

EMPLOYEE PERSONNEL HANDBOOK

CITY OF ARGONIA

(REVISED EDITION OCTOBER 2015)

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 accord with policies described herein which may have been issued on subjects covered herein.

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INTRODUCTION

ESTABLISHED RULES

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

- a) 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.
- b) Develop a program of advancement which will make the City service attractive as a career.
- c) Establish and maintain a uniform plan of employee benefits and upon the relative duties and responsibilities of positions in the City service.
- d) 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

- a) Full-time employee is one who works a normal (40 hour) work week on a regular and continuing basis.
- b) Part-time employee is one who works less than a normal work week on a regular and continuing basis.
- c) 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.
- d) Temporary employee is one who works on an irregular and/or non-permanent basis.
- e) 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 City Council. 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.

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 one year of employment.

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 reserve 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 DESCRIPTIONS

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

- a) 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.
- b) 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.
- c) Raises are presented to the City Council at the Council meeting in December and are effective in January of the following year if approved by the Governing body.

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

- a) An employee who is terminated normally will receive his final pay check on the first regularly scheduled pay day following his termination.
- b) Employees discharged for cause will receive their final pay check not later than the close of work or as soon thereafter as is practicable.
- c) Employees discharged for cause or those who voluntarily terminate without giving a minimum of two (2) weeks' 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:

- a) 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.
- b) Overtime should be kept to a minimum except in unforeseen circumstances
- c) Full-time employees who are required to work on a holiday due to unforeseen circumstances will receive a rate their 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.**
- d) 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.
- e) 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)
- f) Part-time employees are not paid overtime.
- g) 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:

- a) If the time worked is during the regular scheduled work week of 40 hours the rate of pay is the employees current wage
- b) 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
- c) 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.**
- d) 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.
- e) 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.
- f) If City Maintenance is called out during the week after normal working 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 card, 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.

- a) 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.
- b) 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.
- c) 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.
- d) 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.

- e) Upon termination, all personnel file information shall be held in an inactive file for six (7) years. Then records shall be purged down to: applications, background checks, change of status, pay rates, evaluations, medical and exposure records. The condensed personnel file will be transferred to inactive confidential storage for twelve (12) years, after which time it shall become eligible for disposal.
- f) 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

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.

For any further questions on the Purchasing card see the policy in the Appendix.

EMPLOYEE EXPENSE REIMBURSEMENT

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

- a) Motel if overnight stay is required, up to \$25.00 a day for meals, no alcohol (receipts required for reimbursement).
- b) 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.
- c) Adequate documentation must be received in the City Clerk's office for reimbursement.

ATTENDANCE & LEAVE

PROBATIONARY PERIOD

- a) 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.
- b) 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

- a) The normal work week, shall be 40 hours consisting of 8 hour work days. The work week is from 8:00 A.M. Friday until 8:00 A.M. the following Friday.
- b) 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 will be late for work, or absent because of illness or other reason, he/she should notify the City Clerk before work call. 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 – December 24th
- Christmas Day-December 25th
- New Year's Eve-December 31st

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

- a) When regular holidays fall on a Saturday or Sunday, Friday or Monday shall be declared a holiday.
- b) When a holiday falls on a payday, employees may be paid on the last day worked preceding the holiday.
- c) A holiday will be considered time worked and count toward the 40 hour work week.
- d) Employees required to work on an observed holiday shall be paid double time.
- e) 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.

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.

- a) Employees must notify the City Clerk or Mayor at least one (1) week in advance of wanting to take vacation leave.
- b) No employee shall be permitted to use vacation time for any period spent on unauthorized leave or participating in any unlawful work stoppage.
- c) 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 or Mayor.
- d) Office Personnel shall not be permitted to take off at the same time (City Clerk and City Treasurer).

VACATION CATEGORIES

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

ACCRUAL OF VACATION

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

YEAR	FULL TIME EMPLOYEE			
	Hrs Accrued	1 month	11 Months	Total Hrs
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

- a) Sick leave may be used as personal leave if prior notification is given to the City Clerk or Mayor.
- b) 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 or Mayor before leave is taken, if possible.
- c) Full time/hourly permanent employees shall earn eight (8) hours of sick leave for each full month of service.
- d) Full time/hourly permanent employees may accrue **no** more than thirty (30) days of sick leave or an equivalent of 240 hours.
- e) 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.
- f) 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.
- g) To be eligible for paid sick leave, an employee shall notify the City Clerk or Mayor before beginning the first work day for which sick leave is taken, if possible.
- h) 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 household are included.

MILITARY LEAVE

- a) 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.

- b) 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.
- c) 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.
- d) 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.
- e) 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

- a) ***Civil leave with pay.*** An employee shall be given necessary time off without loss of pay 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.
- b) ***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

- a) ***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.
- b) ***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 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:

- a) The employee violates these personnel policies and guidelines, or any other written guidelines or procedures applicable to the department in which the employee works;

- b) The employee's conduct reflects discredit to the city or hinders the effectiveness or efficiency of city operations;
- c) The employee has performed an act of misconduct, or has failed to perform an act, which results in misconduct.

DISCIPLINARY ACTIONS

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

- a) 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.
- b) 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.
- c) 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.
- d) A salary reduction is the lowering of an employee's rate of pay **as determined by the Council.**
- e) A suspension is the removal of an employee from service, with or without pay, for a specific period of time **as determined by the Council.**
- f) 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:

- a) Document the misconduct in writing.
- b) Determine the appropriate disciplinary action to correct the problem.
- c) 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.
- d) 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.
- e) Make a final decision as to the disciplinary action.
- f) 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.
- g) 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.
- h) All disciplinary action in writing must be signed by the department head and employee.

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.

- a) Commission of a violation of any state or federal criminal law.
- b) Commission of a violation of any city law.
- c) Failure to follow prescribed safety procedures including failure to notify his or her supervisor of unsafe working conditions.
- d) Violation of personnel policies and guidelines or departmental policies and guidelines.
- e) Inattention to duty, carelessness, breakage or loss of public property or funds.

- f) Incompetence or inefficiency in the performance of the duties of his or her position.
- g) Insubordination or other breach of discipline.
- h) Discourteous or disruptive conduct or other offensive behavior in public, to the public or to employees and officers of the city.
- i) Abuse of leave, excessive absenteeism or tardiness.
- j) Temporarily leaving the workplace without the approval of his or her supervisor.
- k) Failure to give proper notice of absence.
- l) Sleeping on the job.
- m) 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.
- n) Inducing or attempting to induce any officer or employee of the city to commit an unlawful act or to act in violation of any lawful or official order or regulation.
- o) 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.
- p) 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.

- a) Commission of a felony or conviction of driving under the influence while operating a city vehicle.
- b) Willful or continued violation of city or departmental safety policies and procedures or willful or negligent creation of unsafe conditions in the workplace.
- c) Willful or continued violation of personnel policies and guidelines or departmental guidelines.
- d) Negligent or willful damage to public property or waste of public supplies or equipment.
- e) 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.
- f) Gross incompetence, neglect of duty or willful or continued failure to render satisfactory service.
- g) 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.
- h) Claiming leave time under false pretenses or falsifying attendance records for oneself or another employee.
- i) Absence without leave.
- j) 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.
- k) Sexual harassment.
- l) Disclosing confidential records or information unless directed to do so by his or her department head or supervisor.
- m) Revocation or suspension of a certification or license, including a driver's license, when such is required as a condition of city employment.

- n) 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.
- o) 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.
- p) 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.
- q) 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.

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:

- a) 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;
- b) 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;
- c) Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
- d) Visual conduct such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures;
- e) Physical conduct such as assault, unwanted touching, blocking normal movements or interfering with work because of sex, race or any other protected basis
- f) 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
- g) Retaliation for having reported or threatened to report harassment.

POLICY

- a) No employee may discriminate against or harass another employee.
- b) 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.
- c) All complaints involving claims of harassment shall be promptly, and to the extent possible, confidentially investigated.

- d) 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:

- a) Mayor
- b) Council member
- c) City Clerk

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

- a) Employee's name, department and position title.
- b) Name of the person or persons committing the discrimination or harassment.
- c) Date(s) and approximate time(s) of the discrimination or harassment.
- d) 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.
- e) Names of witnesses to the discrimination or harassment, if any.
- f) 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:

- a) The person to whom the complaint is made shall immediately present it to the Mayor;
- b) An investigation of the alleged incident shall be promptly started by the investigator;
- c) 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.
- d) 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).
- e) 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.
- f) 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.

- g) If the Mayor, 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.
- h) 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.
- i) 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.
- j) The employee making the complaint shall be notified of the results of the investigation and the discipline, if any, to be administered.
- k) 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:

- a) Review the record and provide a final decision within five working days of the receipt of the appeal, or
- b) 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 EVALUTATIONS

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/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 Mayor/Council members 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.**

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.

SEPARATION

ABSENT WITHOUT LEAVE

- a) 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.
- b) 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.

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:

- a) A member of the Governing Body and the City Clerk or Treasurer will be present during the inventory.
- b) Inventory sheet for the Police Department will be gone through if it involves a police officer.
- c) Any keys issued to the employee shall be returned.
- d) 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:

- a) The hearing shall be held within 30 calendar days from receipt of the employee's request for such a hearing.
- b) 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.
- c) All parties shall be allowed the right to have legal counsel present.
- d) The Mayor may call for additional evidence, as it deems proper.
- e) The Mayor shall not be bound by any legal rules of evidence.

- f) 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.
- g) 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.
- h) The hearing shall not be open to the public unless the employee and city both agree in writing to a public hearing.
- i) 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) weeks' notice to the City Council. Upon resignation with a minimum of two (2) weeks notice employee shall be compensated for all unused vacation 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 an IRA as a benefit to permanent employees through a SIMPLE plan at the local bank. Complete details about the IRA are 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:

- a) 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.
- b) 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.

HARASSMENT

Purpose: 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.

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

- h) 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;
- i) 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;
- j) Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
- k) Visual conduct such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures;
- l) Physical conduct such as assault, unwanted touching, blocking normal movements or interfering with work because of sex, race or any other protected basis
- m) 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
- n) Retaliation for having reported or threatened to report harassment.

Policy:

- e) No employee may discriminate against or harass another employee.
- f) 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.
- g) All complaints involving claims of harassment shall be promptly, and to the extent possible, confidentially investigated.

- h) 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:

- d) Mayor
- e) Council member

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

- f) Employee's name, department and position title.
- g) Name of the person or persons committing the discrimination or harassment.
- h) Date(s) and approximate time(s) of the discrimination or harassment.
- i) 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.
- j) Names of witnesses to the discrimination or harassment, if any.
- k) 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:

- l) The person to whom the complaint is made shall immediately present it to the Mayor;
- m) An investigation of the alleged incident shall be promptly started by the investigator;
- n) 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.
- o) 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).
- p) 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.
- q) 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.
- r) If the Mayor, 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.

- s) 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, demotion, suspension or termination. A determination of the level of disciplinary action shall also be made on a case-by-case basis.
- t) 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.
- u) The employee making the complaint shall be notified of the results of the investigation and the discipline, if any, to be administered.
- v) 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 of 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:

- c) Review the record and provide a final decision within five working days of the receipt of the appeal, or
- d) 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.

POLITICAL ACTIVITY

POLITICAL ACTIVITY

- a) 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.
- b) Employees are not permitted to engage in any political activity involving the election of candidates for any City office.
- c) 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.
- d) 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.
- e) If an employee with an immediate family member (sibling, spouse, parent, child or otherwise) is elected to the governing body then that employee will be forced to resign from their position. Should the family member be unsuccessful in seeking City office, he shall be returned to employment.
- f) Immediate family members of governing body are not permitted to apply for employment with the City.

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:

- a) There is no conflict in working hours.
- b) The employee's efficiency is not reduced.
- c) There is no conflict of interest that could cause embarrassment to the City or the employee.
- d) Employees may not carry on full time employment elsewhere.

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

- a) 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.
- b) 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.
- c) 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.
- d) In the event of an emergency it is acceptable for the Police Chief to have another officer in the police vehicle with him/her

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:

- a) Notify the Police Department immediately.
- b) Urge that all parties involved remain at the scene of the accident until the police can investigate.
- c) Report the accident, no matter how small to the City Clerk or Mayor.
- d) 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.
- e) Any personnel/individual with authorization from the governing body shall be allowed to ride/drive a city-owned vehicle.

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 or Mayor.

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 City Council.

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.

Lost or Stolen Card

Report any lost or 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 provide, when requested, information about any specific purchase
 - Not adhering to all of the City Purchasing Card Policy and Procedures
2. 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 violation(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

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 transaction. 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.

PERFORMANCE APPRAISAL AND EMPLOYEE DEVELOPMENT GUIDE
CONFIDENTIAL

Name: _____ Job Title: _____
Department: _____ Date: _____
Date Employed: _____ Rating Period: _____ to: _____
Appraisal by: (Supervisor) _____

INSTRUCTIONS

- 1 Thoroughly familiarize yourself with the entire form before attempting to use it.
- 2 Standards will vary for different kinds and levels of positions, and in each instance the rater should refer to the position description to determine a reasonable standard.
- 3 Take whatever time you need. Evaluate each individual thoroughly.
- 4 Base your evaluation on how well the employee has achieved the results expected since his/her last review.
- 5 You should justify or support your evaluation with a brief explanation.
- 6 The completed form should be reviewed with the employee you are rating. Allow the individual to complete written comments as self-evaluation on the form.
- 7 Avoid the tendency to rate all traits the same; everyone has strengths and weaknesses. Be fair to the individual. State areas of below standard performance and provide counsel on how this person may improve.
- 8 Consider performances only during the period reviewed.
- 9 Upon completion of the report, forward on or before the due date to next order of supervision and thereafter to the City Council.

EVALUATION OF JOB-RELATED FACTORS

For each factor in this section, select the definition that best describes the employee's performance and circle the appropriate numerical rating point within the definition. Please complete the comment portion of each factor with information regarding the employee's performance relative to the factor.

(GO TO PAGE 2 TO CONTINUE THE PERFORMANCE APPRAISAL. RETURN TO THE SECTION BELOW UPON COMPLETION OF THE EVALUATION.)

(Your signature acknowledges that this appraisal has been discussed with you. It does not imply your agreement with or acceptance. You retain the right to appeal this evaluation.)

EMPLOYEE'S SIGNATURE: _____ DATE: _____
RATER'S SIGNATURE: _____ DATE: _____
MAYOR SIGNATURE: _____ DATE: _____
CITY COUNCIL SIGNATURE: _____ DATE: _____

DEFINITION OF PERFORMANCE RATINGS

- 9-10 **-OUTSTANDING-** Performance is exceptional in all areas and is recognizable as being far superior to others.
- 7-8 **-EXCEEDS EXPECTATIONS-** Results clearly exceed most position requirements. Performance is of high quality and is achieved on a consistent basis.
- 5-6 **-MEETS EXPECTATIONS-** Competent and dependable level of performance. Meets performance standards of the job.
- 3-4 **-BELOW EXPECTONS-** Performance is deficient in certain areas. Improvement is necessary.
- 1-2 **-UNSATISFACTORY-** Results are generally unacceptable and require immediate improvement.
- N/A **-NOT APPLICABLE-** or too soon to rate.

EVALUATION OF JOB-RELATED FACTORS

1. **JOB KNOWLEDGE**
 Consider the understanding and knowledge of the necessary skills, techniques, procedures, materials and equipment required in the performance of duties.

<u>Comprehensive knowledge of all job duties</u>	10	9	
<u>Full knowledge of most job duties</u>	8	7	
<u>Has the basic knowledge to complete assignments</u>	6	5	Points
Lacks knowledge in some areas of the job.			
<u>Needs training to perform the job satisfactorily</u>	4	3	
Very limited knowledge of work duties.			
<u>Needs considerable instructions to complete assignments.</u>	2	1	

COMMENTS _____

2. **QUALITY OF WORK**
 Consider the accuracy of work produced. Rate the employee’s output in terms of thoroughness, neatness, lack of errors, final reliability of results and safety habits.

<u>Accuracy of work is exceptional. Superior quality of work.</u>	10	9	
Accuracy of work is consistently above average.			
<u>Completes work with minimum follow-up.</u>	8	7	
Accuracy of work is generally satisfactory.			
<u>May require some additional guidance</u>	6	5	Points
Accuracy of work needs improvement.			
<u>Additional guidance necessary.</u>	4	3	
Accuracy of work needs considerable improvement.			
<u>Continual guidance necessary.</u>	2	1	

COMMENTS _____

3. QUANTITY OF WORK

Consider the volume of acceptable work and/or speed with which tasks are completed. Rate on the basis of volume of work accomplished to volume of work required.

<u>Production level is exceptionally high.</u>	10	9	Points <input type="text"/>
<u>Production level is consistently above what is required.</u>	8	7	
<u>Production level meets requirements of the job</u>	6	5	
<u>Production level is sometimes below what is required.</u>	4	3	
<u>Production level is below the requirements necessary for the job. Is too slow.</u>	2	1	

COMMENTS

4. PROBLEM SOLVING

Consider the employee's ability to differentiate between problems that the employee can solve (and is authorized to settle) and those that have to be referred. Rate the employee's competency in evaluating situations and taking action within their authority. This includes the degree of accuracy, soundness and timeliness of decisions made and/or actions taken.

<u>Makes exceptionally sound judgments. Highly competent in evaluating situations and taking action</u>	10	9	Points <input type="text"/>
<u>Exercises good judgment in evaluating situations and taking action.</u>	8	7	
<u>Judgments made are generally acceptable. Is sometimes unable to evaluate situations and take appropriate action.</u>	6	5	
<u>Usually has difficulty in evaluating situations. Often needs assistance to resolve work-related problems</u>	4	3	
<u>Unable to evaluate situations. Always unsure about appropriate action to take.</u>	2	1	

COMMENTS

ADAPTABILITY

Consider the employee's ability to adjust to changes in work assignments and to learn new procedures.

<u>Adjusts easily to changes in work assignments. learns all new instructions or procedures rapidly.</u>	10	9
<u>Adjusts well to most changes in job duties. Learns most procedural changes with few instructions.</u>	8	7

(CONTINUED ON NEXT PAGE)

ADAPTABILITY (CONT'D)

Adjusts to changes with minimal problems. Needs reasonable amount of instructions to learn new <u>procedures.</u>	6	5	Points <input style="width: 60px; height: 60px;" type="text"/>
Has some difficulty adjusting to changes. Requires <u>repeated instructions to learn new procedures</u>	4	3	
Has extreme difficulty adjusting to changes. Often <u>unable to learn new procedures.</u>	2	1	

COMMENTS

5. PERSONAL RELATIONS

Consider the overall attitude of the employee towards peers and the public. Rate the extent to which the employee cooperates, assists and deals with fellow employees, supervisors and the citizens.

Extremely good in dealing with the citizens/staff. Shows <u>a great deal of tact in handling difficult situations.</u>	10	9	Points <input style="width: 60px; height: 60px;" type="text"/>
Consistently good in dealing with the citizens/staff. <u>courteous when dealing with difficult situations.</u>	8	7	
Works well with citizens/staff. Sometimes has <u>difficulty handling unpleasant situations.</u>	6	5	
Not always polite and courteous in dealing with citizens <u>and staff. Indifferent to others on some occasions.</u>	4	3	
<u>Rude to staff and/or citizens. Unwilling to assist others.</u>	2	1	

COMMENTS

6. INITIATIVE / EFFORT

Consider the employee's willingness to take the necessary steps to complete tasks without being told, the initiative to seek new responsibilities, the willingness to contribute and develop new ideas, and the effort exerted in the performance of duties.

Accomplished all tasks on own initiative. Seeks additional <u>tasks. Applies maximum effort to complete assignment.</u>	10	9
Accomplishes many tasks on own initiative. Applies <u>great effort in the performance of most job duties.</u>	8	7
Accomplishes tasks with some initiative and effort. May <u>need occasional urging to complete assignments.</u>	6	5

(CONTINUED ON NEXT PAGE)

INITIATIVE / EFFORT (CONT'D)

Usually needs some direction to get started on tasks.			Points <input style="width: 50px; height: 50px;" type="text"/>
<u>Needs to exert more effort in work performance</u>	4	3	
<u>Exhibits little or no initiative. Applies minimum effort in work performance.</u>	2	1	

COMMENTS

7. COMMUNICATION

Consider the employee's ability to communicate with co-workers and the citizens. Evaluate their oral, writing and listening skills, and how they handle stressful communication situations. Effectively presents facts and ideas, keeps his/her supervisors and others informed of pertinent matters.

<u>Outstanding communicator. Excellent oral, written and listening skills. Shows great deal of tact and courtesy.</u>	10	9	Points <input style="width: 50px; height: 50px;" type="text"/>
<u>Consistently effective communicator. Good oral, written and listening skills. Tactful and courteous.</u>	8	7	
<u>Effective communicator. Adequate level of oral, written and listening skills. Tact and courtesy at an acceptable level</u>	6	5	
<u>Has difficulty with communication. Attention should be given to either oral, writing or listening skills. Consideration should be given to tactfulness and courtesy</u>	4	3	
<u>Poor communicator. Plan of action for improvement must be demonstrated.</u>	2	1	

COMMENTS

8. PROFESSIONALISM

Consider the employee's ability to conduct themselves in a professional, businesslike manner, and their attention to personal grooming and attire.

<u>Exceptional in matters of conduct and judgment. Demonstrates superior abilities in projecting a professional image visually and verbally.</u>	10	9
<u>Consistently projects a professional image visually and Verbally. Conduct and judgment are well applied.</u>	8	7
<u>Visual and verbal image are of an accepted professional Standard. Conduct and judgment are appropriately applied.</u>	6	5

(CONTINUED ON NEXT PAGE)

PROFESSIONALISM (CONT'D)

Visual and verbal image are on occasion below acceptable professional standard. Some deficiencies in conduct and judgment.	4	3	Points <input style="width: 50px; height: 50px;" type="text"/>
Unacceptable professional image. Improvement in visual image, verbal image, conduct or judgment must begin immediately.	2	1	

COMMENTS

9. ATTENDANCE AND PUNCTUALITY

Consider the employee's conscientiousness in regard to their dedication to attendance and punctuality.

Outstanding attendance and punctuality. only absent or tardy in case of emergency.	10	9	Points <input style="width: 50px; height: 50px;" type="text"/>
Seldom absent or tardy	8	7	
Attendance and punctuality are of an average standard.	6	5	
Needs improvement. Attendance and punctuality are below the required department standard.	4	3	
Attendance and punctuality are unacceptable. employee has been warned.	2	1	

COMMENTS

10. ESSENTIAL FUNCTIONS

Consider the employee's ability to perform all essential functions of their position description. List the functions on a separate sheet and rate from 1 – 10. Make comments for the employee's benefit.

**THIS SECTION TO BE COMPLETED WHEN REVIEWING
SUPERVISORY POSITIONS ONLY**

SUPERVISION – Encourages individual achievement that contributes to the overall effectiveness of the work required in the area of responsibility. This includes the direction of the work to be done, the training provided and the on-going coaching.

COMMENTS

PLANNING - Forecasts and sets objectives, assists with budgets and schedules to meet section or department goals.

COMMENTS

PERSONNEL PRACTICES – Appropriately administers established personnel policies and practices. Displays consistency in enforcing policies and practices.

COMMENTS

TIME MANAGEMENT – Organizes own responsibilities and/or those of others to meet deadlines to make maximum use of time available. Is punctual for meetings and appointments.

COMMENTS

AFFIRMATIVE ACTION – Contributes to the City’s goals of ensuring an equal opportunity environment by treating all staff members, co-employees, citizens, or business associates without regard to race, religion, national origin, sex, age or disability.

COMMENTS

11. OVERALL SUPERVISORY PERFORMANCE

Extremely effective in handling staff, delegating responsibility and obtaining excellent results	10	9
Very capable of handling staff. Delegates responsibility and obtains good results.	8	7
Generally capable of handling staff. Obtains acceptable results.	6	5
Has to improve supervisory skills. Usually needs some guidance to direct, follow-up and motivate. Additional training needed.	4	3
Has extreme difficulty supervising staff. Employee has been counseled.	2	1

Points

COMMENTS

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 for 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 -PENALTIES

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.

- a. 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.
- b. 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.

- c. Written documentation regarding basis of selection and cost should also be retained in the files.
- d. 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.
- e. All purchases of goods and/or services shall be approved by the City Council.
- f. 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.

- a. 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.
- b. 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.
- c. The proposed goods or services shall not be subdivided for the purpose of evading the requirement of competitive bidding.
- d. 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.
- e. 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.

- a. 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).
- b. 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.
- c. 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.
 - d. 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.
 - e. 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.

- a. 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.
- b. 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.
- c. 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:

- a. The ability, capacity and skill of the bidder to perform the contract or provide the service required;

- b. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
- c. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- d. The quality of performance of previous contracts or services;
- e. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
- f. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
- g. The quality, availability and adaptability of the supplies or contractual services to the particular use required;
- h. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract; and
- i. The number and scope of conditions attached to the bid.

3. 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.

4. 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.

5. 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)