responsibilities of Each Party**
    - **A. Employer Responsibilities**
        - **Maintain the cleanliness of the room or location set aside for the use of employees expressing breast milk at work.**
        - **Notify employees returning to work following the birth of a child of their rights under the national worksite lactation accommodation law in the U.S. Patient Affordable Care Act. This notice may either be provided individually to affected employees or to all employees generally through posting in a central location.**
    - **B. Employee Responsibilities**
        - **Give supervisors advance notice of the need for lactation accommodations, preferably two months prior to their return to work following the birth of the child. This will allow supervisors the opportunity to establish a location and work out scheduling issues.**
        - **Maintain the designated area by wiping surfaces with microbial wipes so the area is clean for the next user.**
        - **Insure the safekeeping of expressed breast milk stored in any refrigerator on the premises. Breast milk can be stored in a general company refrigerator, in a refrigerator provided in the lactation room, or in the employee's personal cooler.**
6. **Lactation Room Locations and Accommodations**
    - **A. Stationary Lactation Rooms provide the necessary accommodations on-site at all times and are available for use at the following locations:**
        - **Joplin City Health Department/WIC Office**
        - **Joplin City Hall**
    - **B. Portable Lactation Areas can be established within each department, as needed, for those utilizing the lactation support services if the designated notice is provided to allow time for rendering and/or distributing the necessary accommodations. Assistance provided by Human Resources Director/ Risk Manager, Building Maintenance Supervisor, and WIC Coordinator to ensure location is available for use by requested date.**

6. CITIZENSHIP LEAVE

Employees shall be granted leave with pay when it becomes necessary for them to be absent from work for the purpose of such citizenship obligations as the following:

1. Jury Duty
2. Witnesses (When properly subpoenaed)
3.Voting

Employees serving as jurors shall receive full salary and benefits for duration of the jury leave provided that all money, less travel expenses, received by the employee for the jury duty is remitted to the City.

7. MEDICAL LEAVE OF ABSENCE

See Section 3B (Fringe Benefits), Family and Medical Leave Act (FMLA).

8. ABSENT WITHOUT PAY

Employees may request an unpaid extended leave of absence for personal reasons not to exceed one hundred eighty (180) consecutive calendar days. The City may grant such a request at their discretion for good cause. The employee shall submit with this request, a
statement defining the reason for such request, the length of time absent without pay, and shall be done so in a manner that would allow the supervisor and/or the department head to properly staff the department. This request must be approved in writing by the City Manager. The employee shall not receive any pay or leave benefits during this leave and shall be responsible for paying their own health plan cost.

9. GROUP HOSPITAL AND MEDICAL BENEFITS

The City of Joplin will provide health benefits to full time regular employees and their dependents and part time employees and dependents who do not have a break in service and average thirty (30) hours per week through policies purchased either from a commercial insurance carrier, or through a self-funding program. Coverage begins on the first day of the month following one (1) complete month of City employment. Individual employee premiums are paid in full by the City of Joplin. Dependent premiums will be paid monthly in advance and in full by the employee. Other health benefits may be available as described in the Flexible Benefit Plan and may be purchased by the employee.

10. LIFE INSURANCE

The City of Joplin provides life insurance for all full time regular employees in the amount of $25,000. Coverage begins on the first on the month following one

complete month of City employment. Individual employee premiums will be paid in full by the City of Joplin. Other life insurance benefits may be available as described in the Flexible Benefit Plan and may be purchased by the employee.

11. RETIREMENT PROGRAMS

A. Missouri Local Government Employees Retirement Systems (LAGERS)
Eligibility begins the first of the month following six (6) consecutive months of employment. All employees of the City except those listed below shall participate in this system.

1. Fire and Police Department employees who participate in the City of Joplin local Police and Fire Pension Plan

2. Part time/Temporary employees working less than 1500 annual hours.

This plan provides a number of benefits for which the employee will not be required to contribute and make payments to unless amended. This program is funded fully by the City of Joplin. If you have accrued at least five (5) years of accredited service, you are vested in the system and are entitled to a retirement benefit.

Benefits are calculated on the following formula:

One and on-half percent (1 ½%) X final average salary for last highest paid consecutive sixty (60) months X years of accredited service equal (=) monthly benefit.

The retirement benefits of this program are:

1. **Retirement pension at age 60 and after completion of five (5) years or more of service.**

2. **Early retirement at age 55 after completion of five (5) years or more of service.**

3. **A deferred vested pension before the age of 55 after completing at least five years of service.**

4. **Survivor benefits for employees who die with at least five years of service.**

When employees begin considering retirement or if an employee is thinking of leaving the City's service with a vested interest, it is highly recommended that you consult with the Personnel Department for a full and detailed description of the benefits available through LAGERS. The Personnel Department will assist the employees in enrolling in LAGERS and in preparing your applications for a refund or a monthly benefit.

B. CITY OF JOPLIN SWORN POLICE OFFICERS AND FIREFIGHTERS PENSION PLAN

This plan is available to all sworn Police Officers and Firefighters of the Joplin Police and Fire Departments. Offices and Firefighters will be notified of all provisions of the Plan upon their employment with the City. Eligibility begins on the first day of employment.

C. SOCIAL SECURITY SYSTEM

The City of Joplin contributes the federally required amount of payments to the Social Security Administration for all general employees. The City also contributes the federally required amount of payments to the Social Security Administration for all fire and sworn police department personnel employed after April 1, 1986.

12. INTERNATIONAL CITY MANAGEMENT ASSOCIATION RETIREMENT CORPORATION (ICMA-RC)

A supplemental retirement plan and tax shelter for public sector employees, this plan is administered by the ICMA-RC, a non-profit tax exempt service organization specialized in retirement plans for local government employees. Payroll deduction is provided for this program. Contact the personnel Department for details of this program.

13. DISABILITY AND INCOME PROTECTION PLANS

A. LAGERS

NON-DUTY – A member is eligible for a non-duty disability benefit if the employee has as least five (5) years of credited service and becomes totally and permanently disabled for non-occupational causes to perform the present job requirements while employed by the City.

DUTY – If a member terminates employment because of becoming totally and permanently disabled from job related causes, the member would be eligible for a duty disability regardless of credited services.

B. POLICE AND FIRE PENSION PLAN

NON-DUTY – If a covered employee having completed three (3) or more years of credited service contracts a disease or sustains injury while a covered employee, and does not qualify for the duty disability benefits as described below, the employee shall qualify for the non-duty disability benefit if such disease or injury shall so disable such employee physically as to render the employee unfit for the regular duties under covered employments or other duties within such employees department or similar

nature in compensation.

The above stated regulations shall apply in the event of employee death also.
DUTY – If a covered employee contracts a disease or sustains injury while in the actual discharge and performance of the duties under covered employment, then the employee shall qualify for the duty disability benefit. If such disease or injury shall so disable such employee physically or mentally as to render the employee unfit for the regular duties under covered employment or other duties which such employees department of similar nature and compensation.

C. SOCIAL SECURITY SYSTEMS BENEFIT

Employees of the City, except sworn Police Officers and Firefighters employed prior to April 1, 1986, contribute to the Social Security System. The system offers a range of benefits including retirement, death and disability benefits. Employees with questions are urged to contact the Personnel Department or the Joplin Social Security Administration Office.

All programs as listed above are intended to provide general descriptions of the benefits available. There are specific requirements which relate to the disability and retirement portions of each Sub-Section. For a detailed description and requirements, please contact the Personnel Department.

14. CREDIT UNION

The City offers an optional Credit Union program for all employees of the City of Joplin. Savings and loan payments may be made through payroll deductions.

15. UNIFORMS AND ALLOWANCES

The City purchases uniforms and other clothing to compensate for adverse weather for employees in departments where uniform and weather clothing are necessary. For specific details, discuss this item with your supervisor.

It will be required unless given department head approves otherwise, that City provided uniforms be worn only during duty hours.

16. EDUCATION LEAVE

City employees may be granted educational leaves to advance themselves professionally and technically at conferences or in a school or course of instruction upon approval by the City Manager when it is judged to be in the best interest of the City to grant the leave.

Educational leave may be granted by the City Manager as leave with pay; provided the leave shall not exceed a period of two (2) weeks. Educational leaves for longer periods,

or on a part pay basis, shall require approval of Council.

When educational leave is granted as leave with pay, the employee shall be required to return to his position with the City for a specified period of time (the minimum specified period shall normally be construed as a period equal to six (6) times the educational leave granted). If the employee fails to meet his requirement, the employee shall forfeit the wages, reimbursements, and other allowances paid while on educational leave. The necessary steps shall be taken to recover any indebtedness to the City if the employee should terminate employment prior to expiration of the required service period.

When educational leave is granted without pay, it may be granted for a period not to exceed eighteen (18) months.

When educational leave is granted for a period greater than ninety (90) days, the employee must provide to the Personnel Director a progress report of the employees studies. This must be done as least every ninety (90) days.

17. TUITION REIMBURSEMENT PROGRAM

In keeping with the interest which the City of Joplin has in the improvement of the employees qualifications for the performance of their work, and in the development of qualifications which may
lead to advancement in the same field of work through additional education and training, the City will provide for tuition reimbursement based on the following qualifications and schedule.

A. Eligibility Requirements – Employee must be a full-time or part-time employee. The course(s) must be offered through an accredited high school, college, university, trade school or a correspondence course through an accredited school. The course(s) must relate directly to the employees development of self-improvement. Refund payments will be made only for courses which have a direct bearing on the immediate job or courses that will enhance the employees ability to compete for promotional opportunities in his occupational field and has a direct benefit to immediately improve the quality of City's service.

B. Qualifications of Refunds – The course(s) must be requested on a "Tuition Refund Application" form thirty (30) days before registration as to give the approving authorities the time necessary to review the requested courses. The course(s) must be approved by the employees immediate supervisor, department head and Personnel Director. The course must be completed within the allotted time limit established by the school offering the course. The course must be completed while the employee is still employed in the same position or related position with the City. Evidence such as grade card and fee receipt must be furnished describing the amount paid and, either the grade received, or notice of "pass or fail" of the course to the immediate supervisor who shall then forward such evidence to the department head who shall in turn submit evidence to the Personnel Director to arrange for reimbursement of refund. Requests must be

made within thirty (30) days after the completion of the course(s).

Employee must retain their employment status for a period of one year after the receipt of tuition reimbursement. Should an employee leave the City's service before the one year period concludes, the employee must repay the tuition reimbursement payments made during the preceding one year period on a pro rata basis of one-twelfth per month.

C. Reimbursement Schedule – The City will reimburse tuition in an amount not to exceed the current in state tuition fees charged by Missouri Southern State College. The following schedule shall determine the percentage amount refund:

GRADE	PER CENT OF TUITION COST REIMBURSED
A	100%
B	85%
C	70%
D	0%
F	0%

Courses providing only "pass or fail" grades:
Pass – 70% tuition cost reimbursed.
Fail – 0% tuition cost reimbursed.

D. Exclusions – Courses which are considered "electives" or "general study" courses which may be necessary for completion of curriculum requirements, and the subsequent awarding of a degree shall be excluded from reimbursement unless the course content bears more than a casual relationship to the major approved field of study.

Textbooks, supplies and other incidental fees are not eligible for reimbursement.

Registration fees for attendance at workshops, seminars, conferences, etc. are properly handled through a department's training account, and consequently the tuition reimbursement program is not applicable in these cases.

E. Miscellaneous Information - Participation in the tuition reimbursement program shall be solely on the employee's own time unless specifically approved by the City Manager.

Individual departments may establish and make available to requesting employees a list of courses that are eligible for reimbursement for that particular department.

The City may require an employee to enter into a written agreement at the request of the approving authorities for courses that require employees to be relieved of normal duties for a specified period of time, but are still receiving their regular salary and benefits.

Additional information and tuition refund application forms may be obtained in the Personnel Department. The number of courses eligible under this program will be limited to availability of budgeted funds. Employees will be reimbursed on a first-come, first-serve basis during the fiscal year until such funds are exhausted.

18. LONGEVITY PAY

Longevity pay shall be for full-time employees based exclusively on years of unbroken continuous service. Continuous service shall be defined as uninterrupted period of service with the City that is not marked by resignation, dismissal, reduction of work force, unauthorized or unexcused absenteeism, or similar circumstances.

Compensation for the number of years of service shall commence from the date of employment of the last unbroken period of employment for the number of years serviced set forth as follows:

1. Employees with an annual base salary excluding longevity of less than $30,000:

After 5 years through 10 years	**$ 300 per year**
After 10 years through 15 years	**$ 600 per year**
After 15 years through 20 years	**$ 900 per year**
After 20 years through 25 years	**$1,200 per year**
After 25 years through 30 years	**$1,500 per year**
After 30 years through 35 years	**$1,800 per year**
Each 5 year period thereafter, an additional	**$ 300 per year**

2. Employees with an annual base salary excluding longevity of $30,000 or greater:

After 5 years through 10 years	**1% of annual salary**
After 10 years through 15 years	**2% of annual salary**
After 15 years through 20 years	**3% of annual salary**
After 20 years through 25 years	**4% of annual salary**
After 25 years through 30 years	**5% of annual salary**
After 30 years through 35 years	**6% of annual salary**
Each 5 year period thereafter, an additional	**1% of annual salary**

19. FITNESS PROGRAMS

A. The City participates as corporate members of the Joplin Family YMCA and Olympic Fitness Centers. Because of the corporate sponsorship, employees are able to receive reduced rates at either of these facilities.

B. The City participates in a fitness program provided by St. John's Health Promotion Center. The City will pay 100% of the monthly dues provided an employee participates

in the program a minimum of eight (8) times per month. For a more detailed description, contact the Personnel Department.

20. EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program (EAP) is a City sponsored service designed to encourage employees and their family members to take the initiative for their own health and wellness. With the assistance of professional consultation, employees and family members can solve any of a wide range of personal problems that could adversely affect their personal lives or professional careers. Some of the personal concerns for which assistance is available include, financial, legal, marital, emotional, alcohol or drug abuse.

Should a visit to the services even be necessary for you or your family members, the evaluation session is free along with the first two treatment visits—paid for you by the EAP. Additional services beyond that point must be your responsibility to pay for. However, the City offered group medical plan could provide you some assistance with these costs.

For more information on the Employee Assistance Program, please contact the Personnel Department, or your supervisor.

THE CITY OF JOPLIN

EMPLOYEE WELLNESS PROGRAM

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ARTICLE 1 – PROGRAM DESCRIPTION AND OBJECTIVES

A. The City of Joplin Wellness Committee identified health risks through the means of a city wide employee health fair. Information obtained from this health fair established the foundation for the development of the following programs.

1. **Smoking Cessation**
2. **Stress Management**
3. **Weight Control**
4. **Fitness Center Participation**
5. **Alcohol/Drug Abuse**
6. **Organized Sports**
7. **Health Fair**
8. **Educational and Informational brochures, articles, videos and other material.**

B. City employees will be financially responsible for part of the fees required for participation in wellness programs. Programs that are offered should not interfere with the daily work schedule, and should be taken before work, after work, or during the lunch hour.

C. City employees who want reimbursement for program completion will be required to sign a contract with the City of Joplin before registration for a program.

D. This program is designed for employees only; full and part-time. Dependents are not eligible.

ARTICLE 2 – SMOKING CESSATION PROGRAM
The City of Joplin has endorsed employee utilization of three smoking cessation programs.

1. **American Cancer Society – Fresh start**
2. **Freeman Hospital American Lung Association – Freedom From Smoking**
3. **St. John's Regional Medical Center – Smoke Stoppers**

A. The American Cancer Society – Fresh start is a free program.

B. Freeman Hospital American Lung Association – Freedom From Smoking

1. **City of Joplin will reimburse the employee 100% of the program cost six (6) months after completion of the program and after completion of a negative spit test, administered by the hospital.**

2. **City will reimburse one time only on this program.**

C. St. John's Regional Medical Center – Smoke Stoppers

1. **City of Joplin will reimburse the employee 100% of program cost six (6) months after completion of program and after completion of a negative spit test, administered by the hospital.**
2. **City will reimburse one time only on this program.**

Individuals enrolling in programs and desiring reimbursement shall be required to sign a contract with the City of Joplin. The contract will state program and city requirements for reimbursement. The City shall provide payments on a reimbursement basis only. Employees need to register for program at the facility after a contract with the City has been signed. The contract may be picked up in the personnel office.

ARTICLE 3 – WEIGHT CONTROL PROGRAMS

The City of Joplin has endorsed three weight control programs.

1. **The Healthy Weigh – St. John's Regional Medical Center**
2. **Optifast – Freeman Hospital**
3. **Nutri-Systems – Dr. Paul Glenn**

A. The City of Joplin will reimburse specific rates of money according to which program individuals wish to participate. Individuals must sign a contract and meet specific goals stated on contract before entering weight control programs.

1. **For individuals wishing to lose 15-25 pounds, the Wellness Committee recommends The Healthy Weigh, sponsored by St. John's Regional Medical Center as the city will not provide any financial assistance for the loss of weight in the 1-14 pound range.**

    a. **Individuals will be reimbursed 100% of the fee after completion of program and after six (6) months of weight loss as determined in the contract. Individuals will be weighted at the personnel office.**

2. **For individuals wishing to lose 25-49 pounds, the Nutri-System or The Healthy Weigh programs are recommended.**

    a. **NUTRI-SYSTEMS**
    Individuals will be reimbursed $190.00 total maximum. Individuals will be reimbursed after individual maintains weight loss for six (6) months as determined by contract. Individuals will be weighed at the personnel office; reimbursement will be made through the personnel office.

3. **For individuals wishing to lose 50 pounds or more, the Optifast program sponsored by Freeman Hospital or Nutri-Systems programs are recommended.**

a. **OPTIFAST**

Individuals will be reimbursed no more than $900.00 or one-third of program cost, whichever is less after completion of program and maintenance of weight loss for six (6) months as defined by contract. Individuals will be weighed at the personnel office; reimbursement will be made through the personnel office.

4. **Individuals wishing to participate in Weight Watchers will be reimbursed the program registration fee, not to exceed $86.00 after six (6) months of maintenance of weight loss as determined by contract. This includes $22.00 registration fee plus $8.00 per week maintenance fee. Individuals will be weighed at the personnel office; reimbursement will be made through the personnel office.**

5. **INDIVIDUAL WEIGHT CONTROL PROGRAMS. Individuals who want to lose weight on their own and establish their own program should follow the following guidelines:**

    a. **Establish personal weight loss goal.**
    b. **Weigh-In and establish contract with the City of Joplin.**
    c. **Weight will be monitored by Personnel department or Wellness Committee Member between 7:45 – 8:00 am on Friday at City Hall.**
    d. **Individuals meeting their contract goal will receive a wellness program award.**

ARTICLE 4 – STRESS MANAGEMENT PROGRAM

The City of Joplin has endorsed The Stress Balance – stress management program offered by St. John's Regional Medical Center for employees.

1. **Employees will be reimbursed one-half of the program cost after completion of the program. Total cost of the program is $65.00.**
2. **Employees must sign contract with City of Joplin before program begins and employee must compete program requirement before reimbursement. Payment for this program shall be on a reimbursement basis only.**
3. **Employees should register for class at the facility after signing a contract. A contract may be picked up in the personnel office.**
4. **The City will reimburse one time only on this program.**

ARTICLE 5 – FITNESS CENTER PROGRAMS

The City of Joplin will pay the employees utilizations fee, up to $10.00 per month if the employee participates in the Health Promotion Center programs at least eight (8) times per month. If employee does not participate at least eight (8) times per month, that employee will not receive any reimbursement. Reimbursement will be paid once every

six (6) months. For a list of health facilities participating in the program, contact the personnel department.

ARTICLE 6 – ALCOHOL/DRUG ABUSE PROGRAMS
The City of Joplin endorses utilization of the following Alcohol/Drug Abuse Programs.

1. **The Care Unit – Freeman Hospital**
2. **New Direction Program – Ozark Center**
3. **Teen Challenge**

The City's group health care program will provide financial assistance for utilization of these programs. For a definition of the group health care benefits see the group health care plan.

Teen Challenge has no charge and is for anyone who wants to attend.

NOTE: Refer to your own health care plan if not on City plan for description of covered benefits.

ARTICLE 7 – ORGANIZED SPORTS

City of Joplin organized sports for employees will include, but is not limited to the following activities. Additional activities will be added as need development exists. Program fees are structured as low as possible and no reimbursement will be paid.

1. **Basketball**
2. **Softball**
3. **Indoor Volleyball**
4. **Golf**
5. **Outdoor Volleyball**
6. **Bowling**
7. **Tennis**

City employees will be financially responsible for all team fees and uniforms. City employees who are participating in city organized sports and injured, will not be cover under workman compensation.

ARTICLE 8 – HEALTH FAIR
The city will attempt to conduct an Employee Health Fair on a yearly basis. The City of Joplin will assist in paying the cost of the health fair. The Health Fair may conduct screening in the following areas:

1. **Height**
2. **Weight**
3. **Blood Pressure**
4. **Glucose**
5. **Cholesterol**
6. **Hematocrit**

7. **Pulmonary Function**
8. **Hemoccult**
9. **Health Risk Appraisal**
10. **Spit Test**

ARTICLE 9 – EDUCATIONAL
Educational and informational material will be on display at the following city facilities

1. **City Hall**
2. **Public Works Center**
3. **Parks and Recreation Maintenance Facility**
4. **Turkey Creek Wastewater Treatment Plant**
5. **Fire Station**
6. **Police Department**
7. **Health Department**

EXHIBIT "A"

3.9 REHIRE

When an employee resigns their employment with the City of Joplin and wishes to return to employment with the City, they are subject to the same original hire policy as all other applicants. Some pension and retirement plans may allow credit for years of prior service with the City, if certain conditions are met. However, the employee in all other matters shall be subject to the same employment status and procedures as other new hires. They are not entitled to any benefits, leave accruals, or credited years of service from the prior service time with the City, except as pursuant to applicable law. If an employee is rehired within one year of separation and the employee exceeds the minimum qualifications for the position, with the recommendation of the Department Head and the Director of Human Resources, the City Manager may approve any pay rate within the appropriate pay range not to exceed the amount attained at the time of separation.

All employees newly hired, promoted, reappointed, transferred or demoted shall serve a six months probationary period except that newly appointed public safety employees will serve a one-year probationary period. A Tier II Police or Fire employee, who elects to terminate on February 28. 2020 and be reinstated on February 29, 2020, shall have their probationary period waived upon reinstatement.

EXHIBIT "B"

3.12 PROBATIONARY PERIOD

The Probationary Period shall be an integral part of the screening process and shall be utilized for closely observing employee's work, for communicating with the employee about the work, for securing the most effective adjustment of a new, transferred, or promoted employee to the position.

1. Duration:

   a. Every person employed, re-employed, promoted, transferred to a different department, or demoted to any full-time, regular position with the City shall be required to complete a successful probationary period of at least six (6) continuous months.

   b. The probationary or qualifying period shall begin immediately upon employment to a position. The probation or qualifying time period may be extended for one (1) six (6) month period if deemed necessary by the department head.

   c. Consecutive time spent in an "acting" capacity prior to receiving an appointment to the same position and department shall be considered as time spent as a probationary employee in the position.

   d. An employee who is promoted or transferred to another department prior to completing a probationary period shall begin a new probationary period in the new position unless such a new probationary period would be shorter than the original probationary period. Any such employee shall have no grievance/appeal privileges until a probationary period is successfully completed in one classification.

   e. An employee whose position is re-classified will not be required to complete a new probationary period. An employee whose position is re-classified prior to completing a probationary period will not complete a new probationary period but shall be required to successfully complete the original probationary period.

   f. Any employee hired as a Police Officer Trainee shall begin the probationary period upon entering the Police Academy and throughout the field training process. Upon successful completion of field training and promotion to Police Officer II a new probationary period of six (6) months shall begin.

g. A change of assignment made by a department head shall not be subject to a probationary period.

h. A Tier II Police or Fire employee who elects to terminate on February 28, 2020 and reinstate on February 29, 2020 shall not be subject to a probationary period, unless the employee was in probationary status at the time of the reinstatement.

2. Removal

a. All probationary employees shall be considered part of the unclassified service as provided by Section 5.05 of the Joplin City Charter and shall have no grievance or appeal rights. At any time during the probationary period, the department head may remove an employee, if, in the department head's opinion, such employee is unable or unwilling to perform the duties of the position satisfactorily or if the employee's attitude, habits, performance or dependability do not merit continuation in the service. Prior to removal, the department head shall meet with the employee to discuss the issues noted by the department head. If, after such meeting, the department head believes that the employee does not merit continuation of service, such employee shall be removed immediately. An employee removed during the probationary or qualifying period cannot appeal such removal to the Personnel Board. Employees promoted or transferred into a position who do not successfully complete a probationary period shall be demoted into their previous or similar classification unless they are terminated.

3. Police Officer Certification

a. A probationary police officer shall not be retained in the position of full-time police officer unless the officer successfully completes the minimum certification requirements under the State of Missouri Peace Officers Standards and Training (POST) Program within one (1) year of employment.

4. Administration

a. Prior to the expiration of an employee's probationary period, the department head shall notify the Director of Human Resources in writing whether the services of the employee have been satisfactory and whether the department head desires to continue the employee in the position. A copy of such notice shall be given to the employee. Should the department head recommend the employee not be retained, the employee shall be removed from the position.

Employees who satisfactorily complete their probationary period shall be entitled to all rights and benefits applicable to such employee under the City Charter and Code, and shall be eligible for full grievance, appeal and fringe benefit privileges. Any service during the probationary period shall be credited to the employee's length of service for all purposes including but not limited to applicable pensions, longevity, vacation and other fringe benefits. Employees shall not be eligible for appeal privileges until completion of the probationary period.

b. Failure of the probationary employee's department to notify the Director of Human Resources as required shall not shorten the probationary period or prevent the department from discharging the employee or extending the employee's probationary period, but such action must occur prior to the scheduled expiration of the probationary period.

EXHIBIT "C"

4.9 PRIOR SERVICE CREDIT BENEFIT (Tier II to LAGERS migration)

In addition to any other compensation and benefits authorized by City ordinance, Fire and Police Department employees, hired after January 31, 2009 and prior to February 01, 2020 , who are active members of the City of Joplin Police and Fire Pension Plan (Tier II), and who voluntarily elect to terminate, reinstate and transition to the LAGERS L-11 retirement program are eligible to purchase all forfeited service credit, as earned as a Tier II employee if:

A) The employee elects to terminate, reinstate and transition to LAGERS between February 28 and 29, 2020; and
B) The employee becomes vested in LAGERS (normally five (5) years); and
C) The employee requests and remits to the City the written estimate to purchase the forfeited prior service as calculated by LAGERS no later than September 30, 2025, or six months following their LAGERS vesting date, whichever comes first; and
D) The employee remits 100% of the amount received from the Police and Fire Pension Plan from their return of contribution directly to LAGERS no later than September 30, 2025, or six months following their vesting date, whichever comes first, as their payment towards their purchase of all, or a portion of, their forfeited prior service credit.

If the employee elects to purchase the prior service credit as outlined above, then at the time of such purchase, the City shall remit to LAGERS, on behalf of the employee, 100% of the difference between the amount that LAGERS computes as the cost of the prior service credit and the amount that the employee received from the City of Joplin Police and Fire Pension Plan for their return of contribution upon termination as a Tier II eligible member. The City's payment is considered taxable compensation and payment by the City will be remitted to LAGERS on the employee's behalf.

If an employee elects to migrate under this section, they will be treated as having no break in or separation of service for any purpose other than pension benefit rights and eligibility.

EXHBIT "D"

FRINGE BENEFITS SECTION

2. ANNUAL LEAVE – VACATION

Vacation time is intended to benefit the employee and serve as a time of mental and physical refreshment; therefore, employees are encouraged to use their vacation time.

Vacations are determined for employees assigned to full or part time positions by length of continuous service. The following schedule will determine the number of hours earned per month, yearly, and accumulation totals. Annual leave may not be taken by new employees during the first six (6) months of their employment and shall be limited to one week during the remaining six (6) months of the year.

POLICE AND GENENRAL EMPLOYEES

LENGTH OF SERVICE	MONTHLY ACCRUALS	YEARLY ACCRUALS	DAYS ACCRUED	MAXIMUM ACCRUAL
0 - 9 years	6.67 hrs	80 hrs	10	160 hrs
9 - 14 years	10 hrs	120 hrs	15	240 hrs
Over 14 years	13.34 hrs	160 hrs	20	240 hrs

FIRE DEPARTMENT EMPLOYEES

LENGTH OF SERVICE	MONTHLY ACCRUALS	YEARLY ACCRUALS	DAYS ACCRUED	MAXIMUM ACCRUAL
0 - 9 years	10 hrs	120 hrs	5	240 hours
9 - 14 years	14 hrs	168 hrs	7	336 hours
Over 14 years	18.67 hrs	224 hrs	9.34	336 hours

Part-time employees who are employed throughout the year and work on a basis of one-half (1/2) a normal week shall receive vacation time proportioned to their average work week.

Upon separation from service for any cause, an employee shall be paid a lump sum payment for any accumulated vacation time with the final paycheck.

Vacation shall not be used to extend a date of retirement or termination date unless specifically approved by the City Manager.

Vacation leave and holiday leave may not be used for the same work shift.

Sick and Emergency Leave will not be substituted for scheduled vacation leave. The only exception will be employees who have a verifiable workers compensation injury and are under doctor's orders to remain off work. Employees who are on pre-approved vacation schedule and get injured on the job prior to the use of the vacation time to the extent that by doctor's orders they must remain off work during the period in which the vacation time was scheduled, may reschedule their annual vacation.

3. SICK AND EMERGENCY LEAVE

In all cases where applicable, leave will be subject to and designated by the City of Joplin as FMLA leave and counted against an eligible employee's FMLA leave entitlement. All situations which are eligible under the FMLA will be governed by the rules and regulations stated in section 3B (Fringe Benefits), FMLA. Only those situations which do not meet the eligibility requirements for the FMLA, will be governed by the Sick and Emergency Leave policy.

Sick leave with pay shall be granted to an employee only when the employee is unable to perform their duties due to the reason of personal sickness or injury; except an employee shall be granted sick leave for necessary medical, dental and optical examination and treatment provided that sick leave granted for such reasons shall not exceed the actual time necessary for examination or treatment.

An employee who is absent for a period of more than three (3) consecutive working days or consistently for shorter periods and requests sick leave to cover such absences may be required to furnish a doctor's certificate as a condition of granting, attesting to the fact that the employee's absence has been due to personal sickness or injury.
Employees will be allowed to use Sick Leave when there is illness in the family requiring the attendance of the employee. The employee may be required to furnish the employees immediate supervisor with a written reason of why the attendance was necessary. The list below shall be a description of the members of the family an employee will be allowed to use Sick Leave for. This list may be expanded in circumstances that would be impractical to deny the employee their attendance to the family member. The expansion of the list must be done a case by case basis and approved by the Personnel Director.

1. Spouse
2. Child
3. Parent
4. Brother/Sister (Emergency Only)

5. Father/Mother
6. Father/Mother-in-Law (Emergency Only)
7. Fiancé or Fiancée
8. Legal Guardian
9. Other persons who are dependent upon the employee for their care and maintenance

This shall include all step and half relatives for the above-mentioned family members.

Employees who use Sick Leave must notify their Supervisor prior to the beginning of each workday or as soon as possible thereafter. All regular full-time employees shall accrue sick leave at the rate of one (1) day for each month of service or major fraction thereof.

Part-time employees who are employed throughout the year and work on a basis of on half (1/2) a normal work week shall receive sick leave proportioned to their average work week.

When an employee is absent from work due to Sick or Emergency Leave, the employee's time off from work shall be charged to the employees accrued sick leave balance.

Temporary/seasonal and contract employees shall not accrue sick leave.

A seasonal/temporary employee who is retained as a regular full-time employee without a break in service shall accrue sick leave from date of temporary employment.

Sick Leave shall accrue from the date of full-time appointment or retroactive to date of employment for seasonal/temporary employees.

Unused sick leave shall be accumulated and available for an employee's future use.

On separation for the City's service, an employee shall not be entitled to receive reimbursement for accrued sick leave. A Tier II Police or Fire employee who elects to terminate on February 28, 2020 and reinstate on February 29, 2020 shall not forfeit their unused sick leave.

Any employee discovered misusing the sick leave privileges will be subject to discipline.

The minimum amount of Sick Leave to be charged shall be one (1) working hour. Sick Leave shall not be used to extend the date of retirement.

9. GROUP HOSPITAL AND MEDICAL BENEFITS

The City of Joplin will provide health benefits to full time regular employees and their dependents and part time employees and dependents who do not have a break in service and average thirty (30) hours per week through policies purchased either from a commercial insurance carrier, or through a self-funding program. Coverage begins on the

first day of the month following one (1) complete month of City employment. Individual employee premiums are paid in full by the City of Joplin. Dependent premiums will be paid monthly in advance and in full by the employee. Other health benefits may be available as described in the Flexible Benefit Plan and may be purchased by the employee. A Tier II Police or Fire employee who elects to terminate on February 28, 2020 and reinstate on February 29, 2020 will not have a break in service for purposes of Group Hospital and Medical benefits coverage and eligibility.

11. RETIREMENT PROGRAMS

A. Missouri Local Government Employees Retirement Systems (LAGERS) The City of Joplin participates in the LAGERS pension system and employee participation is mandatory for the following employees:

General Employees, who are not part-time/temporary working less than 1500 hours annually, will be enrolled in the LAGERS L-6 pension plan.

Sworn Police Employees and Uniformed Fire Employees hired on or after February 1, 2020, who are not part-time/temporary working less than 1500 hours annually, will be enrolled in the LAGERS L-11 pension plan.

Eligibility begins on the first date of employment. Additional information, including the plan provisions, can be reviewed at www.molagers.org

B. CITY OF JOPLIN SWORN POLICE OFFICERS AND FIREFIGHTERS PENSION PLAN

This plan is mandatory for all sworn Tier I Police Officers and Firefighters of the Joplin Police and Fire Departments and Tier II Police Officers and Firefighters of the Joplin Police and Fire Departments who elect not to transition to LAGERS on February 29, 2020. This plan was frozen to new hires effective February 01, 2020. Eligibility begins on the first day of employment. Additional information regarding the plan and the plan provisions are available on the City's intranet.

13. DISABILITY AND INCOME PROTECTION PLANS

A. LAGERS

LAGERS provides a non-duty and duty disability benefit for eligible employees. LAGERS also provides a duty death benefit. Eligibility and plan provisions can be reviewed at www.molagers.org

B. POLICE AND FIRE PENSION PLAN

The Police and Fire Pension Plan provides a non-duty and duty disability benefit for eligible employees. The Police and Fire Pension Plan also provides a non-duty and duty death benefit. Eligibility and plan provisions can be reviewed on the City's intranet.

C. LONG TERM DISABILITY PLAN

The City of Joplin provides a long-term disability benefit for all employees eligible for LAGERS. The Police and Fire Pension Plan also provides a long-term disability benefit for all employees covered by the Pension Plan. Details regarding plan benefits, eligibility, and other plan provisions can be found on the City's intranet.

18. LONGEVITY PAY

Longevity pay shall be for full-time employees based exclusively on years of unbroken continuous service. Continuous service shall be defined as uninterrupted period of service with the City that is not marked by resignation, dismissal, reduction of work force, unauthorized or unexcused absenteeism, or similar circumstances. A Tier II Police or Fire employee who elects to terminate on February 28, 2020 and reinstate on February 29, 2020 will not have a break in service for purposes of Longevity Pay.

Compensation for the number of years of service shall commence from the date of employment of the last unbroken period of employment for the number of years serviced set forth as follows:

1. Employees with an annual base salary excluding longevity of less than $30,000:

After 5 years through 10 years	$ 300 per year
After 10 years through 15 years	$ 600 per year
After 15 years through 20 years	$ 900 per year
After 20 years through 25 years	$1,200 per year
After 25 years through 30 years	$1,500 per year
After 30 years through 35 years	$1,800 per year
Each 5 year period thereafter, an additional	$ 300 per year

2. Employees with an annual base salary excluding longevity of $30,000 or greater:

After 5 years through 10 years	1% of annual salary
After 10 years through 15 years	2% of annual salary
After 15 years through 20 years	3% of annual salary
After 20 years through 25 years	4% of annual salary
After 25 years through 30 years	5% of annual salary
After 30 years through 35 years	6% of annual salary
Each 5 year period thereafter, an additional	1% of annual salary