EMPLOYEE HANDBOOK

Employee Acknowledgment

I hereby certify that I have received and read the City of Joplin's Employment Handbook and agree to abide by the policies and procedures contained herein. I understand my rights regarding reporting harassment, discrimination, safety, and other policy violations without retaliation. I understand that violations of the policies will result in disciplinary action, up to and including termination of employment.

Employee Name (Print)	Department
Employee Signature	Date

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Section 1
Introduction to Working at Joplin

Welcome to the City of Joplin team! This Employee Handbook is a resource for current and new employees, and provides an overview of who we are, what we stand for, and rules of the workplace. Should you have any questions about the handbook contents, contact your Department Director or Human Resources in person or via email at hr@joplinmo.org .

Joplin's Vision

Joplin, built on generations of people with grit and determination, is a regional hub at the crossroads of America. Our diverse community, visitors, and employers thrive because of our healthy lifestyles, exceptional neighborhoods, lifelong learning opportunities, and cultural & recreational amenities. Our community benefits from world-class health care, reasonable cost-of-living, and economic opportunity for all.

Together we are ready for anything!

Ad Omnia Parata

Culture & Community Values

At Joplin, we value respect, empathy, and professionalism towards colleagues and the community we serve. We strive for a culture of open and transparent communication, employee, and community engagement, and rewarding work that builds a strong and vibrant community. During your career with the City, we provide opportunities for professional development, community service, and recognition for a job well done. We respect the opinions of everyone on our team and actively listen to ideas and input. We also set the bar high for ethical behavior and strive to protect employees, our community, and the reputation of our City.

Joplin's Goals

As part of a community listening tour with Joplin residents, the City has adopted the following priority goals:

- Improve community appearance
- Address declining neighborhoods
- Increase economic opportunities for all
- Address homelessness
- Reduce crime and increase safety
- Create and grow resilient revenue

About This Handbook

The employee handbook is designed to provide you with important information regarding employment policies and procedures, salary and benefits, safety, expectations of you as an employee, your responsibilities to your job, and City of Joplin services and programs available to you. Please carefully read the contents of the handbook, as it is a reference to help you navigate your career.

This handbook supersedes all former memorandums, handbooks and policies issued by the City. The City reserves the right to revise, delete and add to the provisions of this Employee Handbook at any time, and will notify employees of such changes. All such revisions, deletions, additions, or amendments to the Employee Handbook must be in writing and must be signed by the City Manager. No oral statements or representations can change the provisions of this Employee Handbook.

No section of this handbook is meant to be construed, nor should be construed, as establishing anything other than an employment-at-will relationship, nor does it limit management's discretion to make employment decisions such as reassignment, change of wages and benefits, change of employment status, etc.

If any provisions of the City of Joplin Employee Handbook conflicts with any provisions of any Labor Agreement currently in effect, the provisions of the Labor Agreement shall be controlling. To the extent the provisions of the City's Employee Handbook do not conflict with the provisions of any Labor Agreement currently in effect, the Employee Handbook shall be enforceable and controlling.

Equal Employment Opportunity

The City of Joplin is an equal employment opportunity employer. In compliance with state and federal laws, we will not discriminate against anyone, including those who are recognized as a "protected class" based on race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, genetic information (including family medical history), political affiliation, military service, or other non-merit-based factors. This policy applies to all areas of employment, including recruitment, hiring, training, promotion, compensation, benefits, transfer, disciplinary action, and social and recreational programs.

We will also make reasonable accommodations in accordance with applicable laws for an employee's religious beliefs and practices. Employees may request leave time for themselves or immediate household family members who are a victim of domestic violence, sexual assault, or stalking. Requests for accommodation should be made in writing to Human Resources within forty-eight (48) hours or as soon as possible. The City may require documentation of the need for the accommodation.

It is the responsibility of every employee, at all levels, to conscientiously follow this policy.

The City also prohibits discrimination or retaliation against an employee by reason of any action taken by the employee to invoke or assist in any manner the enforcement of the Missouri Equal Pay Act. Moreover, we do not prohibit an employee from, as permitted by law, disclosing his or her wages, inquiring about another employee's wages, or aiding or encouraging any other employee to exercise these rights. Please refer to the Policy Against Sexual Harassment and Other Forms of Harassment and Discrimination for instructions on how to report discrimination or retaliation.

Americans with Disabilities Act (ADA) and Reasonable Accommodation

It is the City's policy that no program or activity administered by the City shall exclude from participation, deny benefits to, or subject to discrimination any qualified individual by reason of his or her disability as defined under state and federal laws.

Requests for accommodation shall be made in writing to Human Resources. The City may require medical certification of both the disability and the need for accommodation.

The City will make a good faith effort to review and, if feasible, provide reasonable accommodations; however, we may decline an employee's request for the following or other reasons cited by the Office of Disability Rights:

- the employee cannot or refuses to provide medical documentation of a qualifying disability;
- the accommodation will not enable the employee to perform essential job functions;
- the accommodation request poses a significant or direct threat to health and safety;
- the accommodation otherwise creates an undue hardship on the operations of the City and there is no alternative reasonable accommodation.

Harassment Prohibited

The City of Joplin is committed to providing a work environment that is free from all types of harassment and bullying. Therefore, we prohibit harassment of, or harassment from, an applicant, employee, intern, or third party for any reason based upon sex (including same sex) and/or gender; gender identity and/ or gender expression; sexual orientation; race; color; ancestry; religion; religious creed; genetic information; national origin; registered domestic partner status; and military or veteran status; pregnancy, childbirth, or related medical conditions; age (40 and older); marital status; disability; citizenship status; service member status; or any other category protected under applicable federal, state, or local law. Included in the definition of each protected category is the perception of membership in a protected category and an individual's association with an actual or perceived member of a protected category.

Additionally, Joplin does not tolerate abusive conduct or bullying toward any person in the workplace. This includes conduct in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to the City's legitimate business interests. Abusive conduct includes, but is not limited to, repeated infliction of verbal or written abuse, such as the use of derogatory remarks, insults, and epithets, verbal, or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. Harassment encompasses a wide range of conduct, all of which cannot be listed in this handbook.

This policy applies to all areas of employment, including recruiting, hiring, training, promotion, compensation, benefits, evaluation, transfer, disciplinary action, and community, social, and other activities/programs at which you represent the City. The no harassment policy also applies to interactions with non-city personnel (independent contractors, temporary employees, and volunteers). It is the responsibility of every employee, at every level, to conscientiously follow this policy.

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 Human Resources.

No supervisor or other member of management has the authority to suggest to any applicant or employee that employment or advancement will be affected by the individual entering (or refusing to enter into) a personal relationship with the supervisor or manager, or for tolerating (or refusing to tolerate) conduct or communication that might violate this policy. This is also sometimes called **Quid Pro Quo** ("something for something") harassment. Such conduct is a direct violation of this policy.

Consistent with our Conflict-of-Interest policy, Joplin also prohibits romantic or sexual relationships between a manager or other supervisory employee and an employee who reports up to them, directly or indirectly. This includes dating, romantic relationships, flirting, fraternizing, or any other in-person or virtual conduct that is sexual in nature whether on or off duty.

Non-employees are also covered by this policy. We prohibit harassment, discrimination, or retaliation of our employees in connection with their work by non-employees. Immediately report any harassing or discriminating behavior by non-employees, including contractor or subcontractor employees, or other personnel that share facilities or workplaces with Joplin employees, or whose work overlaps with that of Joplin employees. Any employee who experiences or observes harassment, discrimination, or retaliation should report it using the steps listed below.

Furthermore, we prohibit our employees from harassing citizens, vendors, suppliers, interns, independent contractors, and others doing business with the City.

HARASSMENT GENERALLY: If you have any questions about what constitutes harassing behavior or what conduct is prohibited by this policy, please discuss the questions with Human Resources. Harassment, whether sexual or based on another protected characteristic (discrimination) or neither, includes verbal, physical, and visual conduct that unreasonably interferes with an employee's work performance or creates an intimidating, offensive, or hostile working environment.

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

- Name-calling, slurs, demeaning remarks, jokes, gestures, negative stereotyping, threats, interference with an employee's working conditions or work performance, and intimidation that would reasonably be construed as hostile;
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group of individuals;
- Behavior that would reasonably be interpreted as patronizing and as undermining self-respect;
- A repeated act(s) by one employee or a group of employees that causes another employee(s) to feel reasonably threatened, bullied, or offended, whether or not the offending employee(s) has been asked to stop by the victimized employee, the offending employee's superiors, or any other employee of Joplin.

SEXUAL HARASSMENT: Sexual harassment is unlawful under both federal and Missouri state law and is expressly prohibited by the City of Joplin. Sexual harassment includes unwelcome sexual advances, requests for sexual favors or other visual, verbal, or physical conduct of a sexual nature. Any unsolicited, unwelcome, or offensive conduct that has sexual overtones about or involving a person's body, is unacceptable. Furthermore, sexually harassing conduct need not be motivated by sexual desire to violate this policy or the law.

Examples of Sexual Harassment:

- sexual comments, teasing, joking, some bantering
- suggestive gestures, sounds, whistles
- inquiries or discussions about sexual activities
- displays of sexually suggestive objects, pictures, posters, cartoons, magazines, graffiti, etc.
- pressure to accept social invitations, to lunch, to meet privately, to date, to have sexual relations
- graphic or sexually suggestive comments about a person's attire or their body
- unwanted or unnecessary physical contact or gestures of such contact, brushing up against a person in a subtle or sexual manner, pinching, grabbing, groping, fondling, kissing, licking, cornering, blocking the person's way, or stalking
- phone calls, texts, emails, social media messages of a sexual, obscene, or suggestive nature

NO RETALIATION: We also absolutely prohibit retaliation, which includes threatening an individual or taking any adverse action against an individual for (1) reporting a possible violation of this policy, or (2) participating in an investigation conducted under this policy.

WORKPLACE VIOLENCE: Violence by an employee or anyone else against an employee, supervisor, or member of management or customers will not be tolerated. If you receive or overhear any threatening communications from an employee or outside third party, report it at once. Do not engage in either physical or verbal confrontation with a potentially violent individual. If you encounter an individual who is threatening immediate harm to an employee or visitor to our premises, contact an emergency agency (such as 911) immediately.

Violation of this policy will result in disciplinary action, up to and including immediate discharge.

Harassment, Discrimination & Retaliation Reporting & Investigation Procedure

If you have any concern that our No Harassment or Equal Employment Opportunity policies may have been violated by anyone, you must immediately report the matter. Due to the very serious nature of harassment, discrimination , and retaliation, you must report your concerns to one of the individuals listed below:

1. If Applicable, discuss or report actions to your supervisor or Department Head.
2. If you are not satisfied after you speak to your supervisor or Department Head, report concerns to the Director of Human Resources.
3. If you are not satisfied after you speak the Director of Human Resources, or if you feel that you cannot speak to them, discuss your concern with the City Manager or City Attorney.

It is the responsibility of supervisors and Department Heads who observe, hear comments about, or receive complaints of harassment, discrimination, or retaliation to immediately report the complaint to the Director of Human Resources. Should the complaint be against Human Resources, notify the City Attorney, or the City Manager.

Reports of discrimination, harassment or retaliation 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.

If the City determines that inappropriate conduct has occurred, prompt action will be taken to eliminate the offending conduct. When appropriate, the City will also impose disciplinary action, up to and including termination. The specific discipline imposed, if any, shall not be disclosed to anyone other than those necessary to enforce discipline.

The investigation will be documented, and we will advise the complaining party, as well as other individuals as appropriate, of the results of the investigation and whether appropriate corrective action has been taken.

You will not be penalized or retaliated against for reporting improper conduct, harassment, discrimination, retaliation, or other actions that you believe may violate this policy.

We will not tolerate any reprisals or retaliation against anyone who, in good faith, reports known or suspected prohibited harassment or discrimination, or for appropriately initiating, assisting, or participating in any discrimination or harassment investigation, action, or proceeding. Persons who violate this or any other Joplin policy are subject to discipline, up to and including discharge. We cannot resolve a potential policy violation unless we know about it and fully support those individuals who bring inappropriate behavior to the City's attention.

Open Door Policy

The City of Joplin has an open-door policy regarding performance, feedback, advancement opportunities, and problem solving. Please direct concerns to your supervisor, Department Head, Director of Human Resources, or City Manager. If there is something bothering you about your job, we want to know about the problem so we can find a way to solve it if possible. You will not be retaliated against for raising your concerns. Should you experience retaliation, contact Human Resources. That is our open-door promise to you.

Section 2
Employment and Pay

Categories and Classification of Employment

FULL-TIME EMPLOYEES regularly work at least a 30-hour work week, or a 56-hour work week for some fire department employees.

PART-TIME EMPLOYEES regularly work less than 30 hours each week. Part-time employees may not exceed 1,499 hours in a calendar year.

SEASONAL EMPLOYEES are employed on a temporary basis or for a "season", regardless of their hours per week. Seasonal employees may not exceed 1,499 hours in a calendar year.

Part-time and seasonal employees are not included in the definitions of full-time employees, and they are typically not eligible for any employee benefits unless otherwise required by law or as specified in this Handbook.

1099 or Independent Contractor is not an employee of the City if they are a business owner or contractor who is self-employed, offers their business services to the general public and the City, has the right to control their own work (when and how it is done), and has an agreement or contract for services and payment for said services.

In addition to the preceding categories, employees are also categorized as "non-exempt" or "exempt."

NON-EXEMPT EMPLOYEES are entitled to overtime pay as required by applicable federal and state law.

EXEMPT EMPLOYEES are not entitled to overtime pay and may also be exempt from minimum wage requirements pursuant to applicable federal and state laws.

Employees of the City are divided into classified and unclassified service as follows:

- **Unclassified service** shall include the City Manager, all Department Heads, the Municipal Court Judge, the City Attorney, the City Clerk, the Public Defender, part-time and seasonal employees.

- **Classified service** shall include all positions not specifically included in unclassified service. All positions in classified service shall be filled only in accordance with the merit system rules.

Salary Administration Plan

The Salary Administration Plan is the City's job classification system in which duties and responsibilities are defined and assigned to each 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 responsibilities, qualifications, working conditions, and other compensable factors. To plan is located on the Human Resources page of City website www.joplinmo.org

The Salary Administration Plan consists of a number of pay grades containing a set number of steps within each grade. Each position is allocated to a category of work that is given a title and assigned to a pay grade. Dependent upon annual budget authority and approval, employees will progress through the steps through merit increases, progressing from one step to the next until the maximum step is reached. The Salary Administration Plan ensures that persons holding the same or similar positions in the City are compensated on an equal basis, except for pay differences resulting from years of service or longevity.

Any amendments or revisions to the Salary Administration Plan must be approved by City Council.

Job Descriptions

Job descriptions provide a clear understanding of the responsibilities and duties of each position. Each approved position shall have an approved job description that sets forth the essential functions, education, experience, grade assignment and FLSA status, along with other job-related information. The Human Resources Department has a departmental policy that outlines the ongoing maintenance of job descriptions.

Anniversary Date

An employee's anniversary date shall be the month and day of their original full-time hire date. The effective date for an employee's merit pay increase shall be granted on their anniversary date. The anniversary date shall not change from the hire date because of status changes such as promotion, demotion, transfer, or reclassification. If an employee terminates employment and is rehired after a break in service, their anniversary date will change to their rehire date.

Employee Evaluations

The primary purpose of the employee evaluation is for supervisors to communicate with employees about their job performance. The evaluation helps outline how the employee is meeting the essential functions of their position. It provides an opportunity for the employee and the supervisor to have a conversation about expected goals and tasks, as well as any future training and development opportunities. The evaluation also provides a record of the employee's performance.

Department Heads and/or supervisors shall be responsible for completing employee evaluations for all full-time employees under their direction. During the employee's first year of employment, evaluations will occur at three (3) months, six (6) months and one (1) year. Full-time employees with one (1) year or more of service shall be evaluated annually on their anniversary date. The evaluation shall be confidential. An employee may make any written statement about their evaluation, which shall be a permanent part of the evaluation. The evaluation shall be returned to the Human Resources Department for review and placement in the employee's personnel file.

Eligibility for a Merit Pay Increase

A merit pay increase is positive recognition of increased effectiveness in consistently performing the duties of the position. A merit pay increase is granted through a step increase, which represents movement through the grade system. Merit pay increases are granted to employees to encourage continued good work. A merit pay increase is not automatic and may be granted based on merit if the general economic condition permits. An employee does not acquire any right to a pay increase due to length of service.

If merit step increases are funded and approved in the annual budget, employees shall be eligible to receive a step increase based upon meritorious service and performance. If an employee receives a satisfactory or better rating on their evaluation, the employee will be eligible to receive the merit step increase. An employee's merit increase shall be granted on their anniversary date. In the event an employee's pay falls between steps for any reason, the employee will move to the next closest step in addition to one more full step on their anniversary date.

An employee whose job performance is not satisfactory and does not consistently meet required standards of performance, measured by quantity and quality, shall not receive a merit pay increase. In these instances, the Department Head will work with the employee to develop an improvement plan.

Any type of unpaid leave of absence for less than thirty (30) days shall not delay or defer eligibility for a merit pay increase. If an employee takes unpaid leave for over thirty (30) days, the employee will not be eligible for a merit pay increase until the employee is returned to paid status and remains 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 merit pay increase. Per federal law, employees on military deployment will receive merit increases.

Inflation Adjustments

Based upon economic conditions, the City Council may approve an inflation adjustment to the Salary Administration Plan. An inflation adjustment moves the entire pay plan by the amount of the adjustment, which changes the steps within the pay plan. Accordingly, employees placed within the current pay plan may receive a pay increase in the amount of the inflation adjustment on the effective date. Any employee that may be paid above the maximum pay for the position's grade, will not receive any inflation adjustment until such time as the employee's pay falls within the current grade for that position.

An inflation adjustment is not automatic. An employee does not acquire any right to an inflation adjustment due to length of service. Inflation adjustments to the entire Salary Administration Plan assist in maintaining pay relative to economic conditions to continue competitive and attractive pay for recruitment and retention efforts.

Market Salary Study

The City shall complete a market salary study of the Salary Administration Plan at least every two (2) years. As a result of the market salary study, adjustments to the Salary Administration Plan may be necessary based upon economic conditions.

Compensation Philosophy

The City Council may adopt and maintain a compensation philosophy intended to provide a broad framework to guide decisions related to pay and to help employees, management, and citizens understand that framework.

Work Periods

An employee's work period is defined as the beginning and ending of several consecutive days or hours in which the employee is required to work. For most City employees, the standard working hours are 8:00 am to 5:00 pm. However, given the nature of work completed by some departments, it is expected that certain employees may be required to be available outside of typical office hours on a regular or intermittent basis.

Certain positions, as established by federal law are exempted from overtime under the Fair Labor Standards Act (FLSA). Joplin's Salary Administration Plan lists the approved exempt positions, which is available in the Human Resources Department and online. FLSA cycles determining when overtime pay is required for the different groups of employees is detailed in the overtime and FLSA cycle section below.

Time Tracking and Overtime

All non-exempt employees are required to keep a record of their hours worked and leave time taken. Exempt employees are required to keep a record of any time off for any regularly scheduled full workday. Care should be taken to keep an accurate record of your hours worked. If for any reason you fail to record your time correctly, notify your supervisor immediately so that the error or omission can be documented and corrected. Non-exempt employees are not allowed to work off the clock or volunteer to perform job duties off the clock.

Overtime and FLSA (Fair Labor Standards Act) Cycles

When required due to the needs of the City, employees may be asked to work overtime. Overtime is actual hours worked in excess of the employee's defined FLSA cycle. Non-exempt employees will be paid overtime compensation or granted compensatory time at the rate of one and one-half (1½) times their regular rate of pay. Any paid leave time, such as holiday, vacation, sick, bereavement time, and jury duty, etc. does not apply toward hours worked for overtime calculations. All overtime work must be approved in advance by the Department Head.

FLSA cycles are defined as follows:

For **general non-exempt City employees**: Actual hours worked that exceed forty (40) hours during a seven (7) day work period. The work period begins on Saturday and ends on Friday.

For **sworn police officers**: Actual hours worked that exceed eighty (80) hours during a fourteen (14) day work period. The work period begins on Saturday and ends on Friday.

For **56-hour fire department employees**: Actual hours worked that exceed two hundred twelve (212) hours during a twenty-eight (28) day work period.

Contact your supervisor, Human Resources, or Finance for more details regarding overtime for your individual case.

Compensatory Time (Comp Time)

Compensatory time (Comp Time) may be earned in lieu of actual overtime pay for non-exempt employees. Comp time earned is calculated in the same manner as overtime pay described above. Comp time may be accrued to be used as paid leave time at a later date by employees.

The maximum comp time which may be accrued by any non-exempt employee shall be 480 hours for those engaged in public safety and emergency response within the police and fire department, 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 maximum compensatory hours subject to the approval of the City Manager.

An employee shall be permitted to use accrued comp time within a reasonable period after it is accrued, if to do so would not unduly disrupt the operations of the department. Any accrued comp time balance is paid when employment with the City is terminated for any reason.

Pay Periods and Payroll Process

Pay days shall be every other Friday for the two-week work period ending on the previous Friday. When the normal pay day shall fall on an authorized holiday, the pay day will be on the last workday prior to the holiday.

Your first paycheck will be a paper check and distributed by your Department. Subsequent paychecks will be deposited into your bank account via direct deposit unless you require a paper check instead. Paychecks will be released to the authorized department representative with appropriate signature. Or, paychecks will be released to the individual employee, in person, unless written authorization to do otherwise is given by the employee.

If an employee is involuntarily terminated, all City property must be returned prior to release of the final paycheck. Final paychecks for involuntarily terminated employees will be picked up by the employee in the Human Resources Office or mailed to the address on record.

Paycheck Deductions

Joplin is required by law to make certain deductions from your paycheck each pay period. Such deductions typically include federal, state, and Social Security (FICA) taxes. Depending on which benefits you choose, there may be additional deductions. All deductions and the amount of the deductions are listed on your pay stub. These deductions are totaled each year for you on your Form W-2, Wage and Tax Statement. When an employee's wages are garnished by a court order, Joplin is legally bound to withhold the amount indicated in the garnishment order from the employee's paycheck. Joplin will honor applicable federal and state guidelines that protect a certain amount of an employee's income from being subject to garnishment.

Call Back

Any non-exempt 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 (1½) times for each hour so spent on duty. Call back periods shall not be less than three (3) hours in length. 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(s), 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. Call back periods due to court appearance(s) shall not be less than two (2) hours in length.

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 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, this is considered hold over and 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.

Hold Over

When a situation arises that would prevent a non-exempt 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 an employee is called in to work early and works continuously through their regularly scheduled work hours, 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 approved FLSA cycle, then this time shall be calculated at one and one-half (1½) times the regular hourly rate.

On Call Time

On Call Time is when a non-exempt 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 the on-call employee 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 of pay at time and one-half (1½) 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.

Stipends

Stipends for supplemental job duties and/or skills may be approved by the City Manager, upon joint recommendation of the affected Department Head, the Director of Human Resources, and the Finance 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 position.

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 without stipend.

Out of Classification Pay

A full-time regular employee who is temporarily assigned by the City Manager or a Department Head to fully perform the normal, ongoing duties of and accept the responsibilities of a position in a higher classification for a qualifying period shall be paid five (5%) percent over his/her current pay rate or the minimum of the higher position's pay grade, whichever is higher, retroactive to the first day of the assignment. 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 to 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.

Department Heads must notify Human Resources, in writing, prior to the beginning of out of class pay. Failure to do so, will result in denial of out of class pay, and out of class pay will not be retroactive.

Qualifying period shall be at least six (6) consecutive work shifts or longer for all city employees other than 56-hour Fire Department employees. The qualifying period for 56-hour Fire Department employees shall be three (3) consecutive work shifts or longer. 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. Due to the nature of out of classification assignments for 56-hour Fire Department employees, the use of sick, vacation or floating holiday leave during the 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.

The status of the employee under the Fair Labor Standards Act (FLSA) will not change while they are 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. The City may create new job classifications; however, an employee who claims that they were working in a higher classification prior to the effective date of a newly established job classification will not be eligible for out of class pay when the new job classification describes essential duties that were previously and correctly allocated to another classification.

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.

Longevity Pay

To reward employees for dedicated service to the City, Joplin provides Longevity pay to full-time employees. Longevity pay is 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, unauthorized or unexcused absenteeism, or similar circumstances.

Compensation for the continuous 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:

- 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

- 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

Section 3
Employee Benefits

Employee Benefits

The health and well-being of our employees is our top priority. Joplin offers a comprehensive set of employee benefit programs for employees to utilize.

This Employee Handbook briefly describes the current benefit plans maintained by Joplin. Please refer to the actual plan documents and summary plan descriptions if you have specific questions regarding the benefit plan. Those documents are controlling. Certain benefits may not be available based upon the Categories of Employment as previously described in Section 1.

The City reserves the right to modify and/or terminate its benefits at any time, and we will always keep you informed of any changes.

Insurance Benefits

The City of Joplin offers the following insurance benefits to full-time employees who average thirty (30) hours per week or more: health, dental, vision, flexible spending, life, and long-term disability insurance.

For health insurance, eligible full-time employees may enroll in single or family (spouse and/or dependents) coverage.

Single employee medical premiums are paid in full by the City of Joplin. The City and employees share in the cost of dependent premiums, which are paid monthly in advance. Dental coverage is also available where the City and employees share in the cost of coverage for single and family coverage. Vision coverage is completely voluntary. Employees may enroll in single, family, spouse, and child options, paid in full by the employee.

The City also provides life insurance coverage valued at one and one-half times (1 ½) the annual base salary at no cost to the employee. Employees have the option to purchase additional life insurance coverage as set forth in the additional coverage information. Finally, the City provides long-term disability coverage.

Flexible Spending Accounts (FSAs) are reimbursement accounts that allow you to pay for certain eligible health and dependent childcare expenses with tax-free dollars. The Internal Revenue Service (IRS) determines the maximum annual contribution limits and types of eligible expenses and required receipts/reporting that must be submitted by employees to the FSA benefit administrator through the benefits portal. The election contribution is for the entire year and can only be changed under special circumstances approved by the IRS. Funds not utilized by the end of the calendar year (December 31st) will be forfeited. Employees may submit qualified expenses incurred through December 31st for reimbursement by March 31 of the following year.

Benefits coverage begins on the first day of the month following the employee's hire date. If an employee is hired on the first day of the month, their insurance benefits will begin on that day.

Employees may be eligible for special enrollment periods: annual open enrollment or when you experience a qualifying life event (QLE). For QLEs, you have 60 days to enroll in coverage. There are four (4) basic types of qualifying events. Some examples are below – for a complete list, visit www.healthcare.gov (search for QLE)

1. Loss of health coverage (if you or your dependents lose coverage) / gain eligibility for Medicare
2. Household changes (marital status change, birth or adoption, death of dependents or employee)
3. Changes in residence (new home in a new zip code or county …)
4. Other qualifying events (becoming a US citizen, gaining membership in a federally recognized tribe)

Detailed information and enrollment forms may be obtained through Human Resources. Refer to the actual plan document and summary plan description if you have specific questions regarding insurance coverage. Those documents are controlling and are available to view online.

Upon discharge you may be entitled to continuation of the group medical insurance plan in accordance with the terms of the policy and/or applicable state and federal Consolidated Omnibus Budget Reconciliation Act (COBRA) laws. You may also be entitled to convert or port life insurance coverage.

Retirement Benefits and Voluntary Supplemental Retirement Programs

Joplin offers a city provided retirement benefit and voluntary supplemental retirement programs for all eligible employees, which are an excellent means of preparing for retirement outside of social security. General information on the City's retirement and voluntary supplemental retirement programs are listed below. For more information on retirement and supplemental plans, please contact the Human Resources Department.

Missouri Local Government Employees Retirement Systems (LAGERS)

Joplin provides a retirement benefit at no cost to employees. The retirement is a defined benefit program provided through the Missouri Local Government Employees Retirement System (LAGERS). The LAGERS plan is designed to be utilized by all eligible City employees. To be eligible for the plan, an employee must work at least 1,500 hours annually for the City. There are two (2) separate LAGERS plans for the City, depending upon the covered group of employees. One plan covers general employees, and one plan covers sworn police personnel as well as 56-hour fire department employees.

Eligibility begins the first of the month following six (6) consecutive months of employment.

This plan provides several 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 benefit based upon LAGERS plan regulations.

General employees are on the L-6 LAGERS plan and contribute to social security. This retirement benefit is in addition to social security benefits. Sworn police and 56-hour fire department employees are on the L-11 LAGERS plan and do not contribute to social security. As such, there is a different benefit calculation for each plan.

LAGERS L-6 for General Employees

General Employee benefits are calculated using the following formula:

Two percent (2%) X final average salary for the highest paid consecutive sixty (60) months of your last 120 months of service X years of accredited service equals (=) monthly benefit.

Some retirement benefits of this program are:

- Full retirement at age 60 and after completion of five (5) years or more of service.
- Early retirement option at age 55 after completion of five (5) years or more of service at a reduced calculation not shown here.

LAGERS L-11 for Sworn Police and 56-hour Fire Department Employees

Sworn police and 56-hour fire department employee benefits are calculated using the following formula:

Two and one-half percent (2.5%) X final average salary for the highest paid consecutive sixty (60) months of your last 120 months of service X years of accredited service equals (=) monthly benefit.

Some retirement benefits of this program are:

- Full retirement at age 55 after completion of five (5) years or more of service
- Early Retirement option at age 50 after completion of five (5) years or more of service at a reduced calculation not shown here.

For complete retirement information, such as retirement benefit options, early retirement, disability or death benefits under LAGERS, please visit the LAGERS website at www.molagers.org or the Human Resources Department. 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 LAGERS or the Human Resources Department for a full and detailed description of the benefits available through LAGERS.

Other Voluntary Supplemental Retirement Programs

Public sector employees are also able to participate in supplemental 457 retirement programs. The approved providers are Mission Square, formerly known as International City Management Association Retirement Corporation (ICMA-RC) and Nationwide. Mission Square is a non-profit tax-exempt organization specializing in retirement plans for local government employees. Both providers offer either a tax-sheltered option or a Roth option. Supplemental retirement is administered through payroll deduction over twenty-four (24) pay periods. Contact the Human Resources Department for details regarding these programs.

Holidays

The following is a list of the paid holidays for full time employees other than 56-hour Fire Department employees:

New Year's Day	January 1
MLK Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	First Monday in September
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Day	December 25
Floating Holiday (2)	Mutually convenient for the employee and Department Head

56-hour fire department employees do not receive set holidays.

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

Part-time and seasonal employees are not eligible for paid holidays.

Joplin is supportive of employees who observe religious holidays other than Christmas. Please let your supervisor know if you wish to utilize a floating holiday to observe a holiday in addition to Christmas.

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

Floating Holidays

Eligible full-time employees other than 56-hour fire department employees receive two (2) eight-hour floating holidays granted annually on a fiscal year basis. Employees will accumulate floating holidays that are immediately available under the following schedule:

Hire Date	Floating Holidays
November 1 to April 30	16 hours
May 1 to July 31	8 hours
August 1 to October 31	None for that calendar year

Floating holidays may not accumulate from one fiscal year to the next and will be lost if not used by October 31. Earned but unused floating holidays prior to October 31 shall be payable upon separation from City service.

Floating Holidays for 56-hour Fire Department Employees

Eligible 56-hour Fire Department employees receive six and one-half (6.5) twenty-four (24) hour floating holidays (156 hours) granted annually on a calendar year basis. The usage of this time is based upon seniority and will be in periods of whole or half shifts. 56-hour Fire Department employees will accumulate floating holidays in 24-hour shifts, with leave immediately available under the following schedule:

Hire Date	Floating Holidays # of 24-hour shifts
January 1 to April 30	6.5
May 1 to August 31	3
September 1 to December 31	None for that calendar year

56-hour fire department employees may not retain more than twenty-three (23) hours of total floating holiday leave accrual at the end of any calendar year. Any unused floating holiday balance above 23 hours will be lost if not used by December 31. Earned but unused floating holidays prior to December 31 shall be payable upon separation from City service.

Vacation

All full-time employees are eligible to accrue vacation. Vacation accrual rates are determined by length of continuous service. The following schedule will determine the number of hours earned per month and yearly. Vacation accruals are earned on the last day of each month based on the accrual schedule below. New hires will not be eligible to take vacation until they have accrued one (1) full day of vacation and cannot take more vacation days than have accrued.

Please discuss vacation scheduling with your Department Head in advance. Vacation requests may be granted or declined based on the department's operating and staffing needs. Your Department Head will work with you to ensure that you can take accrued vacation time. Length of employment may determine priority in scheduled vacation times.

Vacation time is granted to employees as a benefit to help ensure employees are getting regularly scheduled time off, which is important to the well-being of our employees along with the organization. The City encourages employees to utilize their annual vacation time. In the event the vacation time is not used, employees may accumulate vacation time up to the maximum accrual amounts shown in the above tables based upon the years of service and position type. If an employee reaches the maximum accrual level no additional vacation time will be earned.

Upon termination of employment, eligible employees who have worked at least six (6) months will be paid for accrued but unused vacation with their final paycheck.

Vacation for Police and General Employees

Length of Service	Monthly Accrual	Annual Accrual	Maximum Accrual
0-9 years	6.67 hours	80 hours	160 hours
9-14 years	10 hours	120 hours	240 hours
14+ years	13.33 hours	160 hours	240 hours

Vacation for 56-hourFire Department Employees

Length of Service	Monthly Accrual	Annual Accrual	Maximum Accrual
0-9 years	10 hours	120 hours	240 hours
9-14 years	14 hours	168 hours	336 hours
14+ years	18.67 hours	224 hours	336 hours

Sick Leave

Employees, other than 56-hour fire department employees, will accrue sick leave at the rate of eight (8) hours per month of service. 56-hour fire department employees will accrue sick leave at a rate of twenty-four (24) hours per month. Sick leave may be utilized in fifteen (15) minute increments.

Sick leave can be used:

- To receive medical care, treatment, diagnosis, or preventive care;
- If the employee is exhibiting symptoms from any ailment or illness;
- To provide care or assistance to an immediate family member, when such family member is ill, injured or receiving medical care, treatment or diagnosis or preventative care; Immediate family members include spouse, parents, siblings, children, including step and half-relations for these mentioned family members, or any other relative living with the employee;
- If the employee is a victim of domestic violence, sexual assault or stalking and needs time off for medical reasons or other reasons related to the employee's physical or mental health, safety, and welfare and/or that of the employee's dependents.

If an employee exhausts their sick leave accrual and other available accrual time, any subsequent sick leave will be unpaid. An employee may be eligible to apply for Care Leave as set forth below, in the event of a life-threatening or catastrophic illness or injury.

The value of any accrued and unused sick leave will not be paid to employees at the end of each year or at the end of an employee's employment with the City. Joplin requires employees, when possible, to provide reasonable notice for the use of paid sick leave. Appropriately used sick leave will not be considered when determining whether an employee has excessive absences from work.

Incentive for Perfect Attendance: Sick Leave Buyback for 2,080-hour employees

Eligibility:

If no sick leave is used during a six-month period, an employee shall be allowed to either receive pay for eight hours or an eight-hour day off with pay as a reward for perfect attendance. Employees will be allowed to make the election for pay or an additional day off for each six-month period of perfect attendance. Employees in certain departments may be required to take pay during those times when manpower scheduling dictates, at the sole discretion of the Department Head. This benefit will be subject to applicable federal and state taxes. The six-month period is defined as November 1 to April 30 and May 1 to October 31, thereby granting up to two eight-hour (8) days per fiscal year. The employee's sick leave balance will be reduced by eight (8) hours for this benefit.

For the purposes of being eligible to receive this incentive, two occurrences of sick leave usage will not apply in determining perfect attendance:

1. Funeral leave for family members as set forth in this handbook;
2. Scheduled doctor or dental appointments (employees will be allowed a total of four (4) hours for each defined six-month period for these appointments)

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, 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. If an employee elects a day off, it must be approved by the supervisor and the day must be used within the next six-month period.

***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 for which they elect to receive payment.

Incentive for Perfect Attendance: Sick Leave Buyback for 2,912-hour employees

For fire department employees who work 2,912 annually, the eligibility, usage and elections for the sick leave buyback incentive are the same as set forth above for 2,080-hour employees, except the incentive amount is for twenty-four (24) hour increments rather than eight (8) hour increments.

Care Leave Program

Joplin operates a Care Leave Program designed to provide supplemental paid leave to employees who have exhausted all 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 Committee created under this policy, then contact Human Resources.

Employees with excessive absences or who abuse leave time are not eligible for Care Leave. 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 and Medical Leave Act.

Eligibility: full-time employees no longer on probation plus the following criteria:

- The requesting employee is not on unpaid disciplinary status during the period requested for Care Leave;
- The requesting employee has exhausted all their accrued leave;
- The requesting employee has experienced a personal injury or illness (to himself/herself or an immediate family member) which is life threatening or catastrophic;
- The requesting employee need not have contributed to the Care Leave fund to be eligible for Care Leave;
- There are available hours in the Care Leave pools; and
- The requesting employee has not abused or misused sick leave in the past calendar year. Human Resources and the Finance Department will review the employee's sick leave usage Department Head and report the findings to the Committee.

Catastrophic illness or injury means an illness or injury that is expected to incapacitate the employee and requires them to take time off from work for an extended period (a minimum of ten (10) consecutive workdays) and creates a financial hardship for the employee because they have exhausted all sick leave and other paid time off. To be defined as catastrophic, an illness or injury must be seriously incapacitating, of extended duration, and require the services of a licensed health care provider.

Care Leave Sick Time Donations

Any employee may donate accrued sick leave into the Care Leave pool for use by other City employees. Sick leave contributions must be donated at a minimum of four (4) hours and maximum of forty (40) hours per calendar year.

Fire Department employees wishing to donate must donate a minimum of twelve (12) hours. The maximum donation for Fire Department employees is seventy-two (72) hours per calendar year.

Employees may donate to the Care Leave pool by submitting a Care Leave Donation form to Human Resources. Contributions made to Care Leave shall not subsequently be returned to the donor.

Care Leave Requests

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 Human Resources. Human Resources shall, upon receipt, forward a copy to 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 short-term disability will be permanent. If the disability is permanent, Human Resources will work closely with the employee to discuss the employee's application for long-term disability benefits and/or LAGERS disability options. Any failure to comply with these procedures may result in the denial of the Care Leave request based upon a finding of noncompliance.

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

- 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 but shall be awarded in 30-day increments.
- 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.
- The Care Leave Committee has the right to require an updated medical statement no less than every 30 days from an employee as needed to fulfill the purposes in this policy.

- Any amount of Care Leave granted for the month, but not needed, will be returned to the pool.
- Employee may continue to 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.
- An employee who uses Care Leave from the pool is not required to pay back the time received to the Care Leave Fund.

Employee Assistance Program (EAP)

The City offers a sponsored Employee Assistance Program (EAP) designed to provide employees and their family members with six (6) free professional and confidential services and consultation that can help improve their quality of life. After six sessions, employees are responsible for the costs of future sessions. Some of the personal concerns for which assistance is available include, financial, legal, marital, emotional, alcohol or drug abuse. For more information on the Employee Assistance Program, please contact Human Resources.

Citizenship Leave

JURY DUTY AND WITNESS LEAVE

Employees summoned for jury duty or who have been subpoenaed to appear as a witness are granted leave to serve, provided they give reasonable advance notice to their supervisor. Joplin reserves the right to request proof of jury service issued by the Court upon return. Employees should make arrange with their supervisor as soon as they receive a jury summons or witness subpoena.

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

VOTING LEAVE

Joplin encourages all employees to vote in all elections. Employees are allowed to take up to three paid hours off to vote unless they have three consecutive hours off work while the polls are open. Employees must give their supervisors notice that they will need this time off prior to the date of the election.

BEREAVEMENT LEAVE

Full-time employees are eligible for up to five (5) paid days for the death of Immediate family members to include spouses, fiancé or fiancée, parents, siblings, children, grandchildren, grandparents, parents-in-law, or 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.

In the event of the death of a City employee, employees of the City may be granted four (4) hours of bereavement leave provided 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) unpaid days to attend the funeral of a person in the employee's family; for employees engaged in firefighting or related duties, the maximum time off shall be two (2) unpaid 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 Director of Human Resources. However, in no event is this maximum leave time automatic.

Bereavement Leave will be deducted from an employee's accrued sick leave balance. Any employee discovered misusing bereavement leave will be subject to discipline.

FMLA (Family and Medical Leave Act)

FMLA entitles eligible employees of covered employers to take job-protected leave for personal or specified family member's serious health conditions with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

An FMLA serious health condition generally involves a period of incapacity. **Incapacity means** an individual is unable to work, attend school, or perform other regular daily activities because of the serious health condition, due to treatment of it, or for recovery from the condition. For more information and examples about the FMLA definition of a serious health condition, **see FMLA Fact Sheet #28P**.

Eligibility

Eligible employees who meet FMLA qualifying criteria and worked at least 1,250 hours during the previous 12-month period are entitled to:

- Twelve (12) workweeks of leave in a 12-month period for:
    - the birth of a child and to care for the newborn child within one year of birth;
    - the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
    - to care for the employee's spouse, child, or parent who has a serious health condition;
    - a serious health condition that makes the employee unable to perform the essential functions of his or her job;
    - any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty" or
- Twenty-six (26) work weeks of leave during a single 12-month period to care for a covered servicemember (with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave).

Substitution of Accrued Leave Time

The City of Joplin requires employees approved for FMLA to substitute accrued leave time for unpaid FMLA leave. If no accrued time is available, leave time will be unpaid.

Continuation of Benefits

The use of FMLA will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave. Employees utilizing accrued leave time during FMLA will have their health benefits coverage maintained during the leave period on the same terms and conditions as if the employee had continued to work. Employees who do not have available accrued leave time will be required to continue to make applicable premium payments and/or contributions to maintain existing health, dental, flexible spending, vision and optional insurance coverage. Make payment arrangements directly with the Finance Department. Military service members who are being deployed, see the Military Leave section below.

FMLA Coverage Period

In all cases where applicable, leave will be designated on the employee's timesheet or pay record 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. For example, if an employee utilizes FMLA leave on July 1 of a calendar year, they will be provided with up to twelve (12) weeks of FMLA leave until the following July 1, at which point a new FMLA period will begin.

Eligibility and Approval

Employees must be employed by the City of Joplin for at least twelve (12) months and have worked 1,250 hours in the previous 12-month period to be eligible for FMLA.

Notice of FMLA Requested Leave

When the need for leave is foreseeable, the employee must provide Human Resources and their supervisor notice thirty (30) days prior to taking leave. For emergency leave, notify your supervisor and Human Resources as soon as practicable. For military leave, employees must provide notification to their Department and Human Resources as soon as they become aware of an impending call or deployment order.

Upon notifying Human Resources of your FMLA request, certification Forms must be submitted to Human Resources within 15 calendar days. **Contact Human Resources for the correct forms.**

If the employee is incapacitated and incapable of providing notice, a family member or personal contact may contact the employee's supervisor. The supervisor must notify Human Resources immediately so that certification forms can be provided to the employee's medical provider.

Documentation

Employees are required to provide certification showing the need for FMLA if the duration of the leave is more than seven (7) consecutive days. An employee's right to take (or continue, if already underway) FMLA leave may not be granted until the required certification is submitted to Human Resources.

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 (typically in 30-day intervals) relating to the employee's or family member's serious health condition.

Human Resources will review the employee's work time eligibility (12 months/1250 hours) and documentation provided by a licensed healthcare provider. Human Resources will notify the employee, in writing, of their approval or denial of FMLA and reasons using designated FMLA notification forms and notify supervisor of the decision, plus start and anticipated end of leave time, if approved. An employee may take only the amount of FMLA that is necessary (per medical or military certification) to manage the circumstances that prompted the need for FMLA qualifying leave.

When an employee has been previously certified for leave due to more than one FMLA-qualifying reason in a 12-month period, Human Resources will require additional information for which qualifying reason the leave is needed. The employee is not entitled to an additional 12 work weeks until the previous 12-month period ends. Failure to provide certification or to respond to reasonable inquiries regarding the leave request may result in denial of FMLA protection if it cannot be determined that leave is FMLA-qualifying.

Incapacity to Provide Notice

If an employee and their personal representative are physically or mentally incapable of invoking the employee's entitlement to FMLA leave during the entire period in which the employee is absent from work for an FMLA-qualifying purpose, the employee may retroactively invoke their entitlement to FMLA leave within five (5) workdays after returning to work. In such cases, the incapacity of the employee must be documented by a written medical certification from a health care provider. In addition, the employee must provide documentation acceptable to the City explaining the inability of their personal representative to contact the City and invoke the employee's entitlement to FMLA leave during the entire period in which the employee was absent from work for an FMLA-qualifying purpose.

Intermittent Leave or Reduced Leave Schedule

Intermittent leave or leave on a reduced schedule must be medically necessary due to a serious health condition or a serious injury or illness. 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. (Source 29 CFR § 825.102)

Return to Work

Employees who take FMLA leave for their own serious health condition or military deployment for over two (2) consecutive weeks must successfully pass a fitness-for-duty (return to work) medical certification to be reinstated to employment. For leave over 30 days for employee health conditions, a drug screen is required. Non-FMLA absences of more than 60 days require a return-to-work drug screen. Upon return from FMLA leave, employees are entitled to be reinstated to their same or equivalent job and pay.

Failure to return to work at the conclusion of the leave period, may result in loss of employment, pay, and benefits, as per Joplin's Abandonment policy. In such cases, employees will be liable to the City of Joplin for payment of the City of Joplin's share of health insurance premiums along with any other benefit coverage premiums paid by the City during the leave period to maintain these coverages. Loss of employment status and the insurance repayment obligation may be imposed unless the failure to return to work 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 the employee's control.

Employees on FMLA leave must provide updates to their supervisor and Human Resources concerning their expected return to work date and medical documentation of work restrictions to determine whether reasonable accommodations can be made. For additional information or to obtain forms, contact Human Resources.

Military Leave

Consistent with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), we are committed to protecting the employment rights of employees absent on military leave. No employee will be subjected to discrimination, retaliation, or adverse employment action because such person has exercised their rights under this policy. If any employee believes that they have been subjected to discrimination in violation of this policy, the employee should immediately contact Human Resources.

Eligibility

An eligible employee who is the spouse, child, parent, or next of kin of a covered servicemember may use up to 26 workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness. Actual military servicemembers are entitled to the following benefits:

Short-Term Military Leave

Employees participating in temporary military duty are entitled to as many as fifteen (15) days paid military leave per year. All benefits will continue during this service leave time. Employees who have questions regarding Military Leave, or anticipate using the leave, should notify their supervisor and contact Human Resources for required paperwork and benefits coordination.

Extended Military Leave

Employees who participate in extended military duties in the U.S. Armed Forces, whether voluntary or ordered to do so, 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.

Employees should provide as much advance notice as possible to their department and Human Resources (either verbally or in writing) if they have knowledge of upcoming military service or deployment. Employees on military leave may, at their option, use any or all accrued paid vacation or personal leave during their absence.

Employees serving military leave of 30 days or less, shall notify Human Resources and their supervisor of a return-to-work date within the applicable re-employment period*, so that a fit for duty evaluation can be scheduled. For military leave more than 30 days, the employee shall reapply for re-employment within the time periods listed below or notify their supervisors of their intent to resign. Supervisors shall notify Human Resources if the employee is not returning to work. ***Employees shall not return to work until cleared to do so after the fit-for-duty evaluation.***

Re-employment

When the employee returns to work, they are entitled to the same position, pay and benefits as if they had not left. An employee who has engaged in military service for more than thirty-one (31) days must, to be entitled to reinstatement rights, must apply for re-employment using the time limits listed below. Once an employee has knowledge of their military service end date, they must contact Human Resources for more details on the reinstatement process. *If an employee on Military Leave fails to contact Human Resources to apply for reinstatement within the time periods listed below, barring any extenuating circumstance, they may be at risk of job abandonment.*

For service of less than 31 days, employee must return at the beginning of the next regularly scheduled work period on the first full day after release from service, considering safe travel home plus an 8-hour rest period.

For service of 31 days to 180 days: must apply for re-employment within 14 days of release from service.

For service of more than 180 days, must apply for reemployment must be submitted within 90 days of release.

Benefits During Military Leave

HEALTH COVERAGE: If an employee is absent from work due to military service, they can elect to continue benefit coverage for themselves and their dependents for up to 24 months (2 years). The City will continue health coverage for up to 31 days. After 31 days, the employee will be responsible for all costs.

Even if the employee does not elect to continue coverage during their military service, they have the right to be reinstated in the City's health plan when they are re-employed, without any waiting periods or exclusions except for service-connected illnesses or injuries.

LIFE/DISABILITY INSURANCE: Prior to military leave, employees shall have the option to lapse or continue their coverage. For continued coverage, the employee will be responsible for paying the monthly premiums while away on long-term military leave. If the employee elects not to continue life and disability insurance, coverage will be reinstated upon the employee's return to work. LAGERS and the Police and Fire Pension Plan will be suspended the day the employee becomes active military.

VACATION/SICK LEAVE do not accrue while on military leave of absence status. Their balance is maintained until their return and reactivated at that time. An employee's seniority date will not be affected due to Military Leave. If, because of length of service, the accrual accumulator has increased, it shall be immediately increased upon the employee's return. Per USERRA, while an employee is on deployment, they will receive the same merit raises that other employees receive as if their employment had never been interrupted and according to the City's established employment policies.

RETIREMENT PLAN: Upon re-employment after taking military leave, time spent in military service will be credited for vesting, and as not having incurred a break in service. The service member can choose to make any or all retirement contributions they would have been eligible to make had their 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.

Along with re-employment application, service members will be required to provide Human Resources with military discharge documentation or training certification completion that establishes the length and character of the employee's military service. Military service members who are dishonorably discharged are not eligible for re-employment rights. See 20 CFR § 1002.135

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.

Reasonable Accommodations

The City will make every effort to reinstate employees who return to work from military service to their same or equivalent job and pay. If an employee suffers a service-connected disability, the City will make every good faith effort to provide reasonable accommodations as per USERRA law and the ADAA. If an employee is unable to perform the duties of their job due to a service-connected disability, the City will make every good faith effort to identify a different position of similar seniority, status and pay for which the employee is qualified or could become qualified.

Parental Leave (Maternity and Paternity)

The City of Joplin is a family friendly organization and supports employees in the care of their children. For expecting and adoptive parents, the City of Joplin will provide up to a maximum of six (6) weeks of paid parental leave to eligible employees (regular full-time employees) following the birth of an employee's child or the adoption of a child from birth to age 17 years old. This provision does not apply to the adoption of a stepchild by a stepparent or the placement of a foster child.

This policy provides eligible employees with a period of paid time off for activities related to the care and well-being of their newborn or adopted child within one (1) year of the event. Leave is granted only once during a 12-month rolling period.

Employees are permitted to use the paid parental leave first before exhausting any accrued sick or vacation time. If any additional time away is needed consistent with this policy, employees may use any accrued sick or vacation time thereafter.

The use of paid parental leave or accrued sick or vacation time under this policy will run concurrently with leave under the Family and Medical Leave Act (FMLA). Employees are to contact Human Resources regarding FMLA eligibility.

If both parents are City employees, they will share a total of six (6) weeks leave and coordinate their leave time.

Coordination with Other Policies

The City will maintain all benefits for employees during the paid parental leave period just as if they were taking any other paid leave such as paid sick leave or paid time off. Payment for Paid Parental Leave will be paid on the employee's regular payroll dates.

If a City holiday occurs while the employee is on paid parental leave, such holiday(s) will not extend the total paid parental leave entitlement, and the employee will not receive additional holiday pay for the day.

Pregnancy and Lactation Accommodation

PREGNANCY: Joplin will provide reasonable accommodations for pregnancy, childbirth, and related medical conditions consistent with our ADA and Reasonable Accommodation policy. Please inform your supervisor if you require reasonable accommodations.

LACTATION: The City fully supports employees who require accommodation for pumping breast milk. We will provide a private, clean, and adequately equipped location for this purpose. The designated area shall be:

- Preferably near the employee's work area
- Not be a bathroom stall
- 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 others
- 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, and an electrical outlet
- Ideally provide nearby access to clean water

If this is not practical or possible, a vacant office, conference room, or other small area shall 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 City shall provide a reasonable amount of break time to accommodate an employee for these purposes.

It is the department's responsibility to:

- Maintain cleanliness of the room or location for the use by 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.

It is the employee's responsibility to:

- Give supervisors advance notice of the need for lactation accommodations, preferably 30 days prior to their return to work following the birth of the child. This will allow supervisors the opportunity to establish a location and arrange scheduling.
- Maintain the designated area by wiping surfaces with microbial wipes so the area is clean for the next user.
- Ensure the safekeeping of expressed breast milk stored in any refrigerator on the premises. Breast milk can be stored in a general refrigerator, in a refrigerator provided in the lactation room, or in the employee's personal cooler.

Stationary lactation rooms provide necessary on-site accommodations and are available for use at the following locations:

- Joplin City Health Department/WIC Office
- Joplin City Hall
- Contact your supervisor about locations in your department

No employee will be retaliated against for exercising the right to request accommodation for lactation. Employees should reach out to the Human Resources Department if they are facing any challenges or retaliation regarding lactation needs or would like to request additional lactation locations. Any act found to be intentional that invades a nursing mother's privacy shall be treated as a disciplinary offense and reported to the supervisor or Human Resources.

Victims Economic Safety and Security Leave (VESSA)

Under the Missouri Victims Economic Safety and Security Act (VESSA), the City will provide employees who are victims of domestic or sexual abuse to take up to two weeks of unpaid leave in a rolling 12-month period. Employees are also able to utilize this leave if their family or household member is a victim of abuse. VESSA shall not create a right for an employee to take unpaid leave that exceeds the amount of unpaid leave time allowed for under FMLA.

Employees are eligible to utilize the VESSA unpaid leave by:

- Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;
- Obtaining services from a victim services organization for the employee or the employee's family or household member;
- Obtaining psychological or other counseling for the employee or the employee's family or household member;
- Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or to ensure economic security; or
- Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

Employees seeking leave under VESSA must provide their employers with at least 48 hours' advance notice of the intention to take leave, unless giving notice is not reasonable. Leave may be used intermittently or on a reduced work schedule per the law.

Joplin reserves the right to request employees provide proof that they or their family or household member is a victim of domestic or sexual violence, and that the leave is for one of the qualifying reasons set forth above. If requested, the employee must provide this proof (medical or treatment documentation, police report…) within a reasonable period, which is typically one week.

This leave will be unpaid. However, affected employees may use any available vacation, compensatory time, floating holidays, or sick leave.

Employee Wellness Program

The Joplin Health Nuts is an employee-based group that leads the effort in assisting city employees and their dependents to be healthy and active to help contain the overall costs of insurance benefits to the City and the employee. The Health Nuts develop the employee wellness program through input received from employees. The City's employee wellness program is called "WOW"-Working on Wellness.

The WOW program changes annually and is based on granting incentives for certain wellness initiatives or activities. The City's health insurance third-party administrator (TPA) is responsible for the tracking of the initiatives or activities for prizes to be awarded to city employees.

City of Joplin Exercise Facility

The City of Joplin provides a fully equipped exercise facility in the basement of City Hall for city employees and their dependents to utilize at no cost to the employee. Rules of the exercise facility are available online through the Joplin Health Nuts.

Education Assistance Program

Purpose

The City of Joplin is committed to the career development of our employees to enhance the ability for advancement opportunities in the organization. Through this program, the City offers educational assistance to regular full-time employees pursuing studies through accredited institutions for higher learning and/or trade schools. An annual pool of funds for this program is adopted in the budget and approved by the City Council. The course(s) or degree being sought must relate directly to the employee's career development within the City of Joplin. Participation in this program shall be solely on the employee's own time.

Eligibility

To be eligible for education assistance, employees must:

- Have completed one year of service at the City of Joplin;
- Be actively working at the City during the school/course semester;
- Perform satisfactorily in their job role (performance evaluation score of 2.8 or higher);
- Provide a completed and approved application signed by the Department Head;
- Achieve a passing grade (pass in a pass/fail program or grade C or higher);

Eligibility for reimbursement will cease for any classes/courses that are not completed by the employee's last date of employment with the City.

Covered Expenses

The City will reimburse tuition in an amount not to exceed the current in-state undergraduate tuition fees charged by Missouri Southern State University. Based on available funding, education assistance per eligible employee may not exceed $5,000 annually. Covered expenses include:

- Tuition and up to 50% of the cost of books
- All required courses and electives for a degree program directly related to the employee's career development

Master's classes will not be considered for reimbursement unless (1) there are available budget dollars after reimbursement for any undergraduate applications and (2) it is required for the career development of that employee.

Ineligible Expenses

College, graduate school and post graduate degree preparation courses and fees related to college entrance (ex. SAT, ACT, GRE, MCAT, LSAT…) are not covered under this policy. Industry training, professional development and continuing education classes are not covered under this policy, but instead fall within departmental budgets.

Application Procedures

Eligible employees who wish to apply for education assistance are required to:

1. Complete the education assistance form and meet with their supervisor and/or Department Head to obtain written approval from the Department Head at least 30 days prior to enrolling in courses.
2. Employees must provide a copy of the course description from the school, the degree being sought for elective classes (if applicable), the cost of tuition and books, and the proposed start and completion date.

The Department Head must sign the form to indicate approval, then send it with supporting documents to Human Resources at least 20 days prior to the start of the class/course.

Reimbursement Procedures (grade C or above or Pass prorated up to the maximum of $5,000 annually)

Employees approved for education assistance will be notified, in writing, by Human Resources. To receive reimbursement, the employee must provide the following to Human Resources:

- An official transcript of successful course completion (pass, or grade C or higher); and
- Proof of payment for tuition and books (Note: The City will only reimburse expenses not covered by other educational benefits, such as grants, scholarships, military education assistance)

*Should an employee **not** receive a passing grade of C or higher, or pass in pass/fail coursework, they will **not** be eligible for reimbursement under this program.*

All employees that complete these requirements will be placed in a pool for reimbursement on a pro-rata basis of the total amount being requested to the total amount of education assistance budget available. This will ensure that all employees eligible for this benefit will receive some reimbursement up to the maximum allowable annual allotment.

Once the applications are submitted, Human Resources will calculate the maximum eligible amount of reimbursement for each employee for that semester, which will be included in the approval notification. The maximum eligible amount may increase if any approved employees do not complete the reimbursement procedure requirements. However, the maximum eligible amount will not decrease.

Tuition Repayment

An employee who receives education assistance must complete at least two (2) years of service with the City after satisfactory completion of the last course taken. Employees who leave employment within 2 years of course completion must repay the City of Joplin on a pro-rata basis based on one-twenty-fourth per month. The employee must meet with finance to develop a written and signed repayment agreement.

Section 4
On the Job

Hiring Process

Request to Fill Vacancy and Job Posting

The Department Head or Supervisor will notify Human Resources of the need to fill a vacant position. Human Resources will advertise to fill the vacancy using any combination of internal and/or external advertising methods. Vacant positions will be advertised in the best, most cost-effective method to attract qualified applicants. Human resources shall email any new job posting to current employees or provide postings to department employees that do not have access to email.

Application for Employment

Applications for employment with the City shall be submitted to and retained by the Human Resources (HR) Department. HR shall maintain an application file of names, addresses, and dates of application of all applicants by position. Applications, resumes and interview notes, will be maintained by the City for no less than one year.

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 certain 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 employees are required to successfully complete these examinations along with a complete background check. Part-time and seasonal employees are required to successfully complete the same requirements as full-time positions that perform the same duties. The Human Resources Department shall coordinate pre-employment requirements.

New Hire

The Department Head and/or Supervisor, with the Human Resources Department, shall review the applications, select the qualified applicants, and interview the final candidates. The finalist shall be selected by the Department Head and/or Supervisor.

Current City employees shall be treated the same as external applicants concerning filling vacant positions. When qualifications are equal, consideration shall be given to disabled veterans or military service members who can provide documentation showing honorable discharge from the Armed Forces of the United States.

Upon notification by the Department Head and/or Supervisor, 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 proceed with pre-employment background checks and fit for duty screenings.

The City will have flexibility in starting pay for new hires based upon experience directly related to the open position based upon the salary placement guidelines. Human Resources will negotiate the starting pay of the candidate up to the step approved by the Department Head.

The Salary Placement Guidelines are intended to provide Department Heads with the framework they need to establish and maintain fair and equitable salaries in managing the workforce. Establishing a starting salary for a new employee requires careful consideration. The City will take into consideration the step placement of current employees in the same position, along with the candidate's experience and skills when determining the maximum starting pay rate.

For higher starting pay, the candidate's qualifications should exceed the minimum required in the job description and/or the candidate's experience must be directly related to the essential functions of the position being filled.

Department Heads will also take into consideration the overall budget impact, including the impact on future wage increases for the entire City, of a candidate's starting pay. These guidelines apply to new hires and re-hires.

Before establishing the starting salary of a new employee, consider each of the following factors:

- Candidate's qualifications compared to the position requirements;
- Candidate's experience related to the essential functions of the position;
- Recruiting difficulty, such as size of qualified applicant pool, length of recruitment, etc.;
- Market compensation rates for similar positions;
- Comparable internal salaries;

Any Department Head requesting the ability for Human Resources to negotiate higher than step 1 starting pay must justify the request and it must be approved by the Human Resources Director. The justification must include the candidate's documented experience related to the essential functions of the position, qualifications compared to the position requirements, certifications, and skill level compared to employees who are currently performing in these roles. The Human Resources Director will substantiate the justification and authorize the negotiation up to an agreed upon maximum starting pay.

The maximum step offered will correspond to the years of experience directly related to the essential functions of the position being filled. Entry level and non-supervisory positions shall not exceed the midpoint of the position's grade. Professional and supervisory positions may be offered above the midpoint of the position's grade. Use the guidance below for considering compensation offers:

- **Steps 2-3:** This range is intended for individuals who have some related experience, two (2) to three (3) years of experience in the same or comparable position.
- **Steps 4-9:** This range is intended for employees who have gained considerable experience and skill and who have achieved proficiency in the position/field through four (4) to nine (9) years of experience.
- **Steps 10-14:** A fully experienced employee might be paid at this level, with ten (10) to fourteen (14) years of related experience.
- **Steps 15 to Maximum:** This range is normally reserved for individuals who have extensive experience/subject matter expertise with up to fifteen plus (15+) years of experience.

Rehire

When an employee leaves 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. Certain 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.

New Hire Orientation

Each employee shall attend a New Hire Orientation scheduled by the Human Resources Department to provide an overview of the City, employee benefits, and policies. This is mandatory.

Mandatory Training

The City of Joplin is committed to providing compliance, safety, or other training to protect employees, City facilities, property, assets, and cyber security. Required mandatory training may be assigned at the directive of the City Manager, Human Resources, or Department Director, and must be completed to be compliant with federal, state, local laws, and ordinances. Employees will be provided advanced notice of new training topics, assigned digital and/or in person training and will receive reminders to complete training by a specified deadline. **Employees who are on a leave of absence such as FMLA, military, or other leave will be required to complete training upon return to work.**

Example of Mandatory Training			
Training Topic	Administrator	Interval	Applicable Employees
Cyber Security Training	Mark Morris - IT Director	Annual	All Computer Users

Human Resources will assign mandatory safety, anti-harassment, anti-discrimination training for seasonal, new, and rehired employees prior to starting work. For all other City employees, mandatory compliance training will be assigned on a quarterly basis via email with instructions for accessing and completing training, and a deadline for completion. If necessary, those departments whose employees do not have email access may conduct a group training. A sign in roster will be provided by Human Resources that will contain the topic, date, department, and sections for the employees and supervisor or Department Head to print and sign their names. Rosters shall be submitted to Human Resources within 2 business days of the training completion. Human Resources will notify Department Heads of employees who have not completed training within two weeks of the deadline. Failure to complete mandatory training may result in disciplinary action.

Probationary Period

Unless otherwise specified in an employment contract, all new Joplin employees will be subject to a probationary period. This period is utilized for closely observing a new hire's work and to ensure a strong fit for both the new hire and the City.

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.

The probationary period shall begin on an employee's first day of work. The probation or qualifying period may be extended for one (1) to six (6) months if deemed necessary by the Department Head, to complete training or address performance issues.

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.

An employee who is promoted or transferred to another department prior to completing a probationary period shall not begin a new probationary period but must complete the original probation period. Any such employee shall have no grievance/appeal privileges until a probationary period is successfully completed.

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.

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 designation as Police Officer, a new probationary period of six (6) months shall begin.

Any employee hired as a **Firefighter/EMT Trainee** shall begin the probationary period upon entering Academy Training and shall continue until such time as they

successfully complete Academy Training and move to Firefighter/EMT. When the employee moves to Firefighter/EMT, a new probationary period of six (6) months shall begin.

Dismissal during Probationary Period

At any time during the probationary period, the Department Head may remove an employee, if they determine that the 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. No grievance or appeal is allowed.

Administration

Prior to the expiration of an employee's probationary period, the Department Head shall complete an employee evaluation and notify 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 terminated from employment. Employees who satisfactorily complete their probationary period shall be entitled to all rights and benefits applicable to such employees under the City Charter and Code. 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 retirement programs, longevity, vacation, and other fringe benefits.

Failure of the probationary employee's department to notify 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. If notice is not given to Human Resources and the employee is not terminated prior to the expiration of the probationary period, the employee is no longer on probation.

Change in Employment Status

Performance and Promotion Process

Joplin provides employees with promotions, when feasible, based on merit and qualifications. All employees must complete an application to be considered for promotion.

When considering granting promotions, the City will factor in relevant experience, education, consistent past performance, and demonstrated capability in meeting the new position's requirements.

A promotion occurs when an employee moves to a position that is in a pay grade higher than the pay grade of the current position held by that employee. Upon promotion, an employee shall receive at least a ten percent (10%) pay increase that falls within the new position's pay grade. The employee shall be placed on the closest step in the new pay grade that grants a ten percent (10%) pay increase.

A promotion shall not 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.

Trainee Status

An employee moving from a Police officer trainee to Police Officer or Firefighter/EMT trainee to Firefighter/EMT is not considered a promotion, lateral transfer, or reclassification. It is a change in status that places the employee at Step 1 of the appropriate grade for Police Officer or Firefighter/EMT.

Lateral Transfer

A lateral transfer is a position change by an employee within the same pay grade as the current position held by the employee. A transfer shall not cause a change in the employee's anniversary date and there will be no change in the rate of pay of the employee.

Demotion

A demotion occurs when an employee moves to a position that is in a pay grade lower than the pay grade of the current position held by that employee. Demotions may be voluntary or involuntary. Voluntary demotions occur when an employee applies and accepts such position. Involuntary demotions must be requested by the Department Head then approved by the Director of Human Resources.

An employee may be involuntarily demoted to a position for which the employee is qualified for any of the following reasons:

- An employee does not meet the necessary qualifications of the position;
- An employee's unacceptable actions or behaviors are such that the employee can no longer perform the requirements of the position;
- An employee's unsatisfactory performance or failure to attain job-related goals;
- An employee's failed performance improvement plan;
- A necessary reduction in the work force; or
- Increased efficiency of City operations.

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

- If the pay rate received in the higher pay grade is more than the maximum of the lower pay grade to which demoted, the pay rate shall be reduced to the maximum pay rate of the lower pay grade.
- If the pay rate received in the higher pay grade is within the grade of the lower pay grade to which demoted, the pay rate will remain unchanged.

A demotion shall not cause a change in the employee's anniversary date.

Reclassification

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. Reclassifications shall not be used for the sole purpose of increasing or decreasing the pay of a position.

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 in a higher or lower pay grade based upon the compensable factors of the reclassified position. A position reclassification will not affect the annual pay review process or an employee's anniversary date.

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

- If a position is reclassified to a higher pay grade, the provisions governing promotion shall be used to establish the pay rate.
- If a position is reclassified to a lower pay grade, the provisions governing a demotion shall be used to establish the pay rate.

Reduction in Force (RIF) and Layoffs

Reduction in force or 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.

Upon City Manager approval, Human Resources shall give employees as much advanced notice as possible.

Internal Vacancy during a Reduction in Force or Layoff

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 Human Resources of any vacancy at the City within five (5) working days after the reduction in force or layoff notification has taken place.

Employees must complete an application within five (5) working days after the vacancy notification. The application will be reviewed by the Human Resources Department and the Department Head in which the vacancy exists. If 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.

Recall

Recall provisions do not apply to part-time or seasonal employees of the City. 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 based on job performance, skills, and seniority. An employee will be retained on a recall list for 180 days after the effective date of the layoff. Upon recall, the Human Resources Department will notify the employee(s) by email, phone, or other reasonable means available. If the employee cannot be contacted within five (5) working days, then the employee will forfeit the recall rights for that position. 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 full-time laid off employees must keep the Human Resources Department advised of a current mailing address, email 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. Additionally, recalled employees will maintain their original seniority dates with the city, which will reinstate their previous vacation accrual rate.

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.

Reference Checks and Employment Verifications

All reference check and employment verification requests must be in writing or via email. Generally, we will only confirm our employees' dates of employment, salary history and job title, and only with the employee's written permission. If a City employee receives a request for reference information, please forward the request to Human Resources. Reference checks and employment verifications can be sent to: hr@joplinmo.org .

Dress and Appearance Policy

Employees of the City of Joplin are expected to present a clean and professional appearance while conducting business, in or outside of the office. Dressing in a fashion that is clearly unprofessional, that is deemed unsafe, or that negatively affects the City's reputation or image is not acceptable.

The appearance and dress of employees are important in creating a favorable image supportive of public confidence and our citizens. In general, dress and grooming should be appropriate for a place of business. Certain departments, such as public safety, wastewater, legal and courts, may have more restrictive policies that are required for employees of those departments. The following guidelines should prove to be helpful:

Uniformed Employees: For departments where uniforms are required, they are to be neat and clean when employees report for duty. Uniforms will be complete as provided and appropriate for the season and position.

- Uniforms bearing a City identification patch will not be worn in combination with non-uniform clothing. While the City does not prohibit the wearing of t-shirts and other apparel with the City logo/name, employees should be aware that, when wearing such clothing, they are representing the City and should act accordingly in the appropriate setting.
- Each Department Head is responsible for assuring that employees in their department follow policies regarding assigned uniforms, related accessories, and equipment.

Non-Uniformed Employees: Employees who are not provided uniforms should wear clothing, which is neat, clean, and suitable for business. In those instances when field work is required, clothing shall still be appropriate for a work setting.

- All clothing, accessories and shoes should be functional, safe, and appropriate for the type of work performed. Ball caps and hats are not permitted to be worn while on duty unless they are assigned uniform wear or for outdoor positions as determined by the Department Head.
- City Department Heads and Division Heads will be held to a higher standard given their interface with community leaders and officials. More formal business attire is required unless performing field or related- type work.
- Any City staff presenting or attending City Council meetings, boards and commissions, or public meetings on behalf of or representing the City are expected to wear business attire, such as shirt, tie, dress pants, slacks or suit. Public Safety personnel shall wear either business attire or their uniform.

Personal Appearance and Hygiene:

- Grooming, hairstyles, hair color, and hair length are an individual choice and should avoid extremes.
- Visible tattoos must not contain vulgarity, nudity, reference criminal activity, hate speech/symbols or other obscenities.
- Earrings and small nose studs are permissible, provided they do not interfere with the job duties of the employee. Other facial piercings or lip rings must be removed while on duty.
- Employees are expected to practice good hygiene and good grooming habits. Excessive or overly pungent perfume or deodorant type fragrances, or body odor should not be present in the workplace.

Within the guidelines of this policy, Department Heads will have the right to determine the appropriateness of the overall appearance of employees based on the duties performed by the employee. Municipal court, public safety and other departments may have stricter dress code standards. Employees may be required to clock out and return home to change into appropriate attire; and may be subject to discipline for repeated violations of the dress policy.

Attendance and Punctuality

It is vital to City patrons and departments for all employees to have reliable attendance. The purpose of this policy is to establish the requirements for reporting absences, to provide guidelines for the handling of tardiness, early departures, and unscheduled absences, and to outline employees' responsibility to adhere to established work schedules to maintain efficient, effective operations and services to the community.

If you are going to be late for work or absent, notify your supervisor via phone call, in writing, or in person as far in advance as is feasible under the circumstances, but before the start of your workday. In the event of emergencies or accidents, notify your supervisor as soon as possible. Personal appointments requiring time away from work, such as doctor's appointments or other matters, should be scheduled during less busy hours, whenever possible.

Supervisors should be observant and document patterns of unapproved or unscheduled tardiness, absences, and early departures from work. Take immediate corrective action and notify the Department Head and Human Resources with documentation regarding disciplinary action. Supervisors are expected to administer this policy in an equitable manner and take appropriate steps to address attendance and punctuality issues among their staff in a timely manner. Failure to do so may impact the supervisor's performance evaluation.

Excessive absenteeism and tardiness is ten (10) different unexcused occurrences in a rolling twelve (12) month period.

Unexcused Absences: an absence without proper notification or satisfactory reason is unexcused. An absence of **three or more consecutive days without notification or satisfactory reason** is considered a voluntary termination, except related to extraordinary or extenuating circumstances, such as emergency hospitalization. The City will attempt to contact you to check on your well-being.

Unexcused Repeated Tardiness: tardiness is defined as arriving at work past the appointed starting time *without supervisory approval*. A combination or pattern of absenteeism and tardiness may be excessive, such as:

- Consistently using sick time that leaves the balance at or near zero
- Regularly calling in sick on the same day of the week or before/after holidays (ex. calling in sick every Friday or Monday)
- Repeatedly returning late from lunch or break times, or taking excessive breaks
- Regularly leaving work early without supervisor permission

Excessive absenteeism, tardiness, or refusal to comply with the proper notification procedures will be documented and considered as grounds for disciplinary action. Late arrivals approved by the supervisor or absences taken in accordance with FMLA, parental leave, vacation or holidays or other qualified leave benefits (bereavement, jury duty, etc.) will not be considered when determining excessive absenteeism.

Employees absent **more than three consecutive days** due to illness or who are suspected of abuse of sick leave may be required to submit a proof of illness certificate, issued by a health care provider, identifying when the employee was seen and treated. Failure to submit such proof upon request may result in corrective action.

When an employee is absent or tardy without proper notice, supervisors will follow normal counseling and correcting techniques, including the appropriate disciplinary steps. Uncorrected absenteeism and/or tardiness will result in further disciplinary action. However, corrective action may be accelerated, repeated, or taken out of sequence, and the City reserves the right to effect immediate termination.

Supervisors should follow the corrective action progression described below to **address unscheduled absences, tardiness, and unscheduled early departures.**

- Verbal warning upon two (2) occurrences.
- Written warning upon four (4) occurrences.
- Suspension upon six (6) occurrences.
- Final warning upon eight (8) occurrences.
- Termination of employment upon ten (10) occurrences.

Job Abandonment

If you are absent for three consecutive workdays without notifying your supervisor or their designee, it will be considered voluntary job abandonment and your employment will be terminated, except in extenuating circumstances, such as emergency hospitalization. Your supervisor or Department Head will attempt to contact you to check on your well-being.

Rest Periods and Meal Breaks

The City will provide rest periods and breaks for meals and encourages employees to take reasonable breaks during the day to refresh their energy and improve productivity. Check with your supervisor for the applicable meal and break schedule established for your department as schedules may vary based on the needs of the department.

Meal breaks are unpaid time unless an employee is required to work during mealtimes (examples: work meetings, city-hosted training, public safety, or city work crew emergencies). Non-exempt employees must clock-out or sign-out and clock/sign back in for meal break periods. Rest breaks are paid and do not require clocking/signing out.

Full-time employees shall receive up to an hour for meals or break times subject to Department operations. Part-time employees shall receive one (1) fifteen (15) minute paid break for every four (4) hours worked.

If you feel you are not being permitted to take meals or rest breaks, contact your supervisor or Department Head. If the matter is unresolved contact Human Resources so that steps may be taken to address concerns.

Standards of Conduct

We are committed to maintaining an environment that promotes professionalism and encourages each employee's personal development and achievement. Consistency, fairness, and respect for individual rights are essential to good relations between Joplin employees and the public.

Each employee has an obligation to observe and follow Joplin's policies and to always maintain proper standards of conduct. If an individual's behavior interferes with the orderly and efficient operation of a department, corrective disciplinary measures will be taken.

Prohibited On-Duty Conduct

The following conduct is prohibited and will not be tolerated. This list of prohibited conduct is illustrative only and may not include every possible situation. Other types of conduct that violate City policies, state, or federal laws, that threaten security, personal safety, employee welfare, and the City's operations may also be prohibited.

- Insubordination - refusing to perform a task or duty assigned; refusing to act in accordance with instructions provided by an employee's supervisor or proper authority;
- Inefficiency, including deliberate restriction of output, careless or unnecessary wastes of time or material, or neglect of job, duties, or responsibilities;
- Damaging, defacing, unauthorized removal, destruction, or theft of another employee's or City property;
- Fighting or instigating a fight on City premises or work-related job sites;
- Violations of the drug and alcohol policy;
- Using or possessing firearms, weapons, or explosives of any kind on City premises or in City vehicles (exceptions may apply for law enforcement, fire, and other public safety roles);
- Gambling/betting/sports pools on duty;
- Tampering with or falsifying any report or record, including but not limited to accruals, absentee, sickness, production, and timekeeping;

- Use of abusive or threatening language in conversations and/or intimidating or interfering with other employees;
- Posting personal or non-work notices on City premises without prior written approval from the City;
- Immoral or indecent conduct;
- Conviction of a criminal act;
- Harassment, discrimination, or retaliation;
- Sexual activity;
- Engaging in sabotage or espionage;
- Failure to report a job-related accident to the employee's supervisor or failure to take or follow prescribed testing procedures;
- Sleeping during work hours (does not include rest periods);
- Release of confidential information without authorization;
- Refusal to speak to supervisors or other employees;
- Dishonesty;
- Failure to possess or maintain the credential/certificate required of the position;
- Fraud, theft, or embezzlement;
- Any other conduct detrimental to other employees or to the City's interests or its efficient operations.

Off-Duty Conduct

While the City does not seek to interfere with the off-duty and personal conduct of employees, certain types of off-duty conduct may interfere with the City's legitimate business interests. For this reason, employees are expected to conduct their personal affairs in a manner that does not adversely affect Joplin's integrity, reputation, or credibility. Illegal or immoral off-duty conduct by an employee that adversely affects the City's legitimate business interests or the employee's ability to perform his/her work will not be tolerated.

Conflict of Interest and Nepotism

A City's reputation is one of its most valuable assets and is directly related to the conduct of all its officials and employees. Therefore, employees must never use their positions with the City for private gain, to advance personal interests, or to obtain favors or benefits for themselves, members of their families or any other individuals, corporations, or business entities. Therefore, Joplin expects employees to adhere to the following principles:

- Conduct all aspects of business in an ethical and legal manner and in accordance with all federal and state laws and regulations and the laws and regulations of all localities in which we do business;
- Comply with policies and procedures;
- Avoid conflicts of interest or the appearance of a conflict of interest in both personal and work activities;
- Employees may accept non-cash gifts not to exceed a maximum of $50 annually. Employees are prohibited from accepting any gift that could be intended to influence you in the performance of your duties. A gift given to an entire department is also acceptable. Occasionally, a department may receive gifts (ex. holiday treats) that are shared with the entire team.

Nepotism: An applicant for any position or vacancy may not be employed if the applicant directly reports to or oversees a relative who is a supervisor with the City of Joplin. In this context, "relative" shall mean or include parent, child, spouse, brother, sister, grandparents, grandchildren, uncle, aunt, nephew, or niece, including step, half, foster or in-laws. Relatives working in the same division will typically involve transferring one or both employees to a different reporting structure.

Non-fraternization: Joplin prohibits romantic or sexual relationships between a Director or supervisor and an employee who reports to them, directly or indirectly. This includes dating, romantic relationships, flirting, conduct or behavior creates the appearance of special interest or favoritism, or any other in-person or virtual conduct that violates this policy whether on-or-off duty.

Outside Employment

Employees of the City may be self-employed or may take other employment if the additional employment does not interfere with the individual's attendance or performance and does not present a conflict of interest with their employment with the City. Employees are prohibited from using their affiliation with the City of Joplin to solicit, gain, or retain outside employment.

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

Employees of the City may not engage in outside employment activities under any circumstances while on sick leave, FMLA, or workers' compensation leave, or while on duty at the City of Joplin nor may City property, equipment, or resources be used for outside employment activities.

Changes in Personal Data

To aid the City in conducting business matters, and you and/or your family in matters of personal emergency, we need to maintain up-to-date information.

Human Resources needs to be made aware of changes in name, address, telephone number, marital/registered domestic partnership status (if relevant for benefits purposes), number of dependents (if relevant for benefits purposes), etc.

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

Employee Records

Employees have a right to make a written request to inspect and/or receive a copy of their employment records. All requests must be submitted to Human Resources in writing and/or via email. Within 14 days of a request, the City will make the records available for inspection or provide the copies. Employees may review the records with a Human Resources staff member present in the office. Employees are not permitted to take or modify any document or other item contained in their employment file.

Employee records are confidential and may only be viewed by Human Resources, the Department Head, the employee's supervisor, the City Manager, and the employee. Medical records may not be viewed by anyone other than Human Resources and the insurance coordinator without written consent from the employee. Payroll and financial records can be viewed by the Employee.

Residency Requirements

Department Heads are required to reside within a 12-mile aerial distance of City Hall. All employees who are compensated for being "on call" after normal duty hours or expected to respond to a civil emergency are required to reside within a 25-mile radius. Exceptions to this requirement will be made only by approval of the City Manager.

Care of Equipment

You are expected to demonstrate proper care when using the City's property and equipment. No property may be removed from City premises without the proper authorization from the City. If you lose, break, or damage any property, report it to your supervisor immediately.

Maintenance of City Equipment

Joplin expects that employees will assume regular maintenance of all City equipment, including but not limited to computers, phones, vehicles, and equipment. This may include ensuring ongoing installation and processing of City recommended anti-virus/anti-malware software, as well as regular system and software updates. All other technology protocols communicated by the City that are defined as employee responsibility should also be included under this policy. Please follow good practice when it comes to keeping your equipment safe and up to date. If you experience any technology issues, please contact the Information Technology Department.

Electronic Mail and Monitoring

The e-mail system is intended for business use only. The use of the City's e-mail system to solicit fellow employees or distribute information that is not work-related to fellow employees is prohibited to the extent allowed by applicable law. Employees may use the email system to communicate regarding the terms or conditions of their employment, such as wages, benefits and working conditions. Business communication shall be limited to Joplin email. Employees shall not use personal email for business purposes.

Our City's policies against sexual and other types of harassment apply fully to the e-mail system. Employee business email is the property of the City of Joplin. The City shall have access to monitor, view, and download email information at its discretion, consistent with state and federal laws.

All employees granted access to the City's network system, through electronic mail or internet access, will be required to participate in the ongoing cybersecurity training as set forth by the Information Technology Department.

Internet Usage and Monitoring

Similar to e-mail, Joplin takes City and user internet and IP data seriously. We expect professional and responsible use of Internet on City computers and/or IP networks (i.e., when using City wi-fi). Use business devices and internet appropriately. Employees are also prohibited from displaying, transmitting and/or downloading sexually explicit images, messages, offensive language, racial epithets, cyber stalking, or anything that would violate our No Harassment Policy.

Consistent with applicable federal and state law, Joplin reserves the right to search and/or monitor the City's Internet usage and the files/transmissions of any employee without advance notice and consistent with applicable state and federal laws.

Acceptable Use of Electronic Communications

Employees may use Joplin computers and systems to communicate internally with co-workers or externally with users, suppliers, vendors, advisors, and other business acquaintances for business purposes.

All communications contained in City systems and equipment are City records and/or property. Although an employee may have an individual password to access systems or equipment, the systems and communications belong to the City. Consistent with applicable federal and state law, Joplin reserves the right to search and/or monitor the City's systems and communications.

Although incidental and occasional personal use of our systems and equipment that does not interfere or conflict with productivity or the City's business or violate policy is permitted, personal communications in our systems and equipment are treated the same as all other electronic communications.

Employees shall always respect intellectual property rights such as copyrights and trademarks. Employees must not copy, use, or transfer proprietary materials of the City or others without appropriate authorization.

Social Media

The City of Joplin's goal for the use of social media is to educate, engage, and increase the public's knowledge, trust, involvement of the City's services. The City promotes the value and importance of ongoing goals and initiatives among governing officials, civic leaders, and citizens of Joplin by providing virtual content to the community. Social media usage supports the City's vision and represents the organization in a positive and professional manner to develop strong public confidence.

Purpose

The purpose of this Social Media and Public Outreach policy is to establish enforceable rules for the use of Social Media by City officers, employees, and volunteers/interns when engaged in City business. This policy sets forth guidelines for the establishment and use of the City of Joplin's Social Media sites and public outreach tools (Facebook, YouTube, Twitter, Website, Electronic Sign, E-mail Blast, Instagram, and any future approved media – hereinafter collectively "Social Media") as a means of conveying City-related information to its residents, employees, and visitors.

The City of Joplin has an overriding interest and expectation in deciding what is "spoken" on behalf of the City on its Social Media sites and what information is distributed through its public outreach tools. These guidelines are to ensure that communications made on behalf of the City are properly authorized and in correct form; that communications from the municipality by means of social media which can be viewed by the public are appropriate and pertinent; that all communications from the municipality is related to the posted municipal information; and that the sender is clearly and fully informed that a message received by means of Social Media is not a substitute for required reporting procedures.

Scope

This policy shall apply to all authorized Municipal agencies and departments permitted by the City of Joplin to post on social media sites.

Section 1: Definitions

- Approved City Social Networking Site – Approved City social networking site refers to social networks that the Public Information Office (PIO) and Information Technology (IT) Department have assessed and approved for use by City departments.
- Post – An administrator submitted message/blog in the form of, but may not be limited to, text, videos, photographs, graphics, links (hyperlinks), documents, computer applications, etc.
- Comment – A user submitted response to an administrator post.
- Social Media Coordinator – A designated administrator in each department possessing a Social Media page and who is responsible for planning, implementing and monitoring content.

Section 2: Authenticity Establishment

City department social media sites shall be created and maintained with identifiable characteristics of an official City site that distinguishes them from non-professional or personal uses.

2.1 Site Content

Departments are responsible for establishing and maintaining content posted to their social media sites.

A. Social Media Coordinators shall review site activity on a regular basis for exploitation or misuse.

B. Content posted on authorized City social media sites may be considered public records subject to disclosure under the Missouri Open Records law (RSMo. Chapter 610).

C. Following forms of content posted by external and authorized users may be subject to removal if they contain:

a. Profane language or content;

b. Content that promotes, fosters or perpetuates discrimination of protected classes;

c. Sexual harassment content;

d. Solicitations of commerce or advertisements including promotion or endorsement;

e. Promotion or endorsement of political issues, groups or individuals;

f. Conduct or encouragement of illegal activity;

g. Information that may tend to compromise the safety or security of the public or public systems;

h. Content intended to defame any person, group or organization;

i. Content that violates a legal ownership interest of any other party, such as trademark or copyright infringement;

j. Making or publishing of false, vicious or malicious statements concerning any employee, the City or its operations;

k. Violent or threatening content;
l. Disclosure of confidential, sensitive or proprietary information;

D. **Unacceptable content and repeat individual violators shall be removed. See Section 3 concerning content management and deletion.**

Section 3: Administration and Management of Social Media Platforms

3.1 **Administration of City of Joplin Social Media Sites**

A. The Public Information Office will maintain a list of social media platforms that are approved for use by City departments and staff.

B. All new social media tools proposed for City use will be approved by the Public Information Office and Information Technology.

C. Departments wishing to create and use a social media account for City business must submit a request to, and receive approval from, the Public Information Office and Information Technology.

D. A department will have only one account on each of the social networks, unless otherwise approved by the Public Information Office and Information Technology.

E. All City sponsored social media pages shall publicly indicate that the City reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law.

F. Departments will inform the Public Information Officer of any account or administrative changes to existing department social media sites, including termination of an account.

3.2 **Administration of Department Social Media Sites**

A. As is the case for City websites, departmental staff will be responsible for the content and upkeep of any social media sites their department may get approval to create. Department directors must designate an employee/s to administrator its social media account/s and submit the employee's name and extension to the Public Information Office.

B. City employees serving as social media managers will be provided with, and must adhere to, the City's social media use policy, the City's standards for each social network they will be managing.

C. All City of Joplin social media sites shall comply with all appropriate City of Joplin policies and standards listed in the Employee Handbook, including but not limited to:

1. Email policy
2. Internet Use Policy
3. Employee Social Media Policy
4. Social Media Guidelines for City of Joplin employees

3.3 Corrections – Removing Content or Comments

A. Removing content or comments if it is determined that content previously posted by a City social media manager should be removed, consult with your Department Director or Public Information Officer. If a decision is made to remove previously posted content, it is strongly recommended to explain to constituents why you are removing the content.

B. City social media managers may not remove comment postings simply because they may be critical of the City or City officials. If user content is positive or negative and in context to the conversation, then the content should be allowed to remain, regardless of whether it is favorable or unfavorable to the City. If the content is offensive, denigrating and/or completely out of context, then the content should be rejected and removed according to the City's official comment policy for that specific social platform.

1. Under the terms of offensive content, offensive posts will first be hidden by content administrators. It is recommended that the administrator provide a response to creator of the post to explain why their respective comment was hidden.

2. If offensive content is submitted repeatedly to a City of Joplin post or page, that post is subject to removal and may result in a possible ban of the persons commenting or posting the content.

C. If a City administrator questions the policy violation of a post, that administrator shall consult with the greater social media administration team prior to the removal of content. If a decision is not met within the internal group, the content in questions will be submitted for legal review.

This social media policy may be revised at any time upon City Manager approval.

Public Relations and Contact with the Media

Providing the highest standard of community service is our top priority. Each employee must be sensitive to the importance of providing courteous treatment in all public interactions, or we may run the risk of losing credibility. Additionally, employees should not make public statements on behalf of the City without consent from the City Public Information Officer or City Manager. All public communications should be made by authorized officers whose jobs would typically encompass such communications. If you ever have doubt regarding whether you should or can make external comments, statements, or other forms of communication, please contact the Public Information Officer first. Nothing in this policy is designed to limit employees' rights to communicate with the media regarding the terms or conditions of their employment, such as wages, benefits and working conditions.

Discipline

We are committed to maintaining an environment that promotes professionalism. Joplin employees are expected to always conduct themselves with a high standard of conduct when they are representing the City. Unprofessional or unethical behavior will not be tolerated, and is subject to discipline, up to and including termination.

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 generally 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.

Nevertheless, the City reserves the right to deviate from progressive discipline whenever it is necessary or advisable to do so. Certain misconduct or violations may be so severe or substantial to warrant immediate termination, in its sole discretion. 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 considering the unique circumstances present whenever there is a work rule violation or other unacceptable behavior.

Disciplinary action may include a verbal warning, written warning, suspension with or without pay, demotion and/or termination. The appropriate disciplinary action imposed will be determined by the City. The City does not guarantee that one form of action will necessarily precede another.

Among other things, the following may result in disciplinary action, up to and including discharge: violation of the City's policies or safety rules; unauthorized possession, use or sale of weapons, firearms or explosives on work premises; theft or dishonesty; falsification of documents; physical harassment; sexual harassment; disrespect toward fellow employees, visitors or other members of the public; performing unapproved outside work or use of City property, equipment or facilities in connection with outside employment while on City time; poor attendance or poor performance. These examples are not all inclusive. We emphasize that disciplinary decisions, up to and including termination, will be based on an assessment of all relevant factors.

Grievance Process

Whenever an employee has a complaint, either resulting from disciplinary action or general work grievances that are not otherwise covered in this handbook, they should present the matter to their immediate supervisor and attempt to resolve the matter in an equitable fashion. Failure by the grieving party to comply with these procedures will cause the forfeiture of the grievance.

Discipline that results in the dismissal, demotion, suspension or laying off non-probationary employees are not to be heard through this grievance policy, but rather through the Due Process policy outlined in the handbook.

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:

1. State in writing the grievance or complaint and discuss with the 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 to resolve the matter.

GRIEVANCE AGAINST A SUPERVISOR must be submitted in writing directly to the Department Head within forty-eight (48) hours of the occurrence.

2. 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 five (5) working days from the date they received the grievance.

3. If the matter is not successfully resolved with the Department Head, the employee shall state the grievance in writing within three (3) working days from the Department Head's response to the Director of Human Resources. The Director shall investigate and render a decision in writing to the employee within five (5) working days from the date they received the grievance.

4. **GRIEVANCE AGAINST A DEPARTMENT HEAD** must be submitted in writing directly to the City Manager within forty-eight (48) hours of occurrence. The City Manager shall investigate (and may confer with the Director of Human Resources and City Attorney) then render a decision in writing to the employee within five (5) working days from the date they received 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 time periods shall cover instances such as absent due to City business, vacation, or other leave time absent from work.

DUE PROCESS

If 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 a suspension, demotion or termination, the following must take place:

1. The Department Head (or Assistant Director) must notify the Human Resources (HR) Director (or HR Manager in the Director's absence) of the disciplinary violation.

2. The HR Director (or HR Manager) will provide the employee with a written Fact-Finding Administrative Hearing notice to discuss work policy or other violations/unacceptable actions or behaviors constituting the basis for the disciplinary action by the City. The notice shall include the time, date, hearing location.

3. The employee may exercise their right to waive a fact-finding hearing, in which case, there will not be a hearing conducted, and the facts of the case shall be submitted to the City Manager along with a disciplinary recommendation, if any, by the HR Director (or HR Manager) and the Department Head (or Assistant Director).

4. Should the employee elect to have a fact-finding hearing, during the hearing, the employee and supervisor are provided an opportunity to respond or explain the facts relating to the disciplinary matter.

5. The Department Head (or Assistant Director) and the HR Director (or HR Manager) shall make disciplinary recommendations, if any, and forward the hearing details to the City Manager.

6. The City Manager shall review the Fact-Finding Administrative Hearing information and either accept, reject, modify, or offer a Last Chance Agreement whereby the employee is notified by Human Resources that any further disciplinary incidents will result in termination of employment, without the ability to appeal/file a grievance. The City Manager (or HR Director) will provide the employee with a written notice of the decision.

7. An employee may be placed on paid administrative leave pending the outcome of a routine investigation or a fact-finding administrative investigation.

8. Human Resources will advise the employee of their rights to and procedure for requesting an appeal of the adverse action, if any.

This does not apply to probationary or seasonal employees or non-employees. Nothing in this policy is intended to restrict employees' statutory rights, including employees' rights to communicate regarding the terms or conditions of their employment, such as wages, benefits and working conditions.

Appeal to Personnel Board

Any classified employee who has been released from probation and 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. Upon such appeal, the appealing employee and Human Resources Director shall, after reasonable notice have the right to be heard publicly and to present evidence. Both the employee and Human Resources Director 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's review of the discipline is limited to the sole issue of whether the employee has been discharged or demoted in violation of these merit system (procedural) rules. It is not the job of the Personnel Board to substitute their judgment for the City Manager's decision. The Personnel Board shall affirm the action of dismissal, demotion, suspension or lay off; or shall order the reinstatement of the employee, or restore them to their 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.

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 who can respond 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 an employee feels they are being personally abused by a citizen, the incident should be reported to the supervisor who should attempt to resolve the issue, and who in turn will subsequently inform the Department Head and/or the Director of Human Resources. Incidents of threats of violence should be immediately reported to the police.

Retirement

City employees may retire pursuant to their respective retirement plan. To properly administer the retirement process, Joplin requests that employees contact the Human Resources Department at least ninety (90) days in advance of the retirement date, when possible. For more detailed information on the retirement plans, see the Retirement and Other Voluntary Supplemental Retirement Programs described in Section 3. It is required by LAGERS that employees submit their retirement paperwork a minimum of thirty (30) days in advance of their retirement date for the retirement benefit to begin.

Leaving Employment

Should you decide to leave your employment with us, we ask that you inform your supervisor and Human Resources using the resignation/retirement form.

Additionally, all resigning employees will be asked to complete a brief exit interview prior to leaving. As specified in the Confidentiality policy above, any confidential and/or proprietary electronic materials must be returned to Joplin and/or deleted from all equipment or storage devices.

You should notify the City if your address changes during the calendar year in which termination of employment occurs so that your tax information will be sent to the proper address.

Department Heads or their designee, must notify IT of employment end dates to terminate access to emails, building entry, and other systems, notify Public Works if an employee had access to the fuel system, and notify the Public Information Officer if the employee was assigned to manage content on city social media pages. All City property, including keys/keycards, electronic devices, City equipment, written materials, and uniforms must be returned to the supervisor or Department Head, unless otherwise agreed.

Final Paychecks

Voluntarily or involuntarily terminated employees will receive final paychecks within the time required by law. Involuntarily terminated employees will receive their final paycheck within 72 hours of their final workday unless they have failed to return all outstanding City property. In all cases, final paychecks will include payment for all wages owed and any eligible accrued but unused leave time.

Section 5
Workplace Safety

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 one of our greatest responsibilities and in all our assignments, the health and safety of all must be the utmost consideration. The City Council, City Manager, Department Heads, Supervisors, 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 follow all safety laws, work safely, and plan events and projects to reduce the possibility of injury to a person or danger to equipment. All employees are responsible for creating and maintaining a safe work environment. All unsafe conditions are to be reported immediately to a supervisor with a corrective action occurring before resuming the unsafe task.

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

Workplace Searches

To protect the property and to ensure the safety of all employees, users and the City, the City reserves the right to conduct personal searches (with reasonable cause) consistent with state law, and to inspect any packages, parcels, purses, handbags, briefcases, lunch boxes or any other possessions or articles carried to and from the City's property. In addition, the City reserves the right to search any employee's office, desk, files, locker, equipment or any other area or article on our premises.

Substance Abuse

The City has vital interests in ensuring a safe, healthy, and efficient working environment for our employees, their co-workers, and the public we serve. Use or possession of prohibited/illegal substances shall not be permitted while completing City business at external worksites or on City property.

Consistent with its fair employment policy, the City maintains a policy of non-discrimination and reasonable accommodation with respect to recovering addicts and alcoholics, and those having a medical history reflecting treatment for substance abuse conditions. We encourage employees to seek assistance before their substance use renders them unable to perform their essential job functions or jeopardizes the health and safety of themselves or others. The City will attempt to assist its employees through referrals to rehabilitation, appropriate leaves of absence and other measures consistent with the City's policies and applicable federal, state or local laws.

The City follows federal statutory and regulatory guidelines regarding the use of any controlled substance including, but not limited to, medicinal marijuana and other products containing THC. Use is strictly prohibited during your employment with the City and may result in discipline, up to and including discharge, unless otherwise approved in writing by the City.

Smoking and Tobacco Policy

The City of Joplin desires to conduct operations with the utmost regard for professionalism and the safety of our employees, customers, and the public. City employees are prohibited from smoking, e- cigarettes, vaping or otherwise using tobacco or similar non-tobacco products near entrances/exits, in City buildings and facilities, or in or around City vehicles and City motorized equipment. This does not include tobacco cessation products such as patches or gum, nor does it reference such product use in a person's private life away from the workplace.

A. Employees shall refrain from smoking, chewing, vaping, or using tobacco or similar non-tobacco products within 50 feet from public entrances/exits, operable windows, and air intakes, areas with exposure to gasses or storage of flammable materials or chemicals, or areas where the public must pass to enter a City building or facility.

B. Employees shall refrain from smoking, chewing, vaping, or using tobacco or similar non-tobacco products when dealing with or meeting with members of the public, and in an official capacity or during formally meeting with co-workers (staff meetings, interviews, planning meetings and such) regardless of whether such meeting or interaction is on City-owned property and off campus city work sites.

C. Employees shall fully extinguish cigarettes and dispose of them without littering.

D. Employees who chew tobacco or non-tobacco products shall use concealed containers with lids (clear or see through plastic bottles or containers are prohibited). Waste must be disposed in outdoor trash containers only.

E. Department Heads may designate areas for smoking or vaping, in compliance with item A.

F. It is the responsibility of All City employees to be aware and always comply with this policy while on duty and/or wearing the City of Joplin uniform or apparel. This does not apply to off duty use or usage in an employee's personal vehicle.

G. Department Heads shall post this policy in break areas, near time clocks, or where employee notices are posted.

H. Failure to comply with this policy may result in disciplinary action.

Drug and Alcohol Policy

In compliance with the Drug-Free Workplace Act of 1988, the City of Joplin is committed to maintaining a healthy and safe work environment for our employees, customers, volunteers, and visitors. The City of Joplin also adheres to federal regulations regarding any substances per Title 21 United States Code (USC) Controlled Substances Act. Accordingly, the policy below and the FTA/FMCSA/DOT policy outline the City's expectations, prohibitions, procedures, and consequences regarding drugs and alcohol as they impact the workplace.

Policy

It is the policy of the City of Joplin to prohibit the possession, consumption, use/improper use, manufacture, sale, distribution, dispensing of illegal or controlled substances or alcohol in City facilities, vehicles and at any City property or worksite where employees, volunteers, or officials are conducting official City business. This includes marijuana and any products containing THC, as it remains illegal under federal law. Smoking and vaping are also prohibited in City facilities and vehicles.

Scope

This policy applies to all officials, employees, interns, volunteers, contractors, vendors and visitors, and applicants for employment with the City, with additional requirements for covered employees whose positions are regulated through the Federal Transit Authority (FTA), Department of Transportation (DOT), or the Federal Motor Carrier Safety Administration (FMCSA). The Human Resources (HR) department is responsible for this policy administration.

Work Requirements

1. Whenever employees are working, operating any City of Joplin vehicle or equipment, are present on City of Joplin premises or are conducting company-related work off-site, they are prohibited from:
    a. Using, possessing, buying, selling, manufacturing, or dispensing an illegal drug, controlled substances listed in the schedules of the Federal Controlled Substances Act, or alcohol (to include possession of drug paraphernalia). Marijuana/THC products, although legalized in the State of Missouri, remains illegal and a violation of federal laws. Employees who are found to have engaged in these actions will be subject to disciplinary action, up to and including, termination.
    b. Operating City equipment or vehicles while impaired by any medications or illegal substances.
    c. Being under the influence of alcohol or an illegal drug as defined in this policy.
    d. Smoking in City facilities/offsite City work locations, or when operating equipment and vehicles.
2. The City of Joplin will also not allow employees to perform their duties while taking prescribed drugs that adversely affect their ability to perform their job duties safely and effectively. Employees taking a prescribed medication must notify their supervisor and Department Head to determine alternative work assignments.
3. Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

Substance Abuse Treatment Program

The City of Joplin encourages employees to voluntarily seek help for drug or alcohol addiction, abuse, or misuse before being selected for a random drug/alcohol test and before post-accident drug/alcohol testing. Such employees will be placed on paid or unpaid administrative leave for a period not exceeding sixty (60) days and allowed to use accrued sick and vacation leave or unpaid leave and must be referred to treatment providers through the Employee Assistance Program (EAP) or otherwise accommodated as required by law.

Employees will be required to provide documentation from the treatment provider that they are successfully following prescribed treatment and will be subject to Return to Work/random and follow up drug and alcohol testing. Leave time may be extended at the City Manager's discretion if the employee is compliant with their treatment plan.

Any such information will be held in strict confidence. Supervisors who need to know may be kept abreast of employee's progress and leave of absence/return to work needs.

Employee Responsibilities

Employees are required to:

1. Report to work in a condition that does not impair your ability to perform assigned tasks in a competent and safe manner. Reporting to work impaired from alcohol, drugs or other products is prohibited;
2. Promptly and cooperatively submit to drug and alcohol testing when directed by Human Resources;
3. Notify your supervisor or Department Head when you are taking over the counter or prescribed medication(s) that may impair your ability to perform work or otherwise create a safety hazard;
4. Notify Human Resources on the first scheduled workday of any arrest, charge or conviction for any drug or alcohol related criminal, traffic offense or state law or municipal ordinance violation which occurs on or off duty, including driving While Intoxicated (DWI);
5. Notify Human Resources of all conviction, plea of guilt or SIS, in writing, within five (5) days after such conviction.

Supervisor Responsibilities

Supervisors are responsible for ensuring that the employee can perform duties safely or consult with Human Resources about work modifications.

1. Halt work and investigate when they observe alcohol or drug impairment, smoking in the workplace/City worksites/vehicles or receive complaints related to such policy violations;
2. Document and discipline employees, if necessary, regarding policy violations;
3. Notify the Director of Human Resources or HR Safety Manager of violations;
4. Document and contact Human Resources about accommodations for medication restrictions;
5. Comply with policies and procedures.

Required Drug and Alcohol Testing

The City retains the right to require drug and alcohol testing. Refusal by an employee to complete drug and/or alcohol testing in compliance with this policy will be treated as a positive test result and will result in termination of employment.

Pre-employment

All candidates who have received an offer of employment will be required to undergo testing for commonly abused controlled substances in accordance with this policy. Refusal to submit to testing will result in disqualification from employment consideration.

Random Testing

Only employees in safety-sensitive positions shall be subject to random testing for drugs and alcohol. A statistically valid computer-based random selection program will be used by the collection facility to select employees for random drug and alcohol testing, thus allowing each employee in the pool to have an equal chance of being selected for testing. Testing dates and times shall be with unpredictable frequency throughout the year. New employees in safety-sensitive roles will be added to the pool during the month following their hire date.

Separate testing pools are required for FTA/FMCSA/DOT employees and those not governed by these agencies. The collection site will adhere to federal testing requirements for safety-sensitive FTA/FMCSA/DOT positions.

Notification and Supervisor Responsibilities

Human Resources will notify the Department Head and supervisor of employees selected for random drug and alcohol testing. The employee shall report for testing immediately or asap upon being notified by the supervisor. If an employee is delayed due to work operations, absent or on leave, the supervisor must notify HR.

For example, an employee is in a court proceeding, city meeting, processing an inmate, handling an emergency dispatch call, accident, fire, or other such situations, the supervisor must contact Human Resources. The supervisor or Department Head shall not provide advanced notice to the employee (such as if they are on vacation/leave or otherwise not available to report for testing immediately).

Employees shall notify the testing collection facility of any prescription medications that they are taking prior to beginning the test.

Disciplinary Action

Failure to report for testing, refusal to test, disclosure of substance abuse, and/or positive test results may be subject to disciplinary action, up to and including termination. Department Heads and Supervisors who interfere with testing or who fail to comply with this policy may be subject to disciplinary action. We recognize that exigent circumstances may exist and will review these on a case-by-case basis.

Reporting Test Results

For positions covered under FTA/DOT/FAA/FMCSA positive drug/alcohol test results and refusals to test shall be reported to those agencies. While detailed results are confidential, HR must disclose to the Department Head or Supervisor whether results are positive or negative.

Reasonable Suspicion **(HR must be consulted to facilitate investigation and authorize testing.)**

Employees may be subject to drug and/or alcohol testing based on observed unsafe work behavior, suspected or apparent workplace drug or alcohol use, possession or attempt to distribute prescription medication and/or manufacture illegal substances, or impairment observations reported by a co-worker or supervisor.

SUPERVISOR RESPONSIBILITIES

Supervisors must use the reasonable suspicion observation checklist to document specific observations and behaviors that create a reasonable suspicion that an employee is under the influence of illegal drugs or alcohol. Some examples are provided below:

- Odors (smell of alcohol or drug odors)
- Movements (unsteady, fidgety, dizzy, staggering)
- Eyes (dilated or constricted pupils, redness, glazed eyes, or involuntary eye movements)
- Face (flushed, sweating, confused or blank look)
- Speech (slurred, slow, rapid, loud, confused, hostile)
- Emotions (argumentative, agitated, irritable, drowsy)
- Actions (twitching)
- Inactions (sleeping, unconscious, no reaction to questions)

On the Job Injuries **(Injuries requiring treatment beyond first aid shall be tested for drugs/alcohol.)**

EMPLOYEE RESPONSIBILITIES

Injuries sustained while on the job, no matter how big or small, shall be immediately reported to your supervisor or Department Head. These notifications must be done, if possible, during the same workday as the injury occurred, and not more than 12 hours after the injury occurs. The City shall not be responsible for unverifiable injuries.

When employees notify their supervisor, they must complete in full an "Injury Report" form. This form will need to be completed with proper signatures prior to receiving medical attention unless the injury is of an emergency nature and medical treatment must be received immediately.

SUPERVISOR RESPONSIBILITIES

Supervisors must notify the on-call nurse agency to determine the level of medical treatment needed, ***except in an emergency either bring the employee to the hospital or call 9-1-1***. Emergencies include but are not limited to an injury that is life-threatening, unconsciousness, difficulty breathing, uncontrollable bleeding, chest pain or heart attack, stroke, immobility, potential head, neck, spinal injuries, or the employee sustains broken/ lacerated/damaged body parts. Supervisors will be required to investigate and complete additional information relating to the injury using the Injury Report form, then forward the report to the Department Head. The Department Head shall review the accident details thoroughly, sign and forward the "Injury Report" to Human Resources. The Human Resources/Safety Manager will review the form and contact the supervisor and/or employee and witnesses, if additional information is needed, then forward the form to the Workers' Compensation administrator.

Employees who seek medical treatment on their own without receiving prior consent from the on-call nurse agency or Human Resources Department (except in the above referenced emergencies) will be responsible for the payment of such treatment.

DEPARTMENT HEADS are responsible for reviewing the accident forms, completing investigation, and taking corrective and/or disciplinary action, if warranted, signing, and submitting completed accident forms to Human Resources.

Workers' Compensation (**treatment beyond first aid, shall be tested for drug/alcohol use**.)

On-the-job injuries are covered by Workers' Compensation. Employees are covered by worker's compensation beginning on their first day of employment.

Any illness or injury compensated through Workers' Compensation must arise as a direct result of the employee's work or working conditions. If you are injured on the job, no matter how minor, report the incident immediately to your supervisor. Consistent with applicable state law, failure to report an injury within a reasonable time could jeopardize your claim. We ask for your assistance in alerting management to any condition that could lead to or contribute to an employee or visitor accident. ***See On the Job Injuries in Section 5 – Safety.***

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:

If an employee is absent from work for less than four (4) weeks because of an on-the-job injury, the pay will be continued at a rate of 100%. If an employee is absent from work for more than four (4) weeks because of an on-the-job injury, the pay will be continued at a rate of 90% of the normal pay. In accordance with State law, a portion of Workers' Compensation pay will be paid directly by the City's Third-Party Administration (TPA) and a portion could be paid directly by the City depending upon length of the injury and the amount of pay received.

Vehicle/Equipment Operation and Accidents

Seat Belts

To comply with all federal, state, and local laws, and help decrease the possibility or severity of injury in vehicle accidents or sudden stops, it is required that seat belts be a properly adjusted and fastened while operating or riding in a City vehicle or motorized equipment containing restraining apparatus. 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.

All Department Heads and supervisors are to remind their employees that seat belts are mandatory. Failure to properly use seat belts or to enforce seat belt laws shall result in disciplinary action up to and including termination.

Distracted Driving/Electronic Devices /Cell Phones

Distracted driving occurs any time you take your eyes off the road, hands off the wheel, and mind off your primary task: driving safely. Any non-driving activity you engage in is a potential distraction and increases your risk of being involved in a motor vehicle crash (reaching for objects, talking on phones, texting, or browsing electronic devices, etc.). Employees are prohibited from distracted driving activities, including texting, reading texts, or using a handheld device while driving or operating City vehicles and motorized equipment or tools. Safely pull over and park the vehicle if it is necessary to read messages or digital screens.

Vehicle Accidents

Employees must carry proof of city-issued insurance in all City of Joplin vehicles (vans, cars, trucks...). Contact Human Resources or the City Garage if an insurance card is needed.

Employees involved in automobile collisions/crashes while driving a City vehicle must:

- Not leave the scene of the accident;
- Not move the vehicle unless directed to do so by public safety officers;
- Notify the police giving location and whether an ambulance is needed;
- Collect names, phone numbers, addresses and insurance information of other person(s) involved in the accident;
- Collect names, phone numbers, and addresses of all witnesses present;

- Not make any statements concerning the accident other than to the investigating law enforcement officer;
- Advise your supervisor as soon as possible;
- Fill out Incident Report, which must be signed by the Supervisor and Department Head, then submitted to Human Resources and the Garage (all City Departments except Fire) or Fleet Manager (Fire Department); Injury-Incident Report - fillable 05.15.2023.pdf

Department Heads are expected to investigate and provide written corrective and disciplinary action for employee-caused accidents resulting in property or other damage and/or injuries.

Post-accident

For post-accident testing, under no circumstances will the employee be allowed to drive to the testing facility. Preferably, either a supervisor or member of management must transport the employee OR arrange for alternate transportation to transport the employee to their place of residence.

Employees who have not received test results are prohibited from operating a City vehicle/equipment or performing safety-sensitive duties. ***Employees shall be placed on paid administrative leave pending the results.***

Positive test results shall result in disciplinary action, and for any employee covered under the FTA/DOT/FAA/FMCSA results shall be reported to the corresponding federal agency.

In any of these instances, the investigation and subsequent testing must take place within two hours following the accident, if not sooner. Employees shall refrain from drug or alcohol consumption for up to 12 hours post-accident.

Employees involved in an on-duty collision or accident while operating a City vehicle (car, truck, trolley, van, bike, etc.) or motorized equipment (cranes, bucket trucks/lifts, forklifts, saws, lawn equipment, etc.), or other work-related accidents and unsafe acts resulting in the following, shall be required to complete post-accident drug and alcohol testing under the following conditions:

- Fatality
- Discharge of a firearm at or in the direction of another person and/or Use of Force Incident resulting in death or serious physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body (RSMo Section 590.1265);
- Bodily Injury requiring medical treatment beyond first aid whether on scene or at a medical facility
- Citation Issued to City employee(s) by a law enforcement officer
- Tow away/disabling damage (49 CFR PART 655, AND 49 CFR PART 40) - 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. Disabling damage means damage which prevents departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repair, and/or damage to vehicles that could have been operated but would have been further damaged if so operated. This **does <u>not</u> 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.**

Collection and Testing Procedures

Employees subject to alcohol testing will be transported to a designated testing facility and directed to provide breath specimens. Breath specimens will be tested by trained technicians using federally approved breath alcohol testing devices capable of producing printed results that identify the employee. If an employee's breath alcohol concentration is .04 or more, a second breath specimen will be tested approximately 20 minutes later. The results

of the second test will be determinative. Alcohol tests may be a breath, blood, or saliva test, at the company's discretion.

Applicants and employees subject to drug/alcohol testing will report to a designated testing facility that will administer appropriate saliva, breath and/or urine testing. Employees governed by FTA/FMCSA/DOT will undergo testing and collection protocols in compliance with federal regulations.

Applicants and employees may provide specimens in private unless they are suspected of submitting altered, adulterated or substitute specimens. Collected specimens will be sent to a federally certified laboratory and tested for evidence of marijuana, cocaine, opiates, amphetamines, PCP, benzodiazepines, methadone, methaqualone, and propoxyphene use. (Where indicated, specimens may be tested for other illegal drugs.) The laboratory will screen all specimens and confirm all positive screens. There must be a chain of custody from the time specimens are collected through testing and storage.

The laboratory will transmit all positive drug test results to a medical review officer (MRO), who will offer individuals with positive results a reasonable opportunity to rebut or explain the results. Individuals with positive test results may also ask the MRO to have their split specimen sent to another federally certified laboratory to be tested at the applicant's or employee's own expense. Such requests must be made within 72 hours of notice of test results. If the second facility fails to find any evidence of drug use in the split specimen, the employee or applicant will be treated as passing the test. In no event should a positive test result be communicated to City of Joplin until such time that the Medical Review Officer (MRO) has confirmed the test to be positive.

Consequences & Discipline

Employees who test positive, or otherwise violate this policy, will be subject to discipline, up to and including termination. Applicants who refuse to cooperate in a drug test or who test positive will not be hired and will not be allowed to reapply/retest in the future. Any refusal to submit to a test shall result in a conclusive presumption that a test would have yielded a positive result for drugs or alcohol that are prohibited by this policy.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture, or dispense an illegal drug in violation of this policy will be terminated. If the employee refuses to be tested, yet the City (supervisor/Human Resources) believes they are impaired, under no circumstances will the employee be allowed to drive (home). Transportation arrangements will be made to ensure that the employee arrives home safely.

Depending on the circumstances, the employee's work history/record and any state law requirements, City of Joplin may, in its sole discretion, offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies determined by City of Joplin for a minimum of one year but not more than two years as well as a waiver of the right to contest any termination resulting from a subsequent positive test.

If the employee either does not complete the substance abuse rehabilitation program or tests positive after completing the rehabilitation program, the employee will be immediately discharged from employment.

Employees who are tested due to reasonable suspicion or post-accident will be placed on paid or unpaid administrative leave pending the results of the drug or alcohol test. After the results of the test are received, a date and time will be scheduled to discuss the results of the test; this meeting will include a member of management, a union representative (if requested), and HR. Should the results prove to be negative, the employee will receive back pay for the times/days of suspension.

Confidentiality

Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO will be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed when relevant to a grievance, charge, claim or other

legal proceeding initiated by or on behalf of an employee or applicant.

Inspections

City of Joplin reserves the right to inspect all portions of its premises for drugs, alcohol, or other contraband; affected employees may have union representation involved in this process. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a

drug, alcohol, or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including discharge.

Crimes Involving Drugs

The City of Joplin prohibits all employees, including employees performing work under government contracts, from manufacturing, distributing, dispensing, possessing, or using an illegal drug in or on company premises or while conducting company business. City of Joplin employees are also prohibited from misusing legally prescribed or over the counter (OTC) drugs. Law enforcement personnel may be notified, as appropriate, when criminal activity is suspected, and the appropriate federal agency (FTA/FMCSA/DOT).

The City of Joplin does not desire to intrude into the private lives of its employees but recognizes that employees' off-the-job involvement with drugs and alcohol may have an impact on the workplace. Therefore, City of Joplin reserves the right to take appropriate disciplinary action for drug use, sale or distribution while off company premises. All employees convicted of, plead guilty to or sentenced for an illegal drug crime must report the conviction, plea or sentence to HR within five calendar days. Failure to comply will result in automatic discharge. Cooperation in complying may result in suspension without pay to allow management to review the nature of the charges and the employee's past record with the City of Joplin.

Definitions

“Company premises” includes all buildings, offices, facilities, grounds, parking lots, lockers, places, and vehicles owned, leased, or managed by City of Joplin or any off-site location where the employee is conducting City business.

“Illegal drug” means a substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed health care professional. (Controlled substances are listed in Schedules I-V of 21 C.F.R. Part 1308.)

“Refuse to cooperate” means to obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.

“Under the influence of alcohol” means an alcohol concentration equal to or greater than .04, or actions, appearance, speech, or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.

“Under the influence of drugs” means a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs (prescription and possibly OTC) when there is not a valid prescription from a physician for the lawful use of a drug during medical treatment (containers must include the patient’s name, the name of the substance, quantity/amount to be taken and the period of authorization).

Enforcement

The Director of Human Resources/Risk Management and HR Safety Manager are responsible for policy interpretation, administration, and enforcement.

Supplemental Policies and Processes

Joplin Drug Policy for FTA/DOT/FAA Safety Sensitive Positions

THE CITY OF JOPLIN IS COMMITTED TO ENFORCING A DRUG AND ALCOHOL 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 AND FMCSA CLEARINGHOUSE.

THIS POLICY APPLIES TO ALL "SAFETY-SENSITIVE FUNCTIONS" AND "SAFETY-SENSITIVE POSITIONS" COVERED BY THE FTA, DOT, AND FAA, AND REFERS 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:

1) An individual dies;
2) An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
3) 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 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).

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 a 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 result 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:

a) The operation of a transit revenue service vehicle even when the vehicle is not in revenue service.
b) 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).
c) Maintaining a revenue service vehicle or equipment used in revenue service.
d) Controlling the movement of a revenue service vehicle.
e) Carrying a firearm for security purposes.
f) Positions 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:

a) 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:
    (1) 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.
    (2) For pre-employment, return-to-duty and follow-up testing, the employee is expected to arrive at the test site at their appointed time.
b) Fails to remain at the testing site until the testing process is complete.
c) Fails to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations.
d) 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.

e) 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.
f) Fails or declines to take a second test the employer or collector has directed.
g) 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.
h) 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)
i) Submits a specimen that is verified adulterated or substituted by the MRO.
j) Fails or refuses to sign Step 2 of the alcohol testing form.
k) 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.
l) Possesses or wears a prosthetic or other device that could be used to interfere with the collection process.
m) 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 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 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. 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, the use of hemp related products, or any products containing THC (including CBD) 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 SUBSTANCES

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 they submit 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 workplace 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 the 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) 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 of 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.
    a) 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.
    b) An employee shall not be placed or transferred into a position covered under FTA authority until the employee takes a drug test with verified negative results.
    c) City of Joplin employees transferring from a non-FTA position to another non-FTA position will NOT have to take another pre-employment test.
    d) 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, when appropriate. Failure of a pre- employment drug test will disqualify an applicant for employment for a period of at least one year. 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.
    e) 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.

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

g) 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.

h) 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.

i) 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 conclude 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 the third-party testing site by another employee, preferably a supervisor, not involved in the accident, or kept under continuous supervision while ceasing all work activities during any waiting period for a specimen collector to arrive if testing will be on site.

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 paid 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 the third-party testing site 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 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 the third-party testing site 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), the City 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 Part 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 tests 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.
7) 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 in accordance with HIPAA 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.

Appendix A: Medical Coverage

Medical Benefit Summary – Please see the current Summary Plan Description (SPD) for additional details. Where this summary differs from the SPD, the SPD will hold.

UMR Utilizing UHC Choice Plus PPO Network	IN-NETWORK	OUT-OF-NETWORK
Annual Deductible Per Calendar Year:		
• Per Person	$750	$1,500
• Per Family	$1,500	$3,000
– Individual Embedded Deductible	$750	$1,500
Note: Embedded Deductible Means That If You Have Family Coverage, Any Combination Of Covered Family Members May Help Meet The Maximum Family Deductible; However, No One Person Will Pay More Than His Or Her Embedded Individual Deductible Amount.		
Plan Participation Rate, Unless Otherwise Stated:		
• Paid By Plan After Satisfaction Of Deductible	80%	60%
Annual Total Out-Of-Pocket Maximum Excluding The Prescription Benefit Out-Of-Pocket Maximum:		
• Per Person	$2,000	$6,000
• Per Family	$4,000	$12,000
– Individual Embedded Out-Of-Pocket Maximum	$2,000	$6,000
Note: Embedded Out-Of-Pocket Maximum Means That If You Have Family Coverage, Any Combination Of Covered Family Members May Help Meet The Family Out-Of-Pocket Maximum; However, No One Person Will Pay More Than His Or Her Embedded Individual Out-Of-Pocket Maximum Amount.		
Office Charges including Walk-In Retail Clinics		
• Co-pay Per Visit	$25	60% after deductible
Teladoc Services:		
General Medicine:		
Co-pay Per Occurrence	$25	
Note: Multiple Co-pays Apply When Multiple Claims Are Billed On The Same Date Of Service.		
Emergency Services / Treatment:		
Urgent Care:		
• Co-pay Per Visit	$50	60% after deductible
Emergency Room Only:		
• Co-pay Per Visit (Waived If Admitted As Inpatient Within 24 Hour(s))	$150	$150
Preventive/Routine Care Benefits. Benefits Include services such as: **Preventive/Routine Physical Exams At Appropriate Ages, Immunizations, Preventive/Routine Tests, Labs and X-Rays At Appropriate Ages, Preventive/Routine Mammograms And Breast Exams, Preventive/Routing Pelvic Exam And Pap Tests, Preventive/Routine PSA Test And Prostate Exam, Preventive/Routine Screenings/Services At Appropriate Ages and Gender, Preventive/Routine Hearing Exams**		
• Paid By Plan	100%	60% after deductible

PRESCRIPTION SCHEDULE OF BENEFITS OPTUMRX	
Annual Pharmacy Out-Of-Pocket Maximum Per Calendar Year: • Per Person • Per Family Individual Embedded Out-Of-Pocket Maximum	 $5,100 $10,200 $5,100
Note: Embedded Out-Of-Pocket Maximum Means That If You Have Family Coverage, Any Combination Of Covered Family Members May Help Meet The Family Out-Of-Pocket Maximum; However, No One Person Will Pay More Than His Or Her Embedded Individual Out-Of-Pocket Maximum Amount.	
By Participating Retail Pharmacy Covered Person's Co-pay Amount Tier 1 (Generic And Some Brand-Name) Tier 2 (Preferred Brand-Name And Some Generic) Tier 3 (Nonpreferred Brand-Name And Nonpreferred Generic) **Co-pay For Each Supply By** Participating Pharmacy For These Diabetes Supplies: Non-meter Blood Test Strips, Urine Test Strips, Lancets, Alcohol Swabs, Reaction- Treating Tablets, Diabetic Needles And Syringes.	For Up To A 30-Day Supply: $10 $30 $50 $0
Retail 90 Rx By Participating Retail Pharmacy Covered Person's Co-pay Amount Tier 1 (Generic And Some Brand-Name) Tier 2 (Preferred Brand-Name And Some Generic) Tier 3 (Nonpreferred Brand-Name And Nonpreferred Generic) **Co-pay For Each Supply By** Participating Pharmacy For These Diabetes Supplies: Non-meter Blood Test Strips, Urine Test Strips, Lancets, Alcohol Swabs, Reaction- Treating Tablets, Diabetic Needles And Syringes.	For Up To A 90-Day Supply (At Least 84 Days): $30 $90 $150 $0
By OptumRx Home Delivery Covered Person's Co-pay Amount Tier 1 (Generic And Some Brand-Name) Tier 2 (Preferred Brand-Name And Some Generic) Tier 3 (Nonpreferred Brand-Name And Nonpreferred Generic) **Co-pay For Each Supply By** Participating Pharmacy For These Diabetes Supplies: Non-meter Blood Test Strips, Urine Test Strips, Lancets, Alcohol Swabs, Reaction-Treating Tablets, Diabetic Needles And Syringes.	For Up To A 90-Day Supply: $25 $75 $125 $0
Specialty Drugs Covered Person's Co-pay Amount Tier 1 (Generic And Some Brand-Name) Tier 2 (Preferred Brand-Name And Some Generic) Tier 3 (Nonpreferred Brand-Name And Nonpreferred Generic	 $10 $30 $50
***Note:** Certain Specialty Prescription Drugs May Be Subject To A Separate Cost Share. For More Information, Call 1-877-559-2955. **Note:** Optum Specialty Pharmacy Must Be Used To Fill Specialty Medications.*	
By Non-Participating Pharmacy	Requires Payment For The Prescription Up Front. Reimbursement May Be Submitted and Covered Prescription Drugs Will Be Based On The Lowest Contracted Amount Of A Participating Pharmacy Minus Any Applicable Retail Co-pay.

Appendix B: Dental Coverage

Dental Benefit Summary – Please see the current Summary Plan Description (SPD) for additional details. Where this summary differs from the SPD, the SPD will hold.

Delta Dental Coverage Levels and Percentages:	PPO Dentist	Premier Dentist	Non-Participating Dentist
Coverage A – Preventive:	100%	100%	100%
Coverage B - Basic:	90%	90%	80%
Coverage C - Major:	60%	60%	50%
Coverage D - Orthodontic:	50%	50%	50%
Deductible:	$25	$25	$25
Applies to:	B & C Coverage	B & C Coverage	B & C Coverage
Family limit:	$75	$75	$75
Amounts paid by the Member toward the deductible apply to all deductible categories (PPO, Premier, and Non-Participating Dentist)			
Benefit Maximum:			
Coverage A, B, C	$750	$750	$750
Amounts paid by Delta are applied to all benefit maximums (PPO, Premier, and Non-Participating Dentist)			
Orthodontic Lifetime Maximum:	$750	$750	$750
Amounts paid by Delta are applied to all benefit maximums (PPO, Premier, and Non-Participating Dentist)			

Appendix C: Vision Coverage

Vision Benefit Summary – Please see the current benefit summary for additional details. Where this summary differs from the benefit summary, the benefit summary will hold.

EyeMed Vision Care Services	In-Network	Out-of-Network Reimbursement
Exam with Dilation as Necessary	$10 Co-pay	Up to $40
Retinal Imaging	Up to $39	N/A
Frames	$0 Co-pay; $130 allowance; 20% off balance over $130	Up to $91
Standard Plastic Lenses		
Single Vision	$15 Co-pay	Up to $30
Bifocal	$15 Co-pay	Up to $50
Trifocal	$15 Co-pay	Up to $70
Standard Progressive	$80 Co-pay	Up to $50
Premier Progressive Lens	$100 - $125 Co-pay	Up to $50
Lenticular	$15 Co-pay	Up to $70
Lens Options		
UV Treatment	$15	N/A
Tint (Solid and Gradient)	$15	N/A
Standard Plastic Scratch Coating	$15	N/A
Standard Polycarbonate	$40	N/A
Standard Anti-Reflective Coating	$45	N/A
Premium Anti-Reflective Coating	$57 - $68	N/A
Photochromatic/Transitions	$75	N/A
Polarized and Other Add-On Services	20% off retail price	N/A
Contact Lens Fit and Follow-Up		
Standard Contact Lens Fit & Follow-Up	Up to $55	N/A
Premium Contact Lens Fit & Follow-Up	10% off retail	N/A
Contact Lenses		
Conventional	$0 Co-pay; $110 allowance; 15% off balance over $110	Up to $110
Disposable	$0 Co-pay; $110 allowance; plus balance over $110	Up to $110
Medically Necessary	$0 Co-pay, Paid-in-full	Up to $210
Frequency		
Examination	Once per 12 months	
Lenses or Contact Lenses	Once per 12 months	
Frame	Once per 24 months	

Appendix D: FMLA Definitions § 630.201 (see www.ecfr.gov/ and search FMLA definitions)

(b) In subparts B through G of this part:

Accrued leave means the leave earned by an employee during the current leave year that is unused at any given time in that year.

Adoption refers to a legal process in which an individual becomes the legal parent of another's child. The source of an adopted child - e.g., whether from a licensed placement agency or otherwise - is not a factor in determining eligibility for leave under this subpart.

Birth means the delivery of a living child. When the term "birth" is used in connection with the use of leave under this subpart before birth, it refers to an anticipated birth.

Child means -

(1) A biological, adopted, step, or foster son or daughter of the employee;

(2) A person who is a legal ward or was a legal ward of the employee when that individual was a minor or required a legal guardian;

(3) A person for whom the employee stands *in loco parentis* or stood *in loco parentis* when that individual was a minor or required someone to stand *in loco parentis;* or

(4) A son or daughter, as described in paragraphs (1) through (3) of this definition, of an employee's spouse or domestic partner.

The child may be -

(1) Under 18 years of age; or

(2) 18 years of age or older and incapable of self-care because of a mental or physical disability. A son or daughter incapable of self-care requires active assistance or supervision to provide daily self- care in three or more of the "activities of daily living" (ADL's) or "instrumental activities of daily living" (IADL's). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing, and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using the telephones and directories, using a post office, etc. A "physical or mental disability" refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual as defined in 29 CFR 1630.2 (h), (i) and (j).

A child on covered active duty or call to covered active-duty status means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active-duty status, and who is of any age.

Covered military member means the employee's spouse, son, daughter, or parent on covered active duty or call to covered active-duty status.

Covered active duty or *call to covered active-duty status* means -

(1) In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty (or notification of an impending call or order to active duty); and

(2) In the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation pursuant to any of the following sections of title 10, United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress:

(i) Section 688, which authorizes ordering to active-duty retired members of the Regular Armed Forces and members of the Retired Reserve retired after 20 years for length of service, and members of the Fleet Reserve or Fleet Marine Corps Reserve;

(ii) Section 12301(a), which authorizes ordering all reserve component members to active duty in the case of war or national emergency declared by Congress, or when otherwise authorized by law;

(iii) Section 12302, which authorizes ordering any unit or unassigned member of the Ready Reserve to active duty in time of national emergency declared by the President after January 1, 1953, or when otherwise authorized by law;

(iv) Section 12304, which authorizes ordering any unit or unassigned member of the Selected Reserve and certain members of the Individual Ready Reserve to active duty;

(v) Section 12305, which authorizes the suspension of promotion, retirement, or separation rules for certain Reserve components;

(vi) Section 12406, which authorizes calling the National Guard into Federal service in certain circumstances; or

(vii) Chapter 15, which authorizes calling the National Guard and State militia into Federal service in the case of insurrections and national emergencies.

Employee means anyone paid on an hourly or salary basis and who worked at least 1,250 hours for at least 12 months prior to the FMLA period.

Essential functions means the fundamental job duties of the employee's position, as defined in 29 CFR 1630.2(n). An employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment.

Foster care means 24-hour care for children in substitution for, and away from, their parents or guardian. Such placement is made by or with the agreement of the State as a result of a voluntary agreement by the parent or guardian that the child be removed from the home, or pursuant to a judicial determination of the necessity for foster care and involves agreement between the State and foster family to take the child. Although foster care may be with relatives of the child, State action is involved in the removal of the child from parental custody.

Health care provider means –

(1) A licensed Doctor of Medicine or Doctor of Osteopathy or a physician who is serving on active duty in the uniformed services and is designated by the uniformed service to conduct examinations under this subpart;

(2) Any health care provider recognized by the Federal Employees Health Benefits Program or who is licensed or certified under Federal or State law to provide the service in question;

(3) A health care provider as defined in paragraph (2) of this definition who practices in a country other than the United States, who is authorized to practice in accordance with the laws of that country, and who is performing within the scope of his or her practice as defined under such law;

(4) A Native American, including an Eskimo, Aleut, and Native Hawaiian, who is recognized as a traditional healing practitioner by native traditional religious leaders who practices traditional healing methods as believed, expressed, and exercised in Indian religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, consistent with Public Law 95-314, August 11, 1978 (92 Stat. 469), as amended by Public Law 103-344, October 6, 1994 (108 Stat. 3125).

Medical certification means a written statement signed by a registered practicing physician or other practitioner certifying to the incapacitation, examination, or treatment, or to the period of disability while the patient was receiving professional treatment.

Incapacity means the inability to work, attend school, or perform other regular daily activities because of a serious health condition or treatment for or recovery from a serious health condition.

Intermittent leave or leave taken intermittently means leave taken in separate blocks of time, rather than for one continuous period of time, and may include leave periods of 1 hour to several weeks. Leave may be taken for a period of less than 1 hour if agency policy provides for a minimum charge for leave of less than 1 hour under § 630.206(a).

Leave without pay means an approved absence from duty in a non-pay status during an employee's scheduled tour of duty.

Parent means -

(1) A biological, adoptive, step, or foster parent of the employee, or a person who was a foster parent of the employee when the employee was a minor;

(2) A person who is the legal guardian of the employee or was the legal guardian of the employee when the employee was a minor or required a legal guardian;

(3) A person who stands *in loco parentis* to the employee or stood *in loco parentis* to the employee when the employee was a minor or required someone to stand *in loco parentis;* or

Placement means a new placement of a son or daughter with an employee for adoption or foster care. For example, this excludes the adoption of a stepchild or a foster child who has already been a member of the employee's household and has an existing parent-child relationship with an adopting parent.
When the term “placement” is used in connection with the use of leave under this subpart before placement has occurred, it refers to a planned or anticipated placement.

Reduced leave schedule means a daily or weekly work schedule under which the usual number of hours actually worked during the employee's scheduled tour of duty are reduced as a result of the increased use of leave.

Scheduled tour of duty means the regular work hours in an established full-time or part-time work schedule during which an employee is charged leave or time off when absent. A seasonal employee is not considered to have such a tour during off-season periods when the employee is scheduled to be released from work and placed in full-time nonpaid status.

Serious health condition.

(1) Serious health condition means an illness, injury, impairment, or physical or mental condition that involves -

(i) Inpatient care (*i.e.,* an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or

(ii) Continuing treatment by a health care provider that includes (but is not limited to) examinations to determine if there is a serious health condition and evaluations of such conditions if the examinations or evaluations determine that a serious health condition exists. Continuing treatment by a health care provider may include one or more of the following -

(A) A period of incapacity of more than 3 consecutive calendar days, including any subsequent treatment or period of incapacity relating to the same condition, that also involves -

(1) Treatment two or more times by a health care provider, by a health care provider under the direct supervision of the affected individual's health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider; or

(2) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider (e.g., a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition).

(B) Any period of incapacity due to pregnancy or childbirth, or for prenatal care, even if the affected individual does not receive active treatment from a health care provider during the period of incapacity or the period of incapacity does not last more than 3 consecutive calendar days.

(C) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition that -

(1) Requires periodic visits for treatment by a health care provider or by a health care provider under the direct supervision of the affected individual's health care provider,

(2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(3) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). The condition is covered even if the affected individual does not receive active

treatment from a health care provider during the period of incapacity or the period of incapacity does not last more than 3 consecutive calendar days.

(D) A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The affected individual must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider (e.g., Alzheimer's, severe stroke, or terminal stages of a disease).

(E) Any period of absence to receive multiple treatments (including any period of recovery) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity or more than 3 consecutive calendar days in the absence of medical intervention or treatment (e.g., chemotherapy/radiation for cancer, physical therapy for severe arthritis, dialysis for kidney disease).

(2) (Serious health condition does not include routine physical, eye, or dental examinations; a regimen of continuing treatment that includes the taking of over-the-counter medications, bed-rest, exercise, and other similar activities that can be initiated without a visit to the health care provider; a condition for which cosmetic treatments are administered, unless inpatient hospital care is required or unless complications develop; or an absence because of an employee's use of an illegal substance, unless the employee is receiving treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. Ordinarily, unless complications arise, the common cold, the flu, earaches, upset stomach, minor ulcers, headaches (other than migraines), routine dental or orthodontia problems, and periodontal disease are not serious health conditions. Allergies, restorative dental or plastic surgery after an injury, removal of cancerous growth, or mental illness resulting from stress may be serious health conditions only if such conditions require inpatient care or continuing treatment by a health care provider.)

Spouse, as defined in the statute, means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under State law for purposes of marriage in the State where the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage that either:

(1) Was entered into in a State that recognizes such marriages, or

(2) If entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.

State means any State of the United States or the District of Columbia or any Territory or possession of the United States.

Tour of duty has the meaning given that term in § 610.102 of this chapter.

[58 FR 39602, July 23, 1993, as amended at 60 FR 67287, Dec. 29, 1995; 61 FR 64451, Dec. 5, 1996; 65 FR 37240, June 13, 2000; 76 FR 60704, Sept. 30, 2011; 81 FR 20524, Apr. 8, 2016; 85 FR 48089, Aug. 10, 2020]