EMPLOYEE PERSONNEL HANDBOOK

CITY OF ARGONIA

(REVISED EDITION April 2020)

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**INTRODUCTION**

**ALL EMPLOYEES OF THE CITY ARE AT WILL AND MAY BE TERMINATED WITH OR WITHOUT CAUSE AND NOTHING HEREIN CREATES A CONTRACT OR ANY RELATIONSHIP OTHER THAN AT WILL EMPLOYMENT.**

This handbook has been prepared so that you will have a ready reference for procedures, policies, and benefits of the City of Argonia. The handbook is intended to describe employee benefits if only in a general way.

Keep this handbook and refer to it. If you do not find the answer to a specific question, please ask the City Clerk for assistance.

The contents of this policy are presented as a matter of information only and do not constitute conditions of employment. The City Council reserves the right to modify, suspend, terminate, revoke or change any and all plans, policies or procedures in whole or in part, and at any time with or without notice. The language used in this policy is not intended to create nor shall it be construed to constitute a contract of employment with any one or all of its employees. All employees shall retain the right to terminate their employment at any time and the City has the same right.

This employee handbook supersedes all previous employee handbooks, all management memos, and all understandings or agreements not in accordance with policies described herein which may have been issued on subjects covered herein.

## ESTABLISHED RULES

The following rules, regulations, and other administrative provisions for personnel administration are established to:

1. Provide fair and equal opportunity to all qualified citizens to enter City Employment in all occupations on the basis of demonstrated merit and fitness as ascertained through fair and practical methods of selection without regard to race, color, sex, handicap, religion, national origin or ancestry.
2. Develop a program of advancement which will make the City service attractive as a career.
3. Establish and maintain a uniform plan of employee benefits and upon the relative duties and responsibilities of positions in the City service.
4. Establish and promote high morale by providing good working relationships, uniform personnel policies, opportunity for advancement, without the regard to race, color, or sex and consideration for employee needs and desires.

## ADMINISTRATIVE RESPONSIBILITIES

The personnel program consists of the sum total of all policies and procedures related to personnel administration in the service of the City and shall be administered by the City Clerk and the Chief of Police under the direction of the City Council. The policies and procedures of the personnel program shall apply to all employees in the services of the City except for elected officials.

# QUALIFICATIONS

## DEFINITIONS

1. Full-time employee is one who works a normal (40 hour) work week on a regular and continuing basis.
2. Part-time employee is one who works less than a normal work week on a regular and continuing basis.
3. Permanent employee is a full-time or part-time employee who has satisfactorily completed a 90 day probationary period of initial employment and has been approved by the City Council Members.
4. Temporary employee is one who works on an irregular and/or non-permanent basis.
5. Seasonal employee is one who works on a regular and/or recurring basis during a specific “season” or portion of a year.

## QUALIFICATIONS FOR EMPLOYMENT

The City of Argonia is an equal opportunity employer. Equal employment has been, and continues to be, both the Company’s policy and practice. The City’s policy of equal employment opportunity is to recruit, hire, train, promote, and base all other employment decisions without regard to race, color, religion, sex, gender, national origin, age, disability, or any other protected status.

Further, in carrying out its commitment to equal employment opportunity, the City will make reasonable accommodations for applicants and employees with known disabilities who can perform the essential functions of the job with or without such accommodations.

All new applicants for any position with the City of Argonia shall meet the minimum qualifications established for that position as set forth by the job description. Each applicant shall complete a job application form. A medical examination or other testing, including drug testing, may be required only after an offer of employment has been made; provided that, such exams or testing are required of all such applicants who are offered employment in similar positions or position classifications. The offer of employment is contingent upon the applicant passing required tests.

For City positions that require driving, applicants and employees must have a current, valid driver’s license and otherwise satisfy the reasonable requirements of the City’s insurance carrier. The City reserves the right to obtain the driving record of a qualified applicant (at the time of application) or of an employee (not more than twice in a calendar year) from any public agency or from the City’s insurance carrier.

Employees must have a current, valid driver’s license for the class of vehicle operated and carry it with them when driving. Employees, who drive as an essential function of their position, must notify the Mayor when their driver’s license is suspended or revoked. A suspended or revoked license or failure to notify the City of a license suspension or revocation will result in disciplinary action, up to and including termination, against the employee.

**NEPOTISM CLAUSE**

Nepotism policies are management policies in which a company will prohibit relatives in supervising a relative, work in the same department as a relative, or exert influence over a relative’s hiring, salary or promotion. “The nepotism clause can be set aside by the unanimous consent of the city council if the city council unanimously agrees that the candidate who falls under the nepotism clause is the highest qualified candidate for the position.

## TRAINING FOR WATER & WASTEWATER EMPLOYEES

Employees of the Water or Wastewater Department (i.e. Maintenance Supervisor) shall complete the necessary training and certification for the operation of the city water and wastewater systems. The period of time for this shall **be within two years of employment** (need to have one year on the job and one year to take the tests) or the earliest time that certification tests are available to be taken, whichever is longer.

## TRAINING FOR GAS SYSTEM EMPLOYEES

Employees of the Gas System (i.e. Maintenance Supervisor) shall complete the necessary training and qualification for the operation of the city gas system. The period of time for this shall be **within six months** of employment **OR** if needed sooner and deemed necessary, there will be stated notice to the employee by city council either in written form or in the meeting minutes with employee present.

## SWIMMING POOL EMPLOYEES

Swimming pool employees are temporary employees as well as the Pool Manager. All of the policies for personnel and the duties of the pool employees are contained in the Argonia City Pool Manual.

## POLICE DEPARTMENT

The Argonia Police Department is run by the Argonia Police Chief who is full time. The Police Chief may hire part time officers and recruit volunteer help as needed subject to council approval. The Police Chief reports to the Mayor/City Council and has a separate policy book for their department.

## EMPLOYMENT RELATIONSHIP

All employees of the City are “**employees at will**.” This means that either the city or the employee may terminate the employment relationship for any reason, at any time, with or without cause.

## JOB DESCRIPTONS

Each position shall have a concise descriptive title, a description of the essential and marginal functions (tasks) of the position and a statement of the qualifications for filling such positions. Such descriptions shall be approved by the Governing Body and shall be kept on file in the office of the City Clerk and shall be open to inspection by any interested party during regular office hours.

# COMPENSATION

## SALARY RANGE

1. A new employee will enter employment at the rate of pay offered by the City Council for the position in which he/she is employed.
2. Salary increases shall not be routine or automatic. Following completion of the probationary period (See Attendance & Leave) a new permanent employee may be granted a pay increase by the City Council. Pay rate and increases are based on general responsibility, skill, efficiency, length of service, attitude and effectiveness.
3. Raises are at the discretion of the City Council.

## PAY DAYS

The City shall pay all employees on a bi-weekly basis on Friday following the pay period ending on the Thursday prior.

## PAY ON TERMINATION

1. An employee who is terminated normally will receive his final pay check on the first regularly scheduled pay day following his termination.
2. Employees discharged for cause will receive their final pay check not later than the close of work or as soon thereafter as is practicable.
3. Employees discharged for cause or those who voluntarily terminate without giving a minimum of two (2) week notice shall not be eligible to receive pay for any accrued benefits other than unused vacation.

## OVERTIME

Compensation of authorized overtime work for full-time employees is defined as follows:

1. Overtime work will be compensated at a rate of 1.5 times the employee’s regular rate of pay for all hours worked in excess of 40 hours in a seven day work period with the following exceptions
	1. If use of vacation or personal time falls within the seven day work period.
2. Overtime should be kept to a minimum except in unforeseen circumstances
3. Full-time employees who are required to work on a holiday due to unforeseen circumstances will receive a rate equal to their rate of pay doubled. (i.e. if an employee works for 4 hours on a holiday they will be paid the equivalent of 8 hours). **Employees must be actually on the job to receive this rate**.
4. Compensatory time may be used in lieu of over-time pay when it is discussed with the City Council, deemed appropriate by the City Clerk and accepted by the employee.
5. The Police Chief is the exception; they are salaried and not paid overtime according to Fair Labor Standards act. (i.e. We are exempt because we have less than 5 law enforcement employees)
6. Part-time employees are not paid overtime.
7. Seasonal; i.e. pool employees are paid overtime at the rate of 1 and ½ times their rate of pay for midnight swims only.

## ON CALL

Certain condition or emergencies may necessitate the City to call in and/or call back employees to duty. In those situations where an employee is called back to work or on an emergency these are the guidelines for paying overtime:

1. If the time worked is during the regular scheduled work week of 40 hours the rate of pay is the employees current wage
2. If the time worked is over the regular scheduled work week of 40 hours the rate of pay is one and one-half times the employees rate
3. If the time worked is on a holiday the rate of pay is normal rate of pay doubled. (i.e. **if an** **employee works** for 4 hours on a holiday they will be paid the equivalent of 8 hours). **Employees must be actually on the job to receive this rate**. **Employee must work the day before and the day after a Holiday to receive the Holiday Pay.**
4. The Police Chief is on-call and not paid extra to be on-call as they are salaried. The schedule of who is on-call between the part-time police officer and the police chief is at the police chief’s decision.
5. City Maintenance is paid a minimum of two (2) hours overtime at a rate of 1.5 times the employee’s regular rate of pay for **on call weekend pay**. The weekend on call pay means Saturday and Sunday will be paid a total of 2 hours overtime. Anything over 2 hours for the weekend will be paid at 1-1/2 times the regular rate. Weekend includes holiday.
6. If City Maintenance is called out after normal hours, the employee shall be paid their regular pay unless it is over the required 40 hours in the pay period, overtime will be paid at a rate of 1.5 times the employee’s regular rate of pay.

## PAY RECORDS

The City Clerk shall keep adequate records of all persons employed their pay rate; time worked, accrued vacation and sick leave and accrued over-time. Such records shall be available at all reasonable times for inspection.

##  PERSONNEL FILES & POLICE RECORDS

Official personnel records will be maintained for all employees. All personnel records will be kept in a locked file cabinet in the City Clerk’s office. Only the City Clerk, Treasurer or Mayor shall grant access to the general personnel files. The City Clerk, Treasurer and Mayor shall have access as may be reasonably necessary for their review and upkeep as contemplated by their official duties.

1. Most personnel information is considered confidential and is not required to be open pursuant to the Open Records Act. The only individual personnel information open to the public is Name, Salary, Position, and Length of Service. All other information is available for inspection only by the employee, City Clerk, Treasurer or Mayor. Except for routine filing of updated information, each request to review an employee’s general file shall be noted on the personnel file’s log sheet. The employee or administrative staff shall sign the log sheet when they receive the requested information. At no time shall the original file information leave the City Clerk’s office. Any copies of personnel file information made for the employee or administrative staff shall also be logged. After the employee or administrative staff has completed his examination, the City Clerk, Treasurer or Mayor, as the case may be, shall confirm that the personnel file records are all accounted for. When the City Clerk, Treasurer or Mayor, as the case may be, is satisfied the personnel file is intact, he/she shall countersign the log sheet before returning the personnel file to the appropriate file cabinet.
2. An employee shall have the right to inspect his/her personnel file records at reasonable times during the regular business hours of the City Clerk’s, in the presence of the City Clerk, Treasurer or Mayor. The employee shall be granted a reasonable amount of time in without-loss-of-straight-time pay status to review his/her personnel file. When granting such request, the City Clerk, Treasurer or Mayor shall take into account the frequency of such requests and the amount of time the employee is or will be engaged in such activity and the impact on operations requirements. An employee may request a copy of any written materials in the personnel file, which will be provided in a timely manner. One copy of each document which is related to a grievance and maintained in the personnel file shall be provided free of charge to the employee, upon the employee’s request. The employee may be required to bear the cost of duplicating other materials.
3. Personnel recommendations or decisions relating to the promotion, retention, termination, suspension, or any other personnel action related thereto, shall be based primarily on material contained in the employee’s personnel file and open to the employee’s inspection. If a personnel recommendation or decision is based on any reasons not contained in the employee’s personnel file, the party making the recommendation or decision shall commit those reasons to writing and the written statement of those reasons shall become a part of the employee’s personnel file **only after the Council has seen and agreed upon the written statement.** If a personnel recommendation or decision is based upon any other written materials, a copy of such material shall be provided to the employee in a timely manner, upon the employee’s request. Employees shall not have access to pre-employment materials, except in instances when the material is used in subsequent personnel actions adverse to the employee. An employee shall be provided with a copy of any letters of commendation or adverse material placed in his/her personnel file within fourteen (14) days of such placement.
4. If, after examination of his/her records, an employee believes that any portion of the material is not accurate, the employee may request in writing correction of the record. Within twenty-one (21) days of an employee’s request for correction of the record, the City Clerk shall notify the **Council** regarding the request. If the **Council** denies the request, the **Council** shall state the reason(s) for denial in writing, and this written statement shall be sent to the employee. If the **Council** grants the request for correction of the record, the record shall be corrected. The employee shall be sent a copy of the corrected record and a written statement that the incorrect record in question has been permanently removed from the employee’s personnel file. An employee may submit a rebuttal statement concerning any material in his/her personnel file which shall be placed in the employee’s personnel file.
5. Upon termination, all personnel file information shall be held in an inactive file for two (2) years. Then records shall be purged down to: applications, background checks, policy signatures, tax forms, payroll reimbursement, position descriptions, change of status, pay rates, evaluations, medical and exposure records and exit interview form. The condensed personnel file will be transferred to a permanent electronic file for confidential storage for sixty-five (65) years, after which time it shall become eligible for disposal.
6. Attendance and payroll records of an employee maintained separately from the personnel file may be inspected and copied in accordance with paragraph (c) of this section.

Only the Police Chief shall grant access to the confidential police records. At no time shall the original file information leave the Police Chief’s office.

## PURCHASING CARD POLICY/PURCHASES POLICY

No personal expenses or charges will be allowed on city issued credit cards. There is a maximum limit of $1,000.00 on each credit card for City office and Maintenance. There is a maximum limit of $500.00 on the credit card for the Police Department. An original and itemized receipt must be provided for each charge that is reflected on the credit card statement. Failure to present this documentation for expenditures may result in the employee being responsible for the expense and or other disciplinary action.

All city credit card expenses must be paid in full as billed. No interest or penalties should be assessed. Credit cards are the property of the city and will be relinquished upon termination of employment.

Any order or purchase of materials, supplies and services which can reasonably be expected to be less than five hundred dollars ($500.00) shall be made at the discretion of the appropriate department head. Any purchases over that shall be shall be taken to the governing body for approval. For further information and questions are explained in the appendix.

## EMPLOYEE EXPENSE REIMBURSEMENT

Any employee required to travel for City purposes shall be reimbursed for out of pocket expenses as follows:

1. Motel if overnight stay is required, up to $8.00 for breakfast, $10 for lunch and $10.00 for dinner will be reimbursed per day**. No alcohol is allowed to be reimbursed**. **An itemized receipt must be turned in to receive reimbursement.**
2. City employees will be reimbursed mileage at the current IRS rate, when driving a personal vehicle to and from a meeting or conference attended for city business.
3. Adequate documentation must be received in the City Clerk’s office for reimbursement.

# ATTENDANCE & LEAVE

## PROBATIONARY PERIOD

1. For the first 90 days of employment the employee will be on probationary status. During this period of time, job performance will be observed and reviewed. Upon successful completion of this period the city employee may retain the new position and is eligible to participate in the appropriate fringe benefit programs. Employees on probation status shall be credited with sick leave for each month of employment, but shall not be permitted to use any sick leave until after the ninety day probationary period. If the city employee does not successfully complete this probation period, termination shall result. Probationary employees terminated prior to attaining permanent status shall not be paid for any accrued sick leave.
2. All employees initially hired after November 7, 1986, for any position, shall complete an employment eligibility statement in compliance with the Federal Immigration Reform and Control Act of 1986.

## HOURS OF WORK

1. The normal work week, shall be 40 hours consisting of 8 hour work days. The work week is from 12:01 A.M. Friday until 11:59 P.M. the following Thursday.
2. Attendance. All employees should be at work in accordance with the general regulations or departmental regulations. Prompt appearance for work at the specified time is required of all employees. Exceptions may be made only with the approval of the City Council.

## LATE FOR WORK

If an employee knows he/she will be late for work, or absent because of illness or other reason, he/she should notify the City Clerk before work call. Employee should also notify his/her Supervisor. This enables the City Clerk to make necessary arrangements to continue the employee’s functions while he/she is gone, and to determine whether or not pay will be in effect. Continued lateness is excuse for dismissal or disciplinary action.

## HOLIDAYS

The following days shall be paid holidays for all City Employees:

 New Year’s Day – January 1

 Martin Luther King Day – 3rd Monday in January

 President’s Day – 3rd Monday in February

Memorial Day-4th Monday in May

Independence Day-4th of July

Labor Day-1st Monday in September

Thanksgiving -4th Thursday and Friday in November

Christmas Eve Day – December 24th

Christmas Day-December 25th

New Year’s Eve Day – December 31st

From time to time on special occasions, the City Council may designate other days as special holidays.

1. When regular holidays fall on a Saturday or Sunday, Friday or Monday shall be declared a holiday.
2. When a holiday falls on a payday, employees may be paid on the last day worked preceding the holiday.
3. A holiday will **NOT** be considered time worked and count toward the 40 hour work week.
4. Employees required to work on an observed holiday shall be paid double time.
5. Permanent employees shall be paid for observed holidays which fall on days for which they would otherwise be scheduled to work in an amount equal to the wages they would have earned according to the number of hours for which they would be scheduled to work on that day. Seasonal and temporary employees shall not receive paid holidays. YOU MUST WORK THE DAY BEFORE AND THE DAY AFTER A HOLIDAY TO RECEIVE THIS PAY UNLESS IT IS DURING A VACATION PERIOD. If you take personal time this does NOT count as

## VACATIONS

Vacation leave shall be earned and accrued from the most recent day of employment under the conditions hereinafter stated but no vacation shall be granted until after one full year of service. An employee who works less than 50% of the working days in a month shall accrue no vacation credit for the month of service, provided the limit of the working days shall not apply to an employee on vacation or sick leave.

1. Employees must notify the City Clerk at least one (1) week in advance of wanting to take vacation leave.
2. No employee shall be permitted to use vacation time for any period spent on unauthorized leave or participating in any unlawful work stoppage.
3. No employee may take less than one (1) day or more than two (2) weeks of vacation time without the consent of the City Clerk.
4. Office Personnel shall not be permitted to take off at the same time.

## VACATION CATEGORIES

1. Permanent employees shall receive one (1) week of vacation with pay for one (1) year of service.
2. Permanent employees with three (3) years or more of employment shall receive two (2) weeks of vacation with pay.
3. Permanent employees with ten (10) years or more of employment shall receive three (3) weeks of vacation.
4. Permanent employees will either use or lose their vacation time.

**ACCURAL OF VACATION**

After the first year of employment the employee shall accrue vacation in the following manner:

**FULL TIME EMPLOYEE**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| ***YEAR*** | ***HOURS******ACCURED*** | ***1 MONTH*** | ***11 MONTHS*** | ***TOTAL HOURS*** |
| **After Year (1)** | 40 | Input after 1st Year |  | 40 |
| **Year (2)** | 40 | 3.37 | 3.33 | 40 |
| **Year (3)** | 80 | 6.63 | 6.67 | 80 |
| **Year (4)** | 80 | 6.63 | 6.67 | 80 |
| **Year (5)** | 80 | 6.63 | 6.67 | 80 |
| **Year (6)** | 80 | 6.63 | 6.67 | 80 |
| **Year (7)** | 80 | 6.63 | 6.67 | 80 |
| **Year (8)** | 80 | 6.63 | 6.67 | 80 |
| **Year (9)** | 80 | 6.63 | 6.67 | 80 |
| **Year (10)** | 120 | 10 | 10 | 120 |

## HOLIDAY DURING VACATION

Paid Holidays which occur during a vacation leave are not counted as a day of vacation.

## SICK LEAVE/PERSONAL LEAVE

1. Sick leave may be used as personal leave if prior notification is given to the City Clerk.
2. All permanent employees who work not less than one-half (1/2) time shall be entitled to sick leave with pay for absences resulting from illness, injuries, accidents or other physical incapacitation, occurring in either on or off the job. No employee shall be permitted to use sick leave for any period spent on unauthorized leave or participating in any unlawful work stoppage. In case of serious illness in an employee’s immediate family, earned sick leave may be used for time off. This leave must be cleared with the City Clerk before leave is taken, if possible.
3. Full time permanent employees shall earn eight (8) hours of sick leave for each full month of service.
4. Full time permanent employees may accrue **no** more than thirty (30) days of sick leave or an equivalent of 240 hours.
5. Any absence for a fraction or part of a day which is chargeable to sick leave shall be charged in increments of not less than one hour.
6. For sick leave in excess of three (3) days, the City Council may require a signed certificate from a physician or dentist verifying the employee’s inability to perform his assigned duties because of such illness.
7. To be eligible for paid sick leave, an employee shall notify the City Clerk before beginning the first work day for which sick leave is taken, if possible.
8. An employee who improperly claims sick leave shall be subject to disciplinary action including loss of pay or dismissal. Sick leave will not be given to any employee because of his or her own misconduct.

## MATERNITY LEAVE

An employee who becomes pregnant shall be granted maternity leave without pay, provided however, the employee may elect to utilize any accrued sick leave or vacation leave if, and to the extent, such leave is available. All privileges and benefits shall apply in the case of maternity leave without pay as with any other employee on sick or other leave without pay status. An employee normally will be expected to return to work within six (6) weeks of the pregnancy (delivery and release from doctor).

When complications develop, the employee shall be expected to return to work as soon as permitted by a signed release from the employee’s physician.

## FUNERAL LEAVE

Reasonable time off with pay will be allowed if a death occurs in an employee’s immediate family. This time should not exceed three (3) regularly scheduled work days. Immediate family is defined to include spouse, children, brothers, sisters, parents, grandparents and grandchildren and counterparts of the above by marriage. In addition, any other relatives who are members of the employee’s immediate house hold are included. This leave is paid by the City and you do not have to use sick or vacation to cover this time off. Anything over three days will have to be approved by City Clerk to use personal or vacation time.

## MILITARY LEAVE

1. Military duty means training and service performed by an inductee or enlistee in the Armed Forces of the United States, including time spent in reporting for and returning from such training in service. It also includes active duty training as a reservist in the Armed Forces of the United States or as a member of the National Guard.
2. Any employee who leaves city service for military duty shall be placed on military leave without pay, such leave to extend through a date of thirty (30) days after his release from service. If not accepted for such duty, the employee shall be reinstated in his present position without loss of status or reduction in pay.
3. An employee returning from military leave shall be entitled to restoration to his former position or a position of like pay and responsibility, provided he makes application for reinstatement within thirty (30) days after his release from duty and, provided further, he is physically and mentally capable of performing the duties of the position involved.
4. Upon restoration to city service the employee shall be restored all vacation and sick leave credits for unused vacation leave at the time of his induction or enlistment.
5. Any employee who is a member of any reserve component to the United States Armed Forces or the National Guard shall be granted military leave for a short tour of active duty or field training encampment.

## CIVIL LEAVE

1. ***Civil leave with pay.*** An employee shall be given necessary time off without loss of pay (pay will be your hourly wage minus the hourly wage the County pays the individual) when performing jury duty, appearing in court as a witness in answer to a subpoena, in an official capacity in connection with the City or as an expert witness either because of professional or observed knowledge, performing emergency civilian duty in connection with national defense.
2. ***Civil leave without pay.*** If an employee is involved in court in a personal matter case either as plaintiff or as defendant in a suit not resulting from duties with the city, he may be granted leave without pay unless the employee elects to utilize any available vacation leave.

## OTHER LEAVE

1. ***Meetings, Seminars****.* Any employee may be granted leave with pay to attend meetings, seminars and conventions related to the employee’s work for the City if the amount of the registration for such attendance has been budgeted for (approved by the city council if not budgeted for). Employee should inform the Council of any upcoming training meetings and seminars.
2. ***Leave of Absence***. An employee, upon written request, may be granted a leave of absence without pay for a period of up to six months, subject to the approval of the Governing Body.

# EMPLOYEE CONDUCT AND DISCIPLINE

## AUTHORITY TO DISCIPLINE

The City Council shall have the authority to discipline personnel for the willful and repeated violation of personnel regulations and/or departmental regulations.

## GENERAL POLICY

The purpose of discipline is to ensure high standards of performance and efficiency, to maintain good working relationships among employees, and to provide the citizens with the highest possible level of courteous and professional public service. Discipline in the city organization is, for the most part, “self- discipline.” It is the duty of employees to make conscientious effort to work and behave in accordance with the values, service standards, policies and guidelines of the city and the department in which they work. Each employee is expected to be self-disciplined and to work hard at being the best at what he or she does and in helping the city to provide a high level of public service. When an employee does not exercise adequate self-discipline or is not successful in meeting the requirements of their job, it may be necessary for his or her department head or supervisor to consider disciplinary actions to correct the problem. An employee is subject to disciplinary action if:

1. The employee violates these personnel policies and guidelines, or any other written guidelines or procedures applicable to the department in which the employee works;
2. The employee's conduct reflects discredit to the city or hinders the effectiveness or efficiency of city operations;
3. The employee has performed an act of misconduct, or has failed to perform an act, which results in misconduct.

**PROHIBITED CONDUCT**

The following shall be considered “prohibited conduct” for purposes of this policy:

a) No person shall report for duty or remain on duty while under the influence of alcohol or illegal drugs.

b) No person shall be on duty or on City premises or operate a motor vehicle or other City equipment while possessing illegal drugs or while possessing alcohol unless the alcohol is manifested and transported as part of a shipment.

c) No person shall use alcohol or illegal drugs while performing job functions.

d) No person required to take a post-accident drug or alcohol test shall use alcohol for eight (8) hours

following the accident or until he or she undergoes a post-accident alcohol test, whichever occurs first.

e) No person shall refuse to submit to a pre-employment, post-accident, random, reasonable suspicion, return to-duty, or follow-up alcohol or drug test.

f) No person shall report for duty or remain on duty when using any controlled substance, except when use is pursuant to the instructions of a physician who has advised the person that the substance does not adversely affect the person’s ability to operate a motor vehicle or mechanical equipment.

If a person engages in prohibited conduct, the person is not qualified to operate mechanical equipment or a motor vehicle or perform other job duties and shall be immediately removed from service or otherwise disciplined.

## DISCIPLINARY ACTIONS

The following types of disciplinary actions are officially recognized by the City.

1. A verbal warning is an oral reprimand given to an employee by his or her supervisor or department head. A record of the warning shall be recorded in the employee's file.
2. A reprimand is a written censure to an employee by his or her supervisor or department head, a copy of which shall be recorded in the employee's file.
3. Probation is a trial period of a specific length of time during which an employee is required to fulfill a set of conditions, or to improve work performance, or to improve on the job behavior. Failure to meet the probationary requirements may result in additional disciplinary actions.
4. A salary reduction is the lowering of an employee's rate of pay **as determined by the Governing Body.**
5. A suspension is the removal of an employee from service, with or without pay, for a specific period of time **as determined by the Governing Body.**
6. Termination is the removal of an employee from city employment.

## PROCEDURE FOR DISCIPLINARY ACTION

Whenever the misconduct of an employee occurs that in the judgment of the employee's supervisor or department head justifies the application of disciplinary actions, other than a verbal warning, the supervisor or department head shall:

1. Document the misconduct in writing.
2. Determine the appropriate disciplinary action to correct the problem.
3. Meet with the employee to review the problem and the proposed disciplinary action. The meeting should be private and include only the employee, supervisor, department head or other persons requested to be present by the department head.
4. Give the employee an opportunity to refute the facts or argue against the proposed disciplinary action. The employee may submit comments in writing to be attached to the record of the disciplinary action.
5. Make a final decision as to the disciplinary action.
6. Notify the employee of the action in writing, except for verbal warnings. A copy of the documentation of misconduct and a note as to the form of disciplinary action taken shall be provided to the City Clerk or Mayor for insertion in the employee's personnel file.
7. At the time a disciplinary action commences, the employee's supervisor or department head shall notify the employee in writing of his or her right to file a grievance under the city's grievance procedure.
8. All disciplinary action in writing must be signed by the department head and employee. It also must be reported to the Governing Body.

## MISCONDUCT SUBJECT TO DISCIPLINARY ACTION

The following is a list of misconduct, which may subject an employee to disciplinary action. This list is not exclusive; it is only representative of the types of misconduct that subject an employee to disciplinary action.

1. Commission of a violation of any state or federal criminal law.
2. Commission of a violation of any city law.
3. Failure to follow prescribed safety procedures including failure to notify his or her supervisor of unsafe working conditions.
4. Violation of personnel policies and guidelines or departmental policies and guidelines.
5. Inattention to duty, carelessness, breakage or loss of public property or funds.
6. Incompetence or inefficiency in the performance of the duties of his or her position.
7. Insubordination or other breach of discipline.
8. Discourteous or disruptive conduct or other offensive behavior in public, to the public, on social media or to employees and officers of the city.
9. Abuse of leave, excessive absenteeism or tardiness.
10. Temporarily leaving the workplace without the approval of his or her supervisor.
11. Failure to give proper notice of absence.
12. Sleeping on the job.
13. Use of alcohol or drugs, off the job, to the extent that the employee's job performance or effectiveness as a city employee is impaired.
14. Inducing or attempting to induce any officer or employee of the city, ammunition, camera or other recording devices to commit an unlawful act or to act in violation of any lawful or official order or regulation.
15. Unauthorized possession of firearms or other weapons on the job. In the case of acts of violence or other flagrant misconduct, serious safety violations, or criminal offense, any employee may be suspended immediately, with or without pay, pending an investigation and review of the matter.
16. An employee may be suspended with or without pay or terminated when he or she has been arrested for a crime and is awaiting legal adjudication, depending upon the situation. An employee may be suspended with pay when he or she has been charged with misconduct while on the job and an internal investigation is being conducted.

## CAUSES FOR TERMINATION

Termination can be carried out with or without cause. Examples of serious misconduct for which an employee may be terminated, following notice and an opportunity for a hearing, are listed below. The following list is not exclusive; it is only representative of the types of misconduct, which subject an employee to termination. Causes for termination under this section also constitute misconduct for which an employee may be subjected to disciplinary action other than termination.

1. Commission of a felony or conviction of driving under the influence while operating a city vehicle.
2. Willful or continued violation of city or departmental safety policies and procedures or willful or negligent creation of unsafe conditions in the workplace.
3. Willful or continued violation of personnel policies and guidelines or departmental guidelines.
4. Negligent or willful damage to public property or waste of public supplies or equipment.
5. Taking or using any funds or property of the city for personal use or for sale or gift to others or the making of any false claim against the city.
6. Gross incompetence, neglect of duty or willful or continued failure to render satisfactory service.
7. Refusal to abide by any lawful official regulation or order, failure to obey any proper direction made by a supervisor or department head or knowingly making a false statement to any employee or officer of the city.
8. Claiming leave time under false pretenses or falsifying attendance records for oneself or another employee. Timecards will need initialed by the City Clerk or Treasurer anytime a time card is altered.
9. Absence without leave.
10. Possession or use of alcohol or drugs, except where prescribed by a physician, after being afforded the opportunity to seek professional attention, or use of alcohol or drugs, except where prescribed by a physician, while on duty. Sale of or offering for sale or giving away alcohol or drugs while on duty or at the workplace.
11. Sexual harassment.
12. Disclosing confidential records or information unless directed to do so by his or her department head or supervisor.
13. Revocation or suspension of a certification or license, including a driver's license, when such is required as a condition of city employment.
14. Material falsification **when applying** for city employment or making a false statement or report in regard to any test, certification or appointment or any attempt to commit any fraud that violates the merit principles of personnel administration.
15. Giving or attempting to give any monetary consideration or the delivery of undeserved service to or from any person or organization for, or in connection with, any test or appointment.
16. Taking or offering to take from any person for the employee's personal use, any fee, gift or other thing or service of value, in the course of his or her work or in connection with it, when such gift or other valuable thing or service is given in the hope or expectation of receiving a favor or better treatment than that accorded any other person; accepting a bribe, fit, money or other thing of service or value intended to perform or refrain from performing any official act; engaging in any act of extortion or other means of obtaining money or other things or service of value through his or her position in the service of the city.
17. Discharge of duties in a manner which results in discrimination to any person on the basis of race, creed, color, sex, physical or mental disability or national origin.
18. Misconduct on City property which results in serious personal injury or property damage.

## HARRASSMENT

It is the policy of the City to maintain a work environment free of intimidation, insult, and harassment based upon race, religion, sex, age, national origin or ancestry, or disability, or any other consideration made unlawful by federal, state or local laws. To ensure that this policy is strictly adhered to, the City will not tolerate unlawful discrimination or harassment of any of its employees, or governing body members and will take immediate disciplinary action if such behavior occurs. City Council members and the Mayor are included in the term “employees” as used in this Article. Volunteers who perform quasi-official functions for the City (such as committee members, board members, or the like) are included in the term “employees” as used in this Article.

### DEFENITION

Prohibited unlawful harassment includes, but is not limited to, the following behavior:

1. The threat or insinuation by one employee or group of employees, either explicitly or implicitly, that the refusal to submit to sexual advances will adversely affect employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development;
2. The subjecting of an employee, by another employee, to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical, so as to create an intimidating, hostile or offensive working environment;
3. Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
4. Visual conduct such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures;
5. Physical conduct such as assault, unwanted touching, blocking normal movements or interfering with work because of sex, race or any other protected basis
6. Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment and employment benefits in return for sexual favors; or
7. Retaliation for having reported or threatened to report harassment.

### POLICY

1. No employee may discriminate against or harass another employee.
2. Any employee who believes that he/she is the victim of discrimination or unwelcome behavior that would constitute harassment shall immediately report all incidents to the Mayor.
3. All complaints involving claims of harassment shall be promptly, and to the extent possible, confidentially investigated.
4. Any employee found to have engaged in discrimination against or harassment of another employee will be disciplined, up to and including termination.

### COMPLAINT PROCEDURE

Any employee who feels he/she is being subjected to discrimination or harassment should immediately contact one of the persons listed below with whom the employee feels the most comfortable. Complaints may be made orally or in writing to the Governing Body.

The employee should be prepared to provide, in writing, the following information:

1. Employee’s name, department and position title.
2. Name of the person or persons committing the discrimination or harassment.
3. Date(s) and approximate time(s) of the discrimination or harassment.
4. The specific nature of the discrimination or harassment, how long it has gone on, any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against him/her as a result of the harassment.
5. Names of witnesses to the discrimination or harassment, if any.
6. Whether the employee has previously reported such discrimination or harassment and, if so, when and to whom.

After receiving a discrimination or harassment complaint, the person receiving the complaint shall assist the employee filing the complaint by documenting the incident in writing. The complainant shall sign the written complaint, attesting to the accuracy and truthfulness of the incident. All information disclosed in the complaint procedure will, to the extent possible, be held in strictest confidence and will be disclosed only on a need-to-know basis in order to investigate and resolve the matter.

### INVESTIGATION PROCEDURE:

It is the responsibility of the Mayor or his or her designee (hereinafter referred to as “the investigator”) to coordinate the investigation of discrimination and harassment complaints. The following procedures shall apply to the handling of such complaints:

1. The person to whom the complaint is made shall immediately present it to the Mayor;
2. An investigation of the alleged incident shall be promptly started by the investigator;
3. The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator by the person complaining of discrimination or harassment, witnesses interviewed during the investigation, the person against whom the complaint of discrimination or harassment was made, and any other person contacted by the investigator in connection with the investigation.
4. The investigator shall notify the employee accused of the discrimination or harassment as promptly as possible of the complaint and the severity of the allegations (immediate notification is not necessary if such notification would jeopardize the investigation).
5. The employee accused of the discrimination or harassment shall be given an appropriate opportunity to refute the allegation and present information and/or witnesses on their behalf.
6. Based upon the investigator’s report, the investigator shall determine whether the conduct of the person against whom a complaint has been made constitutes discrimination or harassment. In making that determination, the investigator shall look at the record as a whole and the totality of circumstances, including the nature of the conduct in question, and the context in which the conduct, if any, occurred. Determination of whether discrimination or harassment occurred will be made on a case-by-case basis.
7. If the Governing Body, upon review of his/her, or the investigator’s, report determines the complaint of discrimination or harassment is founded, appropriate disciplinary action shall be taken against the employee guilty of discrimination or harassment.
8. The disciplinary action shall be consistent with the nature and severity of the offense. This shall include whether a supervisory relationship exists and any other factors the investigator believes relate to fair and efficient administration of the City, including the effect of the offense on employee morale, public perception of the offense, and the light in which it casts the City. The disciplinary action may include a verbal warning, reprimand, probation or termination. A determination of the level of disciplinary action shall also be made on a case-by-case basis.
9. If the Mayor upon review of his/her, or the investigator’s report determines the complaint of discrimination or harassment is unfounded, he/she shall notify the employee accused of discrimination or harassment of the determination and advise that no disciplinary action is warranted.
10. The employee making the complaint shall be notified of the results of the investigation and the discipline, if any, to be administered.
11. If the Mayor upon review of his/her, or the investigator’s, report determines that the complaint was intentionally falsified by the employee filing the complaint, appropriate disciplinary action shall be taken against the employee filing the complaint.

### APPEAL THE DECISION

Within ten working days of written notification to the employee of the decision, the complainant or respondent may make a written request for a final review of the record by the Mayor. The Mayor, in response to a timely appeal, will either:

1. Review the record and provide a final decision within five working days of the receipt of the appeal, or
2. Schedule a hearing with the appealing party to hear his/her appeal, within ten days following the receipt of the appeal.
	1. The meeting date can be scheduled at a time convenient to all parties, with mutual consent (including beyond the ten day period).
	2. With advice of City Council, a final decision will be made by the Mayor.
	3. Copies of the decision shall be sent to the complainant and respondent by registered mail, return receipt requested, and a copy will be given to the personnel officer.

### COMPLAINT RECORDS

All records concerning a discrimination or harassment complaint shall be confidential and kept in a separate locked file except those affected by Kansas Open Records Act. Access to these records shall be given only with the Mayor’s approval to parties who have a direct and relevant need to know.

## PERFORMANCE EVALUATIONS

Employee performance evaluations will be considered in determining salary increases and decreases, as a factor in promotions, as a factor in determining the order of layoffs, and as a means of identifying employees who should be promoted or transferred, or who, because of their low performance, should be demoted or dismissed.

The Mayor with input of the City Council shall perform an evaluation of each employee based on his or her duties annually; evaluations are performed in the month of December. The evaluation shall be approved by the City Council. The Maintenance Supervisor shall evaluate any employees under his or her supervision. The City Clerk shall evaluate any employees under his/her supervision. The City Clerk will deliver blank evaluation forms with job descriptions to the Governing Body for their evaluation of all employees.

The Mayor/Council shall present the evaluation to the employee and the employee allowed an opportunity to respond, shall then be included in the employee’s personnel file. **See the appendix for a copy of the approved evaluation.**

If a person engages in prohibited conduct, the person is not qualified to operate mechanical equipment or a motor vehicle or perform other job duties and shall be immediately removed from service or otherwise disciplined.

# SEPARATION

## ABSENT WITHOUT LEAVE

1. Any employee who is absent without leave and who fails to return to duty within twenty-four (24) hours after having received notice to do so shall be deemed to have resigned his position voluntarily.
2. Absent without leave shall be construed to be any absence in which the employee has failed to secure prior approval or, in case of illness or emergency, has failed to notify his immediate supervisor of such absence no later than the day such absence begins. It is mandatory to notify the City Clerk of the absence.

## CHECKOUT PROCEDURE

Upon termination or separation from employment from the city there will be a checkout procedure completed before employee receives their final paycheck or separation pay. The following procedure will be adhered to:

1. A member of the Governing Body and the City Clerk or Treasurer will be present during the inventory.
2. Inventory sheet for the Police Department will be gone through if it involves a police officer.
3. Any keys issued to the employee shall be returned.
4. If a purchasing card has been issued to the employee that shall be returned.

## RIGHT TO HEARING

An employee removed for cause shall be entitled to a reason for his or her termination and the opportunity for a hearing. The employee, if he so desires voluntarily may waive such hearing. The following guidelines will be followed for a hearing:

1. The hearing shall be held within 30 calendar days from receipt of the employee's request for such a hearing.
2. At the hearing, all concerned parties shall be given an opportunity to present their respective side of the grievance together with any pertinent evidence or witnesses as deemed relevant by the Mayor. All parties shall have the right to cross-examine adverse witnesses and evidence.
3. All parties shall be allowed the right to have legal counsel present.
4. The Mayor may call for additional evidence, as it deems proper.
5. The Mayor shall not be bound by any legal rules of evidence.
6. No city employee, serving as a witness, shall be subject to any restraint, interference, discrimination or reprisal for any of his or her testimony in such hearing.
7. The City Council shall render a decision in writing within five business days of the hearing's conclusion and the evidence shall support such decision. A copy of the findings shall be provided to the employee and the City Clerk and filed in the employee's personnel file.
8. The hearing shall not be open to the public unless the employee and city both agree in writing to a public hearing.
9. The City Council’s decision shall be binding and final and subject to no further appeal.

## TERMINATION

Upon termination an employee shall be compensated for all accumulated unused vacation leave. In case of death, compensation shall be paid to the surviving spouse, or the employee’s estate.

## RESIGNATION

An employee who terminates his employment voluntarily shall be terminated in good standing, providing he gives a minimum of two (2) week notice to the City Council. Upon resignation with a minimum of two (2) week notice employee shall be compensated for all unused vacation leave and ½ of earned unused sick leave.

## REINSTATEMENT

An employee who has resigned and is in good standing and who is re-employed within a period of 120 days may be reinstated at not more than the salary he or she was receiving at the time of his resignation.

## RETIREMENT

Social Security is handled by the Federal Government and is made up of joint contributions by the employee and the City, based upon a percentage of the employee’s salary, and is deducted from the paycheck. Complete details about Social Security are available from the City Clerk.

The City also provides a retirement plan. This information is available from the City Clerk.

### GRIEVANCE

## GENERAL POLICY

A grievance is a complaint involving misinterpretation or misapplication of a practice or policy under the personnel rules and regulations of the City, including suspension, demotion, and termination for cause. Any employee who has been disciplined in any manner excluding termination, has the right to present a complaint or grievance concerning his or her job, working conditions, salary, relationship between employees and co-workers, supervisor, or department head, the application of equal employment opportunity policies, or as an appeal of any disciplinary action taken pursuant to these policies. Each employee and supervisor should make a sincere attempt to resolve any grievance before it becomes necessary to resort to the grievance procedure. Employees that have been terminated, have no right to a grievance proceeding.

## GRIEVANCE POLICY

The following grievance procedure is established:

1. The employee shall initially file any complaint or grievance in writing within five (5) days of the cause of the grievance with the City Clerk or Mayor at the employee’s discretion to the City Council.
2. The City Council shall resolve the grievance filed by a hearing in accordance with the following procedures:
	1. The hearing shall be held within 30 calendar days from receipt of the employee's request for such a hearing.
	2. At the hearing, all concerned parties shall be given an opportunity to present their respective side of the grievance together with any pertinent evidence or witnesses as deemed relevant by the Mayor. All parties shall have the right to cross-examine adverse witnesses and evidence.
	3. All parties shall be allowed the right to have legal counsel present.
	4. The Mayor may call for additional evidence, as it deems proper.
	5. The Mayor shall not be bound by any legal rules of evidence.
	6. No city employee, serving as a witness, shall be subject to any restraint, interference, discrimination or reprisal for any of his or her testimony in such hearing.
	7. The City Council shall render a decision in writing within five business days of the hearing's conclusion and the evidence shall support such decision. A copy of the findings shall be provided to the employee and the City Clerk and filed in the employee's personnel file.
	8. The hearing shall not be open to the public unless the employee and city both agree in writing to a public hearing.
	9. The City Council’s decision shall be binding and final and subject to no further appeal.

# POLITICAL ACTIVITY

## POLITICAL ACTIVITY

1. It is the duty and right of every employee to register and vote on all political issues. Employees are permitted to join political organizations, civic associations or civic betterment groups.
2. Employees are not permitted to engage in any political activity involving the election of candidates for any City office.
3. Any employee desiring to become a candidate for elective City office shall first take a leave of absence without pay or resign. Should the employee be unsuccessful in seeking City office, he shall be returned to employment on the same terms and conditions as any other employee who has taken a leave of absence without pay.
4. Employees are not permitted to solicit, sell or handle political contributions in City elections. They are not permitted to wear or display political badges, buttons or signs on their person or on City property during on-duty hours.

## MEMBERSHIP ON BOARDS AND COMMISSIONS

Employees are not permitted to be a member of City Councils, Board of Commissions that are advisory or administrative to the City except where such membership is specifically authorized by City Ordinance.

# EMPLOYEE WELFARE AND BENEFITS

## OUTSIDE EMPLOYMENT

Employees may carry on part-time jobs if:

1. There is no conflict in working hours.
2. The employee’s efficiency is not reduced.
3. There is no conflict of interest that could cause embarrassment to the City or the employee.

## KEYS

Certain City employees may be issued keys for City facilities. All keys issued to an employee are the property of the City and must be returned upon separation from employment. No keys issued by the City may be duplicated without the prior approval of the City Council. Misplaced, lost or stolen keys must be reported immediately to the City Clerk or Mayor.

# EMPLOYEE TRANSPORTATION SAFETY

## USE OF CITY-OWNED VEHICLES

1. A City-owned maintenance or police vehicle is to be used for official business only. No one, except City employees, should ride in City vehicles, unless for authorized City business.
2. Before Employees will be permitted to operate City vehicles they will be required to have a current Kansas operator’s license, and when necessary, equipment operators must have a valid CDL license.
3. Employees operating City vehicles are expected to fully observe all traffic laws and ordinances. Violations of the rules adversely affect public opinion of the City Government. City employees who demonstrate careless disregard or traffic regulations are placing their position of employment in jeopardy.
4. In the event of an emergency it is acceptable for the Police Chief to have another officer in the police vehicle with him/her.
5. No smoking in City owned vehicles. This includes vehicles/mowers/heavy equipment or any other engine driven vehicle. No smoking within 50 feet of the bulk fuel tanks at any time. This includes while fueling a vehicle, mower, etc.

## USE OF PRIVATE VEHICLES

The City Clerk or Mayor must approve the use of an employee’s private vehicle for performance of official City business. If an employee is required to use his car in the performance of official duties for the City, **they will** be paid at the rate of the current Federal mileage for the use of his car on official City business.

## ACCIDENTS WITH CITY-OWNED VEHICLES

If a City employee is involved in an accident which results in bodily injury or property damage while operating a City-owned vehicle they must:

1. Notify the Police Department immediately.
2. Urge that all parties involved remain at the scene of the accident until the police can investigate.
3. Report the accident, no matter how small to the City Clerk or Mayor.
4. The employee should not discuss the accident with anyone but the investigating officer, the City Clerk, Mayor or anyone authorized by the City to receive the information.
5. Accidents will automatically require a drug test to be administered.

## GENERAL SAFETY

Safety is important to the City and the employee. Accidents result in expense, man hours lost, equipment damage, and most important, personal injury. For his own protection, an employee is expected to observe all safety rules and precautions. Every employee is expected to perform his job with the greatest degree of skill possible which includes safety at all times. Continuing disregard of the safety of himself and others is grounds for dismissal.

## ACCIDENTS ON THE JOB

An employee injured on the job must report it immediately to the City Clerk. The employee will require a mandatory drug test anytime an accident occurs while on the job.

## USE OF CITY EQUIPMENT OR FACILITY

No employee shall permit the use of any City equipment or facility under his control for any purpose other than the official use, except as may be designated and determined by the Governing Body.

## SUBSTANCE-FREE WORKPLACE

To promote a safe, productive work environment and to safeguard the wellbeing of all employees and City property, it is the policy of The City of Argonia to prohibit strictly:

* 1. The use, sale, transfer or possession of alcohol, drugs or controlled substances while on the job or the use of any city property.
	2. Reporting to work under the influence of alcohol, drugs, or controlled substances, and
	3. Having a detectable level of a prohibited illegal drug or controlled substance present in one’s system.

Violation of this policy may result in disciplinary action up to and including termination. The City reserves the right to request an employee consent to post-accident drug testing (following a work related incident) for the presence of alcohol and/or drugs/controlled substances and to consent to the release of such test results to the City.

An employee who is requested to take a drug and/or alcohol test must sign a consent form prior to testing. If an employee refuses to sign the consent form, or refuses to take the test, or alters or attempts to alter the testing results, is subject to disciplinary action up to and including discharge. A confirmed positive test, or a positive alcohol test may result in disciplinary action up to and including discharge.

Please see a copy of the drug and alcohol policy from both Pipeline Testing Consortium and the City of Argonia policy. Once you have looked over the policies you will be required to sign a form stating you have read and understand the policy. These policies will be provided to you from the City Clerk.

**CITY OF ARGONIA**

**MOBILE PHONE POLICY**

**City Mobile Phones**

Where a mobile phone has been issued by the City, it is for business use only and at all times will remain the property of the City. The employee(s) will be responsible for its safekeeping, proper use, condition and eventual return to the City. Employees are prohibited from utilizing a City of Argonia issued phone for personal use. The employee will also be responsible for any cost of repair or replacement other than normal wear and tear. If a phone becomes inoperable please report to your immediate supervisor or the City Clerk. The City will handle any replacements and repairs and make a determination if reimbursement should be sought from the employee.

A mobile phone is provided primarily to enable the employee to do their job, have for on-call weekends in case of emergency and be in contact with other City employees. It is the employee’s responsibility to ensure that the mobile phone is kept charged and switched on while on duty. The employee must have the phone with them at all times during their working hours.

The use of the internet on the City mobile phones is strictly prohibited, except in the case where specific authorization has been given. Smartphone users should only use the internet to access their company emails and for other essential City use.

Unless approved by the supervisor or City Clerk, applications and other programs may not be downloaded to any mobile phone under any circumstance.

Unless approved by the supervisor or City Clerk, the camera function shall not be used for anything other than City business or in an emergency situation, i.e. company car accident where evidence may be required.

The employee agrees that upon termination of employment, should they not return the allocated mobile phone, or should the mobile phone be returned in an unsatisfactory condition, the cost of replacement, or a proportional amount of this as decided by the City, will be deducted from any final monies owing, or the user will otherwise reimburse the City.

**Use of Mobile Phone While Driving**

The employee must ensure they have full control of any vehicle that they are driving at all times.

Use of mobile phone while driving is strictly prohibited. Police officers while on duty are exempt from this section: Use of Mobile Phone While Driving.

**Lost or Stolen Mobiles**

The employee is responsible at all times for the security of the mobile phone and it should never be left unattended. If the phone is lost or stolen, this must be reported to direct supervisor or City Clerk immediately.

The City reserves the right to claim reimbursement for the cost of the phone, or excessive usage charges should the correct procedures not be followed, an employee reports repeated loss of their mobile, it is deemed that the employee has not taken appropriate measures to safeguard the equipment, or reported the loss thereof.

**Monitoring of Usage and Costs**

The City can receive itemized billing for all City mobile phone. Monitoring is on a monthly basis.

If it is found the mobile has been misused, the City may, after formal investigation, take disciplinary action.

**Anti-Harassment**

Employees must be aware that certain operations that may be performed on mobile phones may breach City rules and procedures. The sending of text messages or digital images that is, or could be deemed offensive is strictly prohibited.

The photographing, recording or filming of fellow employees, residents, visitor or any member of the public without their consent may breach an individual’s right to privacy and could, in certain circumstances, constitute harassment. This is therefore strictly forbidden.

It is against the principles of the City for any person to be harassed in such a way, and will not be tolerated. Any instance that comes to the City’s attention will be investigated. Should an employee be found to have used a mobile phone in such a way they may be subject to disciplinary actions, which could include dismissal.

If an individual feels they have been a victim of this form of harassment, they should bring this to the attention of their supervisor immediately.

**Policy Review**

This policy and its effectiveness will be monitored and may be reviewed by the City at any time. Updates will be notified to all mobile phone users.

**Approved by City Council October 7th, 2019**

**Distributed by City Clerk**

**Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Acknowledged by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
(Name of Employee)**

**Phone Issued To:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Date Issued To Employee:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

# GENERAL

## ETHICS OF PUBLIC SERVICE

It shall be grounds for immediate dismissal for any employee to seek or receive compensation or special favors from any source other than the City in connection with the carrying out of official duties and responsibilities. **See the appendix for a copy of the approved code of conduct for elected and appointed officials.**

## PROCURMENT POLICY

The City has adopted a procurement policy which helps guide how the city purchases large items and is a guide for grants. **See the appendix for a copy of the approved procurement policy.**

## SAVING CLAUSE

The City of Argonia Kansas follows the Federal Minimum Wage and Hour Laws, wherever they are applicable. The City exceeds many of the requirements. Whenever new rules and regulations are adopted which are more restrictive than City policy, the City will meet the minimum requirements.

This document was reviewed and approved by the Governing Body of the City of Argonia on the \_\_5th\_ day of August, 2019.

\_\_\_\_\_\_\_Tara Pierce\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_Rick Dolley\_\_\_\_\_\_\_\_\_\_

City Clerk Mayor

I have read and received a copy of this document:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of employee Position Date

# APPENDIX

CITY OF ARGONIA

Purchasing Card Policies and Procedures

**Use of the Purchase Card**

The purchasing card works like a personal credit card, except that all charges are paid in full by the City. It is to be used only for the purchase of goods and services in support of City business.

Cardholders should always treat the purchasing card with at least the same level of care as one does their personal credit cards. The card should be maintained in a secure location and the card account number should be carefully guarded. The only person entitled to use the card is the person whose name appears on the face of the card. The card may not be lent to another person for any reason.

**Requesting a Purchase Card**

A request for a card must be made by the individual and submitted in writing to the City Clerk. The City Clerk submits the individual’s written request to City Council for approval. All disapproved requests are returned to the City Clerk indicating the reason for the disapproval.

**Training**

At the cardholder training, each new cardholder will receive the Purchasing Card Policies and Procedures that guide card use and the procedural elements of the program. A card will not be distributed until the cardholder signs a Purchasing Card Cardholder Agreement.

**Purchasing With the Card**

The purchasing card may be used to purchase goods or services in person (at the point of sale), over the telephone, or over the Internet. When using your card over the Internet, please be sure that you are using a secure site.

**A cardholder must:**

* Ensure that the card is used only for legitimate City business purposes.
* Ensure that only the cardholder uses the card; use by anyone other than the approved cardholder is strictly prohibited.
* Obtain all sales slips and register receipts.
* Avoid cash transactions such as accepting cash in lieu of a credit to the purchasing card account or using the card to obtain a cash advance.

**Sales Tax**

The City is tax-exempt. The tax-exempt status appears on the front of the card. If the vendor insists upon charging sales tax, terminate the transaction. Request a Tax Exempt Entity Exemption Certificate from the City Clerk and provide the vender with the certificate. If sales tax is billed incorrectly to the cardholder's account, it is the responsibility of the cardholder to dispute the charge.

**Loss of Stolen Card**

Report any lost to stolen card immediately to the City Clerk.

**Credits**

The vendor should issue a credit to your card for any item they have agreed to accept for return. Under no circumstances should you accept cash in lieu of a credit to the purchasing card account.

**Disputes and Billing Errors**

Cardholders may dispute a charge that appears on their purchasing card statement. The cardholder is responsible for following up with a vendor regarding any erroneous charges, disputed items or returns within ten (10) business days from receipt of the statement. Disputed charges can result from failure to receive goods, fraud or misuse, altered charges, defective merchandise, incorrect amounts, duplicate charges, credits not processed, etc. The cardholder should contact the vendor first to resolve any outstanding issues. If the cardholder is unable to reach agreement with the vendor, the next step is to complete the Cardholder Statement of Questioned Item form and send it to the City Clerk.

**Misuse or Fraudulent Use of Card**

1. The term "misuse or abuse" shall mean the use of the purchasing card outside of the employee's authorized parameters. Misuse or abuse of the card includes, but is not limited to:
	* Using the card for personal or unauthorized purposes
	* Using the card to obtain a cash advance or cash in lieu of a credit to the purchasing card account
	* Using the card to purchase alcoholic beverages or any substance, material, or service which violated policy, law or regulation pertaining to the City
	* Allowing use of the card by another individual
	* Splitting a purchase or using another cardholder's card to circumvent the purchasing limit of the card
	* Failing to provide the City Clerk with required receipts
	* Failing to prove, when requested, information about any specific purchase
	* Not adhering to all of the City Purchasing Card Policy and Procedures
		1. The term "fraudulent use" shall mean the use of the purchasing card with a deliberately planned purpose and intent to deceive and thereby gain a wrongful advantage for oneself or anyone else other than the City.

Depending on the severity of the violations(s), any employee may be subject to any

of the following activities:

* Immediate suspension of card privileges
* Removal of cardholder's purchasing authority
* Required employee reimbursement to the City for any unauthorized purchases; and
* Formal disciplinary action which may result in termination of employment

These actions, with the exception of formal disciplinary action, may be initiated at the discretion of the City Clerk after consultation with the City Council. Further, the City Clerk may ask the City Council to initiate any of the above actions at any time. The City Clerk in accordance with the City's Personnel Policies and Procedures must initiate formal disciplinary action.

**Employee Termination or Transfer**

A cardholder who terminates employment with City must return the purchasing card to the City Clerk.

A cardholder who transfers to a position within the City that does not require a purchasing card to perform the duties and responsibilities of the position must return the card to the City Clerk. Failure to comply will result in progressive disciplinary action against the employee.

In each instance, and irrespective of the timeliness of the return of the card, the purchasing card account will be cancelled immediately upon notice of termination or transfer.

**Audit of Individual Accounts**

The City Clerk may elect to audit a cardholder's account at any time and without notice. It is, therefore, important that cardholders maintain accurate records of all transactions at all times. The cardholder is responsible for the transactions identified on their card statement. When an audit of the cardholder's account is conducted, the cardholder must be able to produce receipts, and/or proof that the transaction occurred.

**Documentation**

The cardholder is responsible for maintaining adequate documentation to verify and explain all purchasing card transactions. To facilitate reconciliation and approval of statements, it is essential that cardholders obtain and retain vendor documentation for purchases, including:

* Itemized vendor sales receipts
* Itemized packing slips or shipping orders, and
* Purchasing card charge slips with items descriptions

When a purchase is made at the point of sale, and upon return to the workplace, the cardholder must present both the goods purchased and the purchasing card receipt to the City Clerk or if the City Clerk makes the purchase, show purchased goods and the packing slip to City Treasurer who will verify that the City has received the goods identified on the receipt. Upon verification, the City Clerk (other than the cardholder) must write, "Verified by (name)" on the back of the purchasing card receipt. If the City Clerk made the purchase, upon verification, the City Treasurer (other than the cardholder) must write, “Verified by (name)” on the back of the purchasing card receipt.

When a telephone or Internet order is received the cardholder must present the goods purchased and the packing slip to the City Clerk or if the City Clerk makes the purchase, show purchased goods and the packing slip to City Treasurer who will verify that the goods identified on the packing slip have been received by the City. Upon verification, the City Clerk (other than the cardholder) must write, "Verified by (name)" on the back of the purchasing card receipt. If the City Clerk made the purchase, upon verification, the City Treasurer (other than the cardholder) must write, “Verified by (name)” on the back of the purchasing card receipt.

Each month, the City Clerk will receive a consolidated billing statement, which lists charges made during the previous billing cycle. Upon receiving the statement, it is essential that the City Clerk perform the following:

* Review the statement; compare the back-up documentation (receipts, packing slips, charge slips, etc) to the transactions listed on the statement
* Reconcile each and every transaction on the statement to assure that it is correctly listed and that adequate documentation for each transaction is attached to the statement.

If the cardholder is disputing a charge listed on the statement, attach a copy of the Cardholder Statement of Questioned Item form that has been completed to dispute the charge.

Upon reconciliation, the statement and all supporting documentation, the City Clerk will review and approve the statement by:

* Ensuring that each purchase is an appropriate use of City funds
* Confirming that receipts and written explanations are attached for each listing on the statement
* Confirming that the attached receipts match the dollar amount of each listing on the statement
* Ensuring that the card is not used for personal purposes, and
* Ensuring that the card is used and only the cardholder signs receipts

The City Clerk must approve (by signing) the statement. By signing and approving the statement, the City Clerk certifies the statement's compliance to the established policies and procedures governing the purchasing card program.

Passed and approved by the Governing Body on November 11th, 2008.

 ­­­\_\_\_\_\_\_\_Alan Brundage\_\_\_\_\_\_\_

 Mayor

Attest:

­\_\_\_\_\_\_Janet Etheridge\_\_\_\_\_\_\_\_\_\_\_\_

 City Clerk

**PURCHASING CARD CARDHOLDER AGREEMENT**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, hereby accept, as a condition of employment with the City of Argonia, a UMB Bank Visa Procurement Card. As a Cardholder, I agree to comply with the following terms and conditions regarding my use of the Card.

1. I understand that I will be making financial commitments on behalf of the City of Argonia and will seek to maximize the purchasing value of public funds.

2. I understand that the City is liable to UMB Bank Visa for all charges made on this card.

3. I agree to use this Card for approved purchases only as outlined in the Purchasing Policy. Misuse or abuse of the Procurement Card will result in revocation of the Card and appropriate disciplinary action, which may include termination. Policy violations include, but are not limited to:

1. Purchasing Items for personal use, whether for myself or for others;
2. Using the Procurement Card for purchases over the established limits;
3. Failure to return the Procurement Card when reassigned, relocated, transferred, or terminated;
4. Failure to submit proper documentation for reconciliation.

4. I agree to return the Card immediately upon request by the City Clerk or City Council or upon termination of employment (including retirement). Should there be an organizational change, which causes my department to change, I agree to return my Card and arrange for a new one, if appropriate.

5. If the Card is lost or stolen, I agree to notify the City Clerk immediately.

6. I have been given a copy of the City of Argonia Procurement Card Policy, received training, and understand the requirements for Procurement Card use.

7. I agree that should I willfully violate the terms of this agreement, I will reimburse the City of Argonia for all charges incurred and any fees related to the collection of those charges.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Employee Signature Date City Clerk Signature Date

City Clerk will complete the information below this line

Per transaction limit $\_\_\_\_\_\_\_\_\_\_ Per Day Limit $\_\_\_\_\_\_\_\_\_\_ Total LOC $\_\_\_\_\_\_\_\_\_

**Cardholder Statement of Questioned Item Form**

If the cardholder cannot resolve the matter with the vendor, (s) he should initiate a dispute by immediately completing this form and contacting the City Clerk.

**Cardholder name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 Please Print or Type

**The transaction(s) in question is described below:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Transaction Date Vendor Amount Items(s) in Dispute

Please read carefully each of the following situations and circle the most appropriate to our particular dispute:

1. **Sales Tax:** Sales tax was included with my transaction. I have notified the

vendor that this sales tax charge should be reversed.

2. **Unauthorized Mail, Internet or Phone Order:** I have not authorized this

charge to my account. I have not ordered this merchandise or received any

 goods or services.

3. **Duplicate Processing:** The transaction listed above represents a multiple billing

 to my account. I only authorized one charge from this vendor for this amount.

4. **Goods or Services Not Received:** My account has been charged for the above

listed transaction but I have not received the goods or services.

5. **Order Cancelled:** My account has been charged for the above listed transac-

 tion. I have contacted the vendor on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_and cancelled the

 order. I will refuse delivery should the goods still be received.

6. **Goods Returned:** My account has been charged for the above listed transaction

 but the goods have since been returned.

7. **Credit Not Received:** I have received a credit voucher for the above listed

charge but it has not appeared on my account. A copy of the credit voucher is

 attached.

8. **Alteration of Amount:** The amount of this charge has been altered since the

time of the purchase. Attached is a copy of the sales receipt showing the amount

 for which I signed.

9. **Other:** I dispute this transaction because: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Note:** Provide a complete description of the problem, attempted resolution, and outstanding issue. Use a separate sheet of paper, if necessary.

**Cardholder Signature:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

**Distribution:** The original should be sent to the City Clerk. Retain a copy of this form for your records.

**CITY OF ARGONIA, KANSAS**

# PURCHASING AUTHORITY & PROCEDURES

***Section 1.1.1. Authority to Purchase***

The authority to purchase materials, supplies and services shall be vested in the members of the governing body and those city officers, department heads and other employees who the governing body delegates this authority to as they deem advisable, provided, that the governing body shall at all times be held responsible for the acts of the delegates in the ordering or purchasing of materials, supplies or services; provided further, that any violation of this section shall be deemed a violation of city policy.

***Section 1.1.2. Procedures defined***

Any order of purchase of materials, supplies and services which can reasonably be expected to **be less than five hundred dollars** **($500.00)** shall be made at the discretion of the appropriate department head for which department the purchase is being made. All orders of purchase of materials, supplies and services which can reasonably be expected to be **greater than five hundred dollars ($500.00)** but less than twenty five thousand dollars ($25,000.00) shall be taken to the governing body for approval at the next regularly scheduled meeting, or at a special meeting, of the governing body, prior to purchase. Any order of purchase of materials, supplies and services which can reasonably be expected to be greater than twenty five thousand dollars ($25,000.00) shall be by sealed bid as described in ***Section 1.1.3*** *(sealed bids, when required)***.** No purchase shall be placed unless there are sufficient unencumbered funds properly budgeted and which may be used to pay the cost of the materials or services so ordered. All orders of purchase shall state clearly thereon the date of the order, the fund and department to which it is charged, and a specific amount, which will be either the actual cost of the materials or services, or the best estimate available. A copy of this order shall be delivered immediately to the city clerk as evidence that the designated fund has been encumbered in the stated amount.

***Section 1.1.3. Sealed bids, when required***

 (a) Any purchases, by the city for materials, supplies, services or equipment, the cost of which can reasonably be expected to **exceed twenty five thousand dollars ($25,000.00),** shall be by sealed bids invited by advertisement published by the city clerk in a newspaper of general circulation within the city and/or the region. The governing body may accept the lowest responsible bid; provided the mayor and council reserves the right to reject any and all bids or proposals submitted. Proposals which do not meet the approved specifications or proposals to supply items which would be unsuitable or proposals submitted after any stated deadline, need not be considered. The governing body reserves the right to award bids on a preferential basis to companies/contractors located within city limits, or, in the case no bids are received from companies/contractors located within city limits, then within Sumner County limits, if such bids are not the lowest responsible bid but are within 3% of the lowest responsible bid for total cost of providing materials, supplies, services or equipment, if the project is not federally or state funded.

(b) This section shall not be applicable when a city department is either having a contractor perform work or when purchasing materials from a supplier for a particular job when the city is to be reimbursed by a landowner or developer.

(c) This section shall not be applicable when a city department is approved to act as the general contractor for a city project and subcontracts for materials, supplies, services or equipment, when it is anticipated that significant monetary savings will be benefited by the city as opposed to adherence to formal bidding policies.

(d) This section shall not be applicable when a city department is investing in a pool to provide specific coverage’s that would not be considered property and/or liability insurance or involve a broker for the City.

 (e) This section shall not be applicable for current contracts up for renewal such as sewer cleaning, cathodic protection, water tower maintenance and street maintenance.

For the purposes of these provisions, the city shall be construed to mean all agents, employees or officials of agencies funded in whole or in part by direct grants from the city or funds from any other monetary grants, but shall not be construed to mean or include any lessee of the city.

***Section 1.1.4. Formal bidding procedures***

(a) *General:* Competitive sealed bidding is the preferred method of procurement; however, competitive sealed bidding is not always practical and advantageous and in certain situations described in this ordinance other methods of procurement may be used.

 (b) *Competitive sealed bidding:* All supplies, materials, equipment and services, when the estimated cost of order of purchase of materials, supplies and services can reasonably be expected to be twenty five thousand dollars ($25,000.00) or greater, shall be purchased by competitive sealed bidding from the lowest responsible bidder, after due notice inviting bids and unless specifically provided otherwise herein.

(c) *Public notice:*

1. Distribution: Invitation for bids or notices of the availability of invitations for bids shall be mailed or otherwise furnished to a sufficient number of bidders for the purpose of securing competition which, unless not otherwise possible or practical, shall mean a minimum of three (3) bidders. Notices of availability shall indicate where, when, and for how long invitations for bids may be obtained; generally describe the supplies, materials or equipment desired; and may contain other information as is appropriate.

2. Publication: Notice of every procurement of twenty five thousand dollars ($25,000.00) or greater shall be published at least once in a newspaper of general circulation within the city or the region and the last publication shall be at least five (5) days preceding the last date set for the receipt of proposals.

(d) *Public availability:* A copy of the invitation for bids shall be available for public inspection at a designated city office.

 (e) *Bid evaluation and award:* All bids shall be tabulated and prepared in a recommendation for bid award for review by the city administrator. The city administrator will make recommendation for final award to the governing body as it determines to be most advantageous to the city, taking into consideration price and any other pertinent evaluation factors. The governing body shall make the final award taking into consideration that the governing body reserves the right to reject any and all bids. In no case shall the city be held responsible for the Proposer’s costs of preparing and submitting competitive sealed bids.

***Section 1.1.5. Small purchases***

(a) *Competition for small purchases of supplies, services, materials or equipment between two thousand dollars ($2,000.00) and twenty five thousand dollars ($25,000.00):* Insofar as it is practical for small purchases of supplies, services, materials or equipment between two thousand hundred dollars ($2,000.00) and twenty five thousand dollars ($25,000.00) no less than three business shall be solicited. Any bid for such purchases submitted by person or by telephone must be confirmed in writing.

***Section 1.1.6. Sole source procurement***

The governing body may award a contract for supplies, services, materials or equipment at any dollar amount without competition when the governing body determines that there is only one source available. A written record of the factors pertinent to such award will be maintained.

***Section 1.1.7. Emergency procurement***

Not with standing any other provision of this policy, the mayor with the input of department heads may make emergency procurements when in his/her professional judgment and opinion there exists a threat to public health, welfare or safety provided that such emergency procurement shall be made with such competition as is practical under the circumstances. Such emergency condition is further defined as an immediate and serious need for supplies, services, materials or equipment that cannot be timely met through normal procurement methods and the lack of which would threaten:

 1. The functioning of the city government, operations or services;

2. The preservation or protection of property; and/or

 3. The health or safety of any person.

***Section 1.1.8. Procurement of professional services (general)***

(a) *General:* Professional services are generally associated with the following disciplines:

 1. Architect, engineer and land surveying services;

2. Appraisal services;

 3. Financial, accounting and auditing services;

 4. Legal services;

 5. Consulting services;

 6. Health care services;

 7. Insurance services;

 8. Data processing consulting and programming services;

 9. Testing and inspection services;

10. Photographic, art or marketing services;

11. Employment of temporary employees as advisors, lobbyists, etc.

12. Planning Services

The provisions of ***section 1.1.8.*** *(procurement of professional services)*as stated hereafter shall apply to all procurement of professional services (**except those legal services which are provided by the current city attorney)** which are expected to be twenty five thousand dollars ($25,000.00) or greater. Procurement of professional services (**including legal services other than those services provided by the current city attorney**) expected to be less than twenty five thousand dollars ($25,000.00) shall be made in accordance with ***section 1.1.6.*** *(small purchases).*

Legal, planning and engineering services, other than those provided by the current city attorney, expected to be twenty five thousand dollars ($25,000.00) or greater shall be governed by the following:

1. Not less than three (3) firms shall be contacted to submit proposals for the services required by the city;

2. The proposals shall be submitted to the governing body, which shall award a contract based upon the proposal that is most advantageous to the city, taking into consideration not only price, but also technical and or professional competency;

Professional services uniquely applicable to a project may be determined to be a sole source service and may be negotiated with a single contractor in accordance with the procedures contained in ***section 1.1.6.*** *(sole source procurement)*.

(a) *Competitive sealed proposals:* Competitive sealed proposals shall be governed as provided in the following:

1. Conditions for use: Competitive sealed proposals may be used where it is necessary to insure fair and reasonable price analysis, but not to preclude competition for technical excellence. Generally, competitive sealed proposals may be used under the following conditions:

(a) The procurement of professional services (**except legal services**);

(b) The procurement of technical items or equipment;

 (c) The procurement of complex services;

 (d) The purchase of nonstandard items.

2. Public notice: Public notice of the request for proposals shall be given in the same manner as provided in ***section 1.1.4.*** *(formal bidding procedures)* ***part (c)*** *(public notice).*

3. Evaluation of proposals: The request for proposals shall state all of the evaluation factors, including price, and their corresponding importance. The evaluation shall be based on the evaluation factors set forth in the request for proposals. Numerical rating may be used but are not required. Factors not specified in the request for proposals shall not be considered.

4. Award: The mayor shall recommend to the governing body an award to the responsible proposer whose submitted proposal is determined to be the most advantageous to the city, taking into consideration price and the evaluation factors set forth in the request for proposals. The governing body shall make the final award.

***Section 1.1.9. The position of city attorney***

(a) *City attorney:* The position of **city attorney** is a statutory employee and is appointed annually by the mayor by and with the consent of the city council and, therefore, is exempt from these provisions. At which time it becomes necessary to appoint a new city attorney, the city administrator shall adopt operational procedures which shall provide for obtaining adequate and reasonable competition. The city administrator shall then make recommendation to the mayor as per the appointment of a new city attorney. The final appointment shall be made by the mayor by and with the consent of he city council as she/he determines is most advantageous to the city, taking into consideration price and any other pertinent evaluation factors.

***Section 1.2.1. Change orders***

Change orders are issued to cover costs or address changes in terms and conditions associated with unforeseen problems not addressed in the bidding or contract document, or changes/modifications that may be recommended after a contract award. Change orders on contracts for amounts of two thousand dollars ($2,000.00) or less may be approved by the mayor with subsequent notification to the governing body. Change orders of over two thousand dollars ($2,000.00) must be approved by the governing body provided, however, that in instances where it is in the best interest of the city for a change order to be implemented prior to the next regularly scheduled meeting of the governing body, the city administrator shall have the authority to authorize the change subject to ratification by the governing body.

***Section 1.2.2. Property acquisition***

A contract for the purchase of interests in real property associated with an approved public improvement project may be approved by the mayor if the cost for the acquisition is two thousand dollars ($2,000.00) or less. All other property acquisition shall require approval of the governing body.

***Section 1.2.3. Accepting gratuities prohibited***

Every officer and employee of the city is expressly prohibited from accepting directly or indirectly from any person to which any purchase order of contract is or might be awarded any rebate, gift, money or anything of value whatsoever, except where given for the use and benefit of the city.

Passed and approved by the Governing Body on \_\_\_26th July 2011\_\_\_\_.

[SEAL] \_\_\_\_\_\_Alan Brundage\_\_\_\_\_\_\_

Alan Brundage, Mayor

Attest:

\_\_\_\_\_\_\_Janet Etheridge\_\_\_\_\_\_\_\_\_

Janet Etheridge, City Clerk

 **City of Argonia**

**EMPLOYEE PERFORMANCE EVALUATION**

Employee Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Position Title:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Evaluation Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Instructions: Carefully evaluate employee’s overall performance in relation to the essential functions of the job. Assign points for each rating using the performance ratings provided below.

**DEFINITIONS OF PERFORMANCE RATINGS**

|  |  |
| --- | --- |
| **5** - Outstanding - Performance is exceptional. Is recognized as being far superior to others. | **2** - Improvement Needed – Employee is deficient or below the standards required of the job |
| **4** - Highly Satisfactory - Performance clearly exceeds position requirements. | **1** - Unsatisfactory – Employee is generally unacceptable. |
| **3** - Satisfactory - Employee displays the ability to adequately perform the duties | **N/A** – No rating, Not observed |

Ratings of 5, 2 and 1 require supporting documentation in the area provided below. (Be specific by rated criteria). Ratings of 3 & 4 can include relevant documentation.

Employee Effectiveness

|  |  |
| --- | --- |
| **Supervisor Rating** | **APPRAISAL CRITERIA** |
|  | **Responsibility and Accountability** |
|  | **1.** **Quality** – The extent to which an employee’s work is accurate, thorough and neat.  |
|  | **2.** **Productivity** – The extent to which an employee produces a significant volume of work efficiently in a specified period of time.  |
|  | **3. Judgment –** The extent to which an employee demonstrates proper judgment and decision-making skills when necessary. |
|  | **4.** **Reliability** – The extent to which an employee can be relied upon regarding task completion and follow-up.  |
|  | **Skill** |
|  | **5.** **Job Knowledge** – The extent to which an employee possesses the practical/technical knowledge required on the job.  |
|  | **6.** **Creativity** – The extent to which an employee proposes ideas, finds new and better ways of doing things.  |
|  | **7.** **Independence** – The extent to which an employee performs work with little or no supervision.  |
|  | **Implementation** |
|  | **8.** **Initiative** –The extent to which an employee seeks out new assignments and assumes additional duties when necessary.  |
|  | **9.** **Attendance** – The extent to which an employee is punctual, observes prescribed work break/meal periods and has an acceptable overall attendance record.  |
|  | **10.** **Adherence to Policy-**The extent to which an employee follows safety and conduct rules, other regulations and adheres to company policies.  |
|  | **11. Interpersonal Relationships –** The extent to which an employee demonstrates the ability to cooperate, work and communicate with coworkers, supervisors, subordinates and/or outside contacts.  |
|  | **Performance Rating (Total of Ratings Points divided by number of criteria rated).** |

If additional space is needed, please attach a separate page.

Documentation: (Areas of excellence or needed improvement)

Goals/Objectives/Plan:

Reviewer Signature\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_

Supervisor Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date\_\_\_\_\_\_\_\_\_\_\_

Employee Signature\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_

(Signature acknowledges receipt of evaluation only)

RECOMMENDED ACTION:

Submitted by: Approved by:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Councilmember Date Mayor Date

**CODE OF CONDUCT
CITY OF ARGONIA, KANSAS**

The opportunity to serve the public, as an elected or appointed official, is a high honor and such opportunity confers a sacred trust to the office holder. Stewardship of the public trust not only requires allegiance to the law, but also obligates an elected or appointed official to act in ways consistent with the highest standards of ethical conduct; and,

The City Council adopts this Code of Conduct for elected officials and appointed officials as a means of promoting the vitality of the democratic process in city government. The following principles are offered to encourage elected and appointed officials to engage in ethical reflection in advance of decision making. Ultimately, the ethical course of action for an elected or appointed official must be discerned by the dictates of individual conscience, commitment to the public interest and statutory compliance.

The City Council, adopt the Code of Conduct for City Officials, as follows:

* An elected or appointed official should be vigorously dedicated to the democratic ideal of honesty, openness and accountability in all public matters involving city government.
* An elected or appointed official should be a model of decorum, respect for others and civility in all public relationships.
* An elected or appointed official should actively practice stewardship of

the city's human, fiscal and physical resources.

* An elected or appointed official should strive for excellence and continuous learning in personal development and in all operations of city government.
* An elected or appointed official should perform the duties of public

office with fairness and impartiality so as to enhance public confidence in city government.

* No elected official, appointed official, officer or agent of the City shall participate in selection or in the award or administration of a contract issued by the City if a conflict of interest, real or apparent, would be involved.
* The City elected officials, appointed officials, officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to sub- agreements.
* Violations of this Code of Conduct by the City's elected officials, appointed officials, officers, employees or agents of the City shall be prosecuted to the fullest extent permitted according to Local, state and Federal law or regulations.

APPROVED AND ADOPTED by the City Council of the City of Argonia, Kansas, this 22 Day of February, 2011

 Alan Brundage

 Mayor, City of Argonia, Kansas

 Janet Etheridge

City Clerk, City of Argonia, Kansas

(SEAL)

**PROCUREMENT POLICY**

**SECTION I: PURCHASING AGENT DESIGNATED**

The Mayor with the approval of the City Council shall appoint a purchasing agency, generally the City Clerk. The purchasing agent, when authorized, shall procure for the city the bids for all supplies and contractual services needed by the City in accordance with the procedures prescribed by this policy or required by law.

**SECTION II: DUTIES GENERALLY**

In addition to the purchasing authority conferred in the preceding section, and in addition to any other powers and duties conferred by this policy, the purchasing agent shall:

1. act to procure the City the highest quality in supplies and contractual services at the least expense to the City;
2. prepare and adopt written specifications for all supplies and services;
3. discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales;
4. keep informed of current developments in the field of purchasing, prices, market conditions and new products, and secure for the City the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations, and by private businesses and organizations;
5. prescribe and maintain such forms necessary for the operation of the purchasing function;
6. prepare, adopt and maintain a vendors' catalog file. Said catalog shall be filed according to materials and shall contain descriptions of vendor's commodities, price and discounts;
7. exploit the possibilities of buying "in bulk" so as to take full advantage of discounts;
8. act so as to procure for the City all federal and state tax exemptions to which it is entitled;
9. have the authority to declare vendors who default on their quotations irresponsible bidders and to disqualify them from receiving any business from the municipality for a stated period of time;
10. inspect or supervise the inspection of all deliveries with regard to quantity, quality and conformance to specifications; and
11. pursue all appropriate claims against the supplier, shipper or carrier.

**SECTION III: REQUISITIONS AND ESTIMATES**

Each city department shall file with the purchasing agent detailed requisitions or estimates of their requirements for supplies and contractual services in such manner, at such times (i.e. budget preparation), and for such future periods as the purchasing agent shall prescribe.

**SECTION IV: CONFLICT OF INTEREST**

No officer or employee of the city shall transact any business in his official capacity with any business entity of which he is an officer, agent or member or in which he owns a substantial interest; nor shall he make any personal investments in any enterprise that will create a substantial conflict between his private interest and the public interest; nor shall he or any firm or business entity of which he is an officer, agent or member, or the owner of substantial interest, sell any goods or services to any business entity that is licensed by or regulated in any manner by the agency in which the officer or employee serves.

**SECTION V: CONFLICT OF INTEREST — OFFICERS AND EMPLOYEES NOT TO DEAL WITH CERTAIN ENTITIES**

No officer or employee of this City shall enter into any private business transaction with any person or entity that has a matter pending to be acted upon which the officer or employee is or will be called upon to render a decision or pass judgment. If any officer or employee already is engaged in the business transaction at the time a matter arises, he shall be disqualified from rendering any decision or passing any judgment upon the same.

**SECTION VI: CONFLICT OF INTEREST — PENALITIES**

A minimum fine of $500.00 punishes any person who violates the provisions of Section IV or Section V shall, upon conviction thereof or as determined by current statute or judges sentence.

**SECTION VII: GIFTS AND REBATES**

The purchasing agent and every other officer and employee of the City are expressly prohibited from accepting, directly or indirectly, from any person, company, firm or corporation to which any purchase or contract is or might be awarded, any rebate, gift, money, or anything of value whatsoever, except where given for the use and benefit of the City. A minimum fine of $500.00 or as determined by current statute or judges sentence shall upon conviction thereof punished per violation of the provisions of this section.

**SECTION VIII: METHODS OF PROCUREMENT**

Four methods of procurement are allowed by PL 103-355: Small Purchases, Competitive Sealed Bids, Competitive Negotiations and Non-Competitive Negotiations.

**1. Small Purchases**

Small purchases are a relatively simple and informal method used where goods and/or services do not cost in aggregate more than $25,000.

1. The proposed bidders shall be notified from the Bidder's list that the City retains on file for goods and services. This list will be updated from time to time to include the most current vendors available. Notification to prospective bidders can be by publications, posted notice on City bulletin board or direct solicitation. Written specifications (i.e. type of service or product being acquired, submission date, etc.) should be provided to assure all responders are bidding on the same goods or services. The purchasing agent shall obtain price or rate quotations in writing from an adequate number of qualified sources (generally considered to be at least three sources). In the event the goods or services are less than $500, telephone solicitation is allowed.
2. Written documentation regarding businesses contacted and the prices submitted needs to be retained for the files. All qualified individuals and/or firms shall not be excluded from submitting bids on the proposed purchase or sale of goods or services.
3. Written documentation regarding basis of selection and cost should also be retained in the files.
4. For those goods and/or services under $2,000, an executed invoice or purchase order should be kept as a contract with the business. For those goods or services over $2,000 but under $25,000, a formal contract should be completed that includes scope of work price and time frame for delivery or completion.
5. All purchases of goods and/or services shall be approved by the City Council.
6. The unsuccessful bidders will be notified and copies of such notification will be retained in the City's files.

**2. Competitive Sealed Bids**

Competitive sealed bids are initiated by publishing an Invitation for Bids (IFB) including direct solicitation when the cost is estimated to be over $25,000. Adequate time should be allowed for the preparation of the bids (i.e. scope of work or services), time frame, etc.). A minimum of three weeks should be considered as adequate notification whether published or directly notified. If the notice is to be published, it should be placed in a highly circulated newspaper in the proposed project area. An affidavit of publication should be secured as documentation. The IFB will include scope of work and/or services, contact person, completion of bidding forms including insurance and bonds, if applicable, time frame, time and place for opening of bids.

* 1. Detailed specifications for the goods and/or services to be procured must be prepared. This information must be provided by the City to any prospective bidder at any time prior to the opening of bids. All qualified individuals and/or firms (within a reasonable distance) shall not be excluded from submitting a bid. The primary basis for this award is cost.
1. All bids received must be tabulated and reviewed according to the written criteria given to prospective bidders. The contract will be awarded to the individual or firm with the lowest bid and proper qualifications.
2. The proposed goods or services shall not be subdivided for the purpose of evading the requirement of competitive bidding.
3. The contract must be a firm, fixed price contract (lump sum or unit price) and will be approved by the City Council prior to execution of the written contract.
4. A written contract shall be prepared incorporating the scope of work, time frame, price, terms of compensation and executed by all parties.

**3. Competitive Negotiations**

Competitive negotiations are generally used for the solicitation of profession services. The two categories are: Request for Proposals (RFP) and Request for Qualifications (RFQ). They are usually notified by 1) publishing a notice or 2) by direct solicitation.

1. An adequate number of service providers in the area should be notified. At a minimum all qualified firms and/or individuals should be notified. The RFP is used when price is a factor in the selection (i.e. CDBG administrator, Risk Assessor, Housing Inspector). The RFQ is used when price is considered after selection (i.e. architects, engineers, auditors, financial services, legal services, appraisal services, health care or insurance services).
2. A written scope of services including rating criteria will be provided to the proposed bidders. Provisions of competitive bidding will apply. However, the RFP selection will be based according to the rating factors including costs. The RFQ selection will be based according to the rating factors but will not include cost as a deciding factor.
3. All proposals will be opened at a regularly or specially-convened meeting of the City Council in accordance with the open meetings rule. Each council member will tabulate each RFP or RFQ submission according to the rating criteria. An overall tabulation will be filed with each council person's tabulation.
4. In the best interest of the community, each bidder's reference shall be checked prior to the awarding of any contract. The award of the contract shall be based upon the RFP or RFQ that is most advantageous to the City. References as well as technical competence should factor into the selection as well as price, when applicable.
5. Upon final selection approval by the City Council, a written contract formalizing the scope of work and terms of compensation shall be executed. All unsuccessful bidders will be notified in writing and copies of the documentation will be retained in the City's files.

**4. Non-Competitive Negotiations**

Non-competitive negotiations can be used when 1)The use of competitive negotiations is not feasible, such as only one source is available. 2) There is a public emergency, or 3) The results of competitive negotiations are inadequate.

1. The scope of the proposed goods and/or services shall be defined as in competitive bidding. The scope will include the proposed goods and/or services, time frame, terms of compensation as defined by the City.
2. The contract will be approved by City Council prior to executing a formal contract including bonds, if applicable. All unsuccessful bidders will be notified in writing with copies of the documentation retained in the City's files.
3. In the case of an apparent emergency that requires an immediate purchase of supplies or contractual services, the City Council may authorize the purchase at the lowest obtainable price of any supplies or contractual services not in excess of $5,000. A full explanation of the circumstances of an emergency shall be documented in the minutes of the next regularly scheduled City Council Meeting and in the General Ledger for auditing purposes.

**SECTION IX: SPECIFIC BIDDING PROCEDURES I. Bid Opening Procedure**

Bids shall be submitted sealed to the City and shall be identified as bids on the envelope. They shall be opened in public at the time and place as stated in the public notices. A tabulation of all bids received shall be posted for public inspection and a tabulation report forwarded to the bidders.

**2. Lowest Responsible Bidder**

The City reserves the right to reject any or all bids. Contracts shall be awarded to the lowest responsible bidder. Bids shall not be accepted from, nor contract awarded to, a contractor who is in default on the payment of taxes, licenses or other monies due the City. In determining "lowest responsible bidder", in addition to price, the following shall be considered:

1. The ability, capacity and skill of the bidder to perform the contract or provide the service required;
2. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
3. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
4. The quality of performance of previous contracts or services;
5. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
6. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
7. The quality, availability and adaptability of the supplies or contractual services to the particular use required;
8. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract; and
9. The number and scope of conditions attached to the bid.
10. **Justification of Award**

When the award is not given to the lowest bidder, the City Council shall enter a full and complete statement of the reasons for placing the order elsewhere in the journal.

1. **Tie Bids**

If all bids received or the lowest bids received are for the same total amount or unit price, quality and service being equal, the contract will be awarded to the local bidder.

Where there is no local bidder, the award shall be made on the basis of a drawing of lots to be held in public.

1. **Solicitation of Firms**

The City will endeavor to notify all minority and women's business enterprises in the solicitation of any proposal. Documentation will be retained at City Hall on all firms contracted.

An on-going file for these firms, including individuals, shall be maintained for the distribution of future proposals.

The City is an Equal Employment Employer and will not discriminate in the receiving of proposals for work; however, they do reserve the right to reject any and all bids.

The award of the contract shall be based upon the proposal that is most advantageous to the City, taking into consideration technical competence as well as price. All firms will be notified in writing if unsuccessful and copies retained in the City's files.

**SECTION X: COOPERATIVE PROCUREMENT**

The purchasing agent shall have the authority to join with other units of government in cooperative purchasing plans when the best interest of the City would be served and after approval of the City Council.

SECTION XI: AMENDED POLICY

The City may amend any section of this procurement policy without voiding the other sections. The purpose of amending the policy would be to update the procedures to best serve the City.

ADOPTED by the City of Argonia, Kansas this 8th day of September, 2015

 Alan Brundage Mayor

ATTEST:

 Mindy Mages\_\_\_\_

City Clerk

(SEAL)

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| State your grievance giving names, dates, etc. Please be as specific as possible, |  |
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