

# **City of Horton**

## **Employee Personnel Manual**

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# Table of Contents

<b>Introduction &amp; Foreword</b>	<b>i</b>
<b>Definitions</b>	<b>iii</b>
<b>Article A. General</b>	
A-1. Policies Established	
A-2. Application of Policies	
A-3. Departmental Guidelines	
A-4. Personnel Records	
A-5. Amendment of Policies	
<b>Article B. Position Classification</b>	
B-1. Objectives and Purposes	
B-2. Job Descriptions	
B-3. Pay Range Plan	
B-4. Maintenance of the Classification Plan	
<b>Article C. Recruitment &amp; Promotion</b>	
C-1. Definitions of Employees	
C-2. Recruitment	
C-3. Qualifications for Employment	
C-4. Training Period	
C-5. Promotion	
C-6. Citizen Verification	
C-7. Advertisement of Position Openings	
<b>Article D. Compensation</b>	
D-1. Pay Plan	
D-2. Pay Increases	
D-3. Performance Evaluations	
D-4. Pay on Termination	
D-5. Overtime Work	
D-6. Call-Out Policy	
D-7. Pay Periods	
D-8. Time Cards	
<b>Article E. Attendance &amp; Leave</b>	
E-1. Hours of Work	
E-2. Rest Breaks	
E-3. Holidays	
E-4. Vacation Leave	

- E-5. Sick Leave
- E-6. Maternity Leave
- E-7. Funeral Leave
- E-8. Military Leave
- E-9. Civil Leave
- E-10. Family and Medical Leave
- E-11. Other Leave
- E-12. Requests for Leave
- E-13. Credits for Paid Leave

**Article F. Other Employee Benefits**

- F-1. Retirement OASDI
- F-2. Retirement KPERS
- F-3. Retirement Date
- F-4. Workers' Compensation
- F-5. KPERS Death and Disability
- F-6. Unemployment Compensation
- F-7. Life Insurance
- F-8. Health Care Program
- F-9. Uniform and Clothing Allowance

**Article G. Discipline**

- G-1. Authority
- G-2. General Policy
- G-3. Disciplinary Actions
- G-4. Procedure for Disciplinary Actions
- G-5. Examples of Misconduct
- G-6. Employee Notice on Discipline and Termination

**Article H. Grievances and Hearings**

- H-1. General Policy
- H-2. Grievance Procedure
- H-3. Hearing Procedure

**Article I. Voluntary Separation**

- I-1. Resignation
- I-2. Reinstatement

**Article J. Sexual Harassment**

- J-1. Definitions
- J-2. General Policy
- J-3. Complaint Procedure
- J-4. Review of Complaint
- J-5. Appeal of the Decision
- J-6. Record of Complaint

**Article K. Political Activity**

**Article L. Outside Employment**

**Article M. Workplace Safety**

- M-1. General Workplace Safety
- M-2. Workplace Violence
- M-3. Substance Abuse Policy

**Article N. Telecommunications Policy**

- N-1 General Policy
- N-2 City Provided Cell Phones
- N-3 Private Cell Phone Usage

**Article O. Travel**

**ATTACHMENTS:**

**Code of Ethics and Standards of Conduct Statement**

**Acknowledgement of Receipt and Understanding**

# PERSONNEL POLICIES AND GUIDELINES, CITY OF HORTON, KANSAS

## ARTICLE A. GENERAL

**A-1. Policies Established.** The following policies, guidelines and other provisions for Personnel Administration in the City of Horton are established to:

- (a) Promote and increase the efficiency and effectiveness of city service.
- (b) Develop a program of recruitment, advancement and tenure, which will make city service attractive as a career.
- (c) Establish and maintain a uniform plan of performance evaluation and compensation based upon the relative duties and responsibilities of each position to assure a fair and equitable wage or salary to all employees.
- (d) Establish and promote high morale among city employees by providing good working relationship, uniform personnel policies, and an opportunity for advancement without regard to race, color, sex, disability, religion, age, national origin or ancestry.
- (e) Establish city employment and personnel policies. These policies and guidelines do not create contractual employment rights. **All employees are considered to be at-will employees for the purposes of city employment.**

**A-2. Application of Policies.** These policies and guidelines shall apply to all employees in the service of the city except elected officials. This policy revokes previous personnel manuals or policies.

**A-3. Departmental Guidelines.** The head of any city department, in conjunction with the city administrator, may formulate in writing reasonable guidelines for the conduct of the operations of such person's department, such as those relating to safety or operational procedures, which shall be available to all departmental employees. Such department guidelines shall not be less stringent than, in violation of, or in conflict with any personnel guidelines adopted by the Governing Body.

**A-4. Personnel Records.** The city shall keep adequate records of all persons employed, their pay scale, time worked, accrued vacation and sick leave, all absences for vacation, sick, or other leave, accrued overtime, and all other records directed to be made and maintained under these policies and guidelines or under applicable state or federal law. An employee's personnel file shall be available during office hours for inspection by that employee.

**A-5. Amendment of Policies.** These policies may be amended from time-to-time in the same manner as they were adopted.

## **ARTICLE B. POSITION CLASSIFICATIONS**

**B-1. Objectives and Purpose.** Position classification is a system of identifying and describing different kinds of work in the organization in order to permit equal treatment in employment practices and compensation. Each city position shall, on the basis of the duties, responsibilities, skills, experience, education and training required of the position, be allocated to an appropriate class, which may include either a single position or two or more positions.

**B-2. Job Descriptions.** Each position shall have a concise descriptive title, a description of the essential and marginal functions (tasks) of the position and 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 for inspection by any interested party during regular office hours.

**B-3. Pay Range Plan.** The Governing Body shall adopt a pay plan, with minimum and maximum amounts of pay for each class of positions. The pay ranges assigned to each class of positions shall be periodically reviewed and revised by the Governing Body.

**B-4. Maintenance of the Classification Plan.** It shall be the duty of each department head to report to the City Administrator any and all organization changes, which will significantly alter or affect changes in existing positions or proposed positions. The Governing body shall approve all new or revised job descriptions and pay ranges for such positions.

## **ARTICLE C. RECRUITMENT AND PROMOTION**

### **C-1 Definitions.**

- (a) *Full-Time Employee* is one employed to work a normal week of at least 40 hours on a regular and continuing basis. The work week shall begin on Sunday at 12:00 a.m. and end on Saturday, at 11:59 p.m. except as otherwise provided in Section E-1. Only full-time employees are entitled to benefits.
- (b) *Part-Time employee* is one employed to work less than 40 hours per week on a regular and continuing basis. Part-time employees shall not be entitled to receive fringe benefits. The City Administrator may, as a result of job restructuring for current full time employees with disabilities, permit prorated medical and dental benefits for less than full time employment. The City Administrator has the right to implement any form of job restructuring or other reasonable accommodation as required under the Americans with Disabilities Act.
- (c) *Temporary Employee* is one who works on an irregular and/or non-recurring basis.

- (d) *Seasonal Employee* is one employed to work on a regular and/or recurring basis during a specific season or portion of a year.

**C-2. Recruitment.** It shall be the policy of the city to provide fair and equal opportunity to all qualified persons to enter city employment on the basis of demonstrated merit and fitness determined by fair and practical methods of selection, without regard to race, color, sex, disability, religion, age, national origin, or ancestry.

- (a) Current employees will be considered first for positions that become available. Vacancies will be posted in-house before, or simultaneously with public advertisement. The City Administrator and applicable supervisor will determine whether current full-time or part-time employees can best fill the needs of the position.

**C-3. Qualification of Employment.** All applicants for any position with the city shall meet the minimum qualifications established for that position. 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 applicant passing required tests.

- (a) The hiring authority shall, as part of the pre-employment check, contact references as listed by applicants. These reference checks may become part of the applicant's file.
- (b) Physical Agility Tests (PAT's) will be required of all post-offer applicants to city employment in order to determine their ability to perform the essential functions of the job to which they are applying. In the event that the employee fails the PAT, the City Administrator shall determine if a reasonable accommodation can be made for the applicant. All reports and records of all physical, psychological, and mental exams shall be kept in the offices of the physicians or mental health practitioners with only a summary report provided to the City Administrator to be kept in a confidential file apart from the personnel file. Should there be a dispute concerning the exam, or should a supervisor be informed as to the need of reasonable accommodation including job restructuring, the report shall be made available to the necessary legal and supervisory or administrative personnel in the city on a strict need to know basis.
- (c) The City of Horton requires all employees to live within a 30 minute drive of city limits. All new hires will be given reasonable time to meet this requirement. This requirement may only be waived by a formal vote of the Governing Body.
- (d) Nepotism - No person shall be employed in any department where a member of their immediate family is employed or in a department supervised by a member of their immediate family. If two employees within the same department marry during the period of their employment, one of the employees may be transferred to another department without loss in pay, if a position is available in another department.

**C-4. Training Period.**

- (a) Each employee, following initial employment, shall satisfactorily complete a three-month training period.
- (b) Each employee promoted to a classification with greater pay and responsibility shall satisfactorily complete a three-month training period. Any employee who fails to satisfactorily complete such training period shall be returned to the pay and position he or she held immediately prior to his or her promotion or to a position with equal pay and responsibility.
- (c) Nothing in this section shall be construed as an extension of a property interest in an employee's position with the city.

**C-5. Promotion.** It is the policy of the city to fill vacancies for supervisory, skilled, and upper-level positions from within the ranks of present employees whenever possible. All employees seeking promotion shall be expected to meet the minimum qualifications for the class to which they seek promotion. A medical examination or other testing, including drug testing, may be required only after an offer of promotion has been made, provided that, such exams or testing are required of all such employees are offered promotions in similar positions or position classifications. The offer of promotion is contingent upon applicant passing required tests, when deemed necessary by the City Administrator.

**C-6. Citizenship Verification.** All employees initially hired for any position with the city shall complete an employment eligibility verification statement in compliance with the federal Immigration Reform and Control Act of 1986 (I-9 form).

**C-7. Advertisement of Job Openings.** When a job position is to be filled, the position may be advertised to the general public, and where deemed necessary. Positions for city employment shall be advertised for a minimum of two weeks. In an emergency situation, the City Administrator may hire someone on a temporary basis during the advertising period.

## **ARTICLE D. COMPENSATION**

### **D-1. Pay Plan.**

- (a) The salary of each employee of the city, except those appointed officers whose salary is specifically set by ordinance, shall, at least annually, be set at an amount within the pay range of the position class the employee is assigned. An employee's continued employment at the salary rate within the class assigned to him or her shall be contingent upon the provisions outlined in Section D-3. The City Administrator, with approval of Horton's Governing Body, will establish the salary schedule and hours for all classes of employees. All pay grades, salaries, and scheduling shall conform with applicable federal and state laws.

### **D-2. Pay Increases.**

- (a) Pay increases shall not be routine or automatic. Employees will be considered for a raise on the anniversary date of their employment.

- (b) Annual cost-of-living pay increases may be given as approved by the Governing Body.
- (c) Merit increases will be determined by the City Administrator, upon a satisfactory evaluation and according to the pay scale adopted by the Governing Body.
- (d) Before raises are awarded, the employee will be evaluated on the following: Quality, Productivity, Job Knowledge, Reliability, Availability, Independence, Creativity, Initiative, Adherence to Policy, Interpersonal Relationships, and Judgment.
- (e) The Governing Body shall establish all employee positions for the city. The Governing Body shall at the time a position is established, set a base salary for that position. The City Administrator shall write a job description for each such position established by the Governing Body. The City Administrator shall hire and fire all city employees.

**D-3. Performance Evaluations.**

- (a) Employee performance evaluations will be considered in determining salary increases and decreases within the limits established in the pay plan, 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.
- (b) An evaluation of the performance of each full-time and part-time employee based on his or her duties and responsibilities shall be prepared by the employee's immediate supervisor at least annually. The evaluation shall be in writing on forms approved by the city administrator, and conducted under such instructions for base line uniformity of evaluations as the city administrator may direct. The supervisor shall evaluate at least quarterly, any employee who has received a poor performance rating.
- (c) Evaluations, upon review by the supervisor and after the employee has had an opportunity to respond, shall be included in the employee's personnel file.

**D-4. Pay on Termination.**

- (a) An employee, who is terminated from city employment, shall receive his or her final paycheck on the first regularly scheduled payday following his or her termination.
- (b) Employees discharged for cause, and those who voluntarily terminate without giving a minimum of two weeks notice, shall not be eligible to receive pay for any accrued benefits other than unused vacation and any accumulated comp time.

**D-5. Time Card and Overtime Work.**

- (a) Compensation for authorized overtime work shall be at the rate of one and one-half times the employee's regular rate of pay, and may be given in the form of compensatory time or actual wages earned. The City Administrator may compel the use of compensatory time off at the city's discretion.

- (b) No person employed in an administrative, executive, or professional position, as defined by the federal Fair Labor Standards Act, shall be eligible for overtime pay. These positions are defined as "FLSA - Exempt".
- (c) All "FLSA - Non-Exempt" employees shall be eligible to receive overtime compensation for all hours worked in excess of the normal city work week (as defined in C-1), except for full-time police officers. Authorized hours when no work is performed due to vacation, illness, disability, holiday, or other similar cause cannot be credited as hours worked to entitle one for overtime compensation under the FLSA.

Full time police officers shall be eligible to receive overtime compensation only for work hours that exceed 40 hours per the city's 7 day work period as defined in section C-1.

- (d) All overtime work must have prior authorization by the employee's department head and City Administrator and be reflected on an overtime justification form signed by the person authorizing the overtime. The justification form is attached to the time card. All earned overtime shall be recorded and processed on appropriate payroll records for payment to eligible employees. All regular overtime compensation shall be made at time and one-half (1 1/2) of the regular rate of pay.
- (e) Eligible non-exempt employees who work overtime shall be granted compensatory time off for all hours worked in excess of 40 per week that qualify as overtime hours. Comp time shall at the rate of one and one half times the normal hourly wage, provided that an employee may not accumulate more than 40 hours of compensatory time. Compensatory time shall be taken within the time required by the Fair Labor Standards Act (FLSA). The city administrator may compel the use of accumulated compensatory time at any time, whether or not 40 hours of compensatory time has been reached. An employee may be paid cash for overtime worked only with the written approval of the city administrator.
- (f) Compensatory time off may be used in lieu of leave without pay for excused absences, by itself, or in conjunction with any other approved vacation leave. Compensatory time off may not be used for unauthorized absences, unscheduled sick leave unless all accrued sick leave time has been used, nor to offset any disciplinary suspensions without pay.
- (g) Compensatory time off may not be used if the use of such time off for the requested dates might be unduly disruptive of the city's operations.
- (h) Upon termination of employment, the accrued compensatory time will be paid to the employee either at the average rate of pay received during the last three years of employment, or at the final regular rate of pay received, whichever is higher.

**D-6. Call-Out Policy.** Any employee who is "called-out" is awarded 1 hours minimum comp time (defined in section D-5), plus time worked beyond that one hour on that same call. This call-out policy applies to all city departments.

#### **D-7. Pay periods; Paydays; Voluntary Withholding.**

- (a) Employees shall be paid biweekly.
- (b) In addition to any withholding required by law, employees may authorize the city clerk to withhold and pay over to the city or other utilities amounts necessary to pay current or overdue bills. Such authorization shall be in writing and reflect the beginning period of such withholdings and the estimated end of such withholdings. Such authorization shall be kept in the employee's file.

#### **D-8. Time cards**

- (a) By law, the city is obligated to keep accurate records of time worked by employees. All hourly employees will be issued a time card. The time card is used to record the time in, and out, on the job.
- (b) Employees shall time in when they arrive at work and are prepared to work. Employees called out to work after regular work hours or on weekends or who remain on the job for authorized overtime, shall use the time clock.
- (c) Employees shall time out when they begin their lunch break and time back in when they are prepared to begin working after the lunch break. Employees time out at the end of the work day.
- (d) Unless authorized by the employee's supervisor or the city administrator, no employee is permitted to clock in more than seven (7) minutes before the scheduled starting time of the work day nor more than seven (7) minutes after the scheduled quitting time of the workday. Such approval shall be reflected on an overtime justification form.
- (e) Employees are paid for time up to the actual time they clock out. If this time is after the scheduled end of the shift, an overtime justification form must be completed and given to the supervisor.
- (f) On an emergency basis and with the supervisor's permission, employees may work through part or all of their lunch period. This is not to occur frequently or regularly.
- (g) No employee will time in or out for another employee.

## ARTICLE E. ATTENDANCE AND LEAVE

### E-1. Hours of Work.

- (a) *General Employees.* The normal work week for general employees, which includes all employees other than police officers, shall be 40 hours, consisting of five eight hour days. Full-time personnel employed in departments operating on a 24-hour basis, other than police officers, shall work not fewer than eight hours per day, five days per week, on a schedule to be assigned by the department head.
- (c) *Normal Work hours.* No employee shall be permitted to work in excess of their normal work week except when so directed by the employee's department head, or City Administrator.
- (d) *Job Abandonment.* Any employee who does not show up to work for three consecutive shifts and does not call or have a valid reason not to report or call, shall be deemed to have resigned from their position via job abandonment.

**E-2. Rest Breaks.** Employees are entitled to a rest break of 15 minutes for each four hours of work. The time of the rest break, usually mid-morning and mid-afternoon, shall be determined by the employee's immediate supervisor, or the City Administrator, and are not accumulative in nature. Lunch periods will also be determined by the supervisor, or the City Administrator, and are not accumulative in nature.

### E-3. Holidays.

- (a) The following days shall be paid holidays for city employees:

- New Year's Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans' Day
- Thanksgiving Day, and the Friday after
- Christmas Day
- The Day Before or After Christmas (to be determined by the City Administrator)

- (b) When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday will be observed as the holiday.
- (e) Full-time employees required to work on a city observed holiday shall be compensated at one and one-half times their regular salary for the day. Full-time employees not required to work on the holiday will be paid their normal wages for that day.
- (f) To be eligible to receive pay for a city holiday, the full-time employee must not have been absent without leave either on the workday before or the workday after the holiday.

**E-4. Vacation Leave.** Vacation leave shall be earned beginning with the date of employment under the conditions hereinafter stated. An employee who works fewer than 12 days in any month shall not accrue vacation credit for such month of service; provided, that this restriction of 12 days shall not apply where the employee has worked fewer than 12 days due to authorized vacation or sick leave. No employee shall be permitted to use vacation time for any period spent on unauthorized leave.

- (a) Full-time employees are entitled to paid vacation leave time according to the following schedule; provided, no paid vacation leave time may be taken during the first six months of employment.

<b><u>Period of Employment</u></b>	<b><u>Annual Vacation</u></b>
Less than a year	3.08 hours per pay period
1 through 5 years of service	10 working days
6 through 10 years of service	12 working days
11 through 15 years of service	15 working days
16 through 20 years of service	18 working days
Over 20 years of service	20 working days

- (b) All vacation leave for full time employees will be figured as of each employee's employment date based on the following formula:

**Vacation Leave per Pay Period.**

0 through 5 years of service	3.08 hours per pay period
6 through 10 years of service	3.69 hours per pay period
11 through 15 years of service	4.62 hours per pay period
16 through 20 years of service	5.54 hours per pay period
Over 20 years of service	6.16 hours per pay period

- (c) As of the end of the first pay period after April 1, 2005, the city clerk shall transpose existing yearly accumulation records into monthly accumulation record of vacation leave pursuant to subsection (b).
- (d) Employees will be allowed to accrue 120 hours of vacation time. Vacation time does not include comp time; however, vacation time and comp time can be combined for purposes of approved time off. If the employee fails to use any amount of vacation time over the 120 hours by their anniversary of their employment date, then they will lose any amount accrued over the 120-hour limit.
- (e) *Scheduling.* The dates for the taking of vacation leave shall be scheduled in consultation with the employee's department head and City Administrator. The request must be at least 24 hours in advance, and must be in correlation to the amount of vacation requested. For example, if the employee requests one week of vacation, then the request must be submitted to the supervisor one week before the requested vacation is to begin. In cases where the requested vacation schedules of two or more employees would adversely affect

the efficient operation of the city, vacation leave shall be granted on the basis of seniority of city employment.

- (f) *Holiday During Vacation.* City holidays, which occur during the taking of an employee's authorized vacation leave, will not be counted as a day of vacation.
- (g) *Minimum Hours.* Employees may use vacation leave in units of not less than one hour, subject to the approval of their supervisor and City Administrator.
- (h) *Termination.* Upon termination, an employee shall be compensated for all earned but unused vacation at their final rate of pay, subject to the maximum hours of accumulation authorized in the schedule in Section E-4 (b).

**E-5. Sick Leave.** Full-time employees shall be entitled to sick leave with pay for absences resulting from illness, injuries, accidents, or other physical incapacity, occurring either on or off the job. No employee shall be permitted to use sick leave for any period spent on unauthorized leave. The provisions of the Family and Medical Leave Act may apply in some circumstances, please see E-11 below.

- (a) *Amount of Sick Leave.* Full-time employees shall earn 3.08 hours of sick leave per pay period, with a maximum accumulation limited to 400 work hours. Any employee, who has accumulated the maximum hours of sick leave, shall, at the end of the calendar year, be compensated for 50% of the total accumulated hours beyond the maximum accumulation of 400 hours.
- (b) *Computing Sick Leave.* Any absence for a fraction or part of a day, which is chargeable to leave, shall be charged in increments of not less than one hour.
- (c) *Doctor's Certificate.* For sick leave in excess of three workdays, the department head or City Administrator may require a signed statement from a health care provider verifying the employee's inability to perform his or her assigned duties because of illness.
- (d) *Notification.* To be eligible for paid sick leave an employee, or his or her representative, shall notify his or her immediate supervisor and give the reason for the absence no later than 8:00 a.m. of the first workday for which sick leave is taken, or as soon as possible, given a valid reason for not notifying the city by this time.
- (e) *Abuse of Sick Leave.* An employee who improperly claims sick leave shall be subject to disciplinary action, including loss of pay or dismissal. Sick leave hours may not be used for purposes other than the purposes outlined in this section.
- (f) *Termination of Employment or Retirement.* No compensation will be awarded for unused sick leave upon an employees termination from city employment, regardless of the conditions of termination.

- (g) *Sick leave.* Sick leave may be used by the employee in cases of illness, injury, accidents or other physical incapacity or doctor appointments for the employee, employee's spouse or other dependents.
- (h) *Shared Sick Leave.* Employees may share sick leave with other employees. If an employee wants to transfer sick leave to another employee, the employees involved must agree, along with the City Administrator in writing, that such transfer shall be allowed.
- (i) *Extension of Sick Leave.* The City of Horton will, upon request, consider special extensions of sick leave for employees who have used all the sick leave to which they have become entitled. Such extensions of sick leave may be paid or unpaid leaves of absence and will be considered:
  - (A) Only in the case of extended employee, spouse, or dependent illness;
  - (B) Only after all earned vacation and accumulated compensatory time is used;
  - (C) Only upon proper authorization by the city;

Documentation for the approved extension of sick leave will be maintained in the employee's file. Any extension of paid sick leave beyond that which the employee has accumulated shall be considered "payable" back to the city at the normal rate of accrual, upon the employee's return to work.

**E-6. Maternity Leave.** An employee who becomes pregnant may claim and receive maternity leave in the same manner as provided for sick leave; provided, however, that the employee may elect to utilize any accrued vacation leave if, and to the extent, such leave is available. An employee may also take leave without pay in the same manner as any other employee on leave without pay status. Maternity leave with or without pay, following termination of pregnancy, shall not exceed a reasonable period of time. If medical complications related to the pregnancy exist, the employee may, with the approval of the department head or City Administrator remain on maternity leave until released by the employee's physician. The provisions of the Family and Medical Leave Act may apply in some circumstances, E-10 below.

**E-7. Funeral Leave.** In the case of death of a member of an employee's immediate family (to include only the spouse, children, mother, father, brother, sister, stepchildren, grandparents, aunts, uncles, nieces, nephews, or close-relatives by marriage of the employee's spouse, to include mother in law, father in law, brothers in law and sisters in law, full-time employees shall be granted paid funeral leave not to exceed three consecutive working days.

**E-8. Military Leave.** The City of Horton recognizes and adheres to all applicable state and federal laws regarding leaves for uniformed service to the State of Kansas as well as the United States. Any employee who needs time off for uniformed service is to immediately notify his or her supervisor and the City Administrator, both of whom will provide a detailed explanation to the employee of his or her reemployment rights under K.S.A. 48-517 (governing members of the Kansas national guard, Kansas air national guard, and the Kansas state guard that are 'called or ordered to duty') and 38 U.S.C. 4301 *et seq.* the Uniformed Services Employment and Reemployment Rights Act (USERRA) covering persons performing duty, voluntarily and/or

involuntarily in the U.S. Army, Navy, Marine Corps, Air Force, Coast Guard, Army National Guard, Air National Guard, and Public Health Service commissioned corps.

#### **E-9. Civil Leave.**

- (a) *Civil Leave With Pay.* An employee shall be given necessary time off with pay (1) when performing jury duty, (2) when appearing in court as a witness in answer to a subpoena or as an expert witness when acting in an official capacity in connection with the city (provided that fees paid to the employee for serving in these two capacities be returned to the city), (3) when performing emergency civilian duty in connection with national defense, or (4) for the purpose of voting when the polls are not open at least two hours before or after the employee's scheduled hours of work.
- (b) *Civil Leave Without Pay.* If an employee is involved in a personal lawsuit either as a plaintiff or as defendant in an action not related to his or her duties with the city, the employee may take leave without pay unless he or she elects to utilize any accumulated vacation leave.

#### **E-10. Family and Medical Leave.**

- (a) Upon request, any employee will be granted up to 12 weeks of unpaid family and medical leave during any 12-month period. Such leave will be available as the result of the birth, adoption or placement of a child for foster care, to care for a spouse, child or parent with a serious health condition or due to the disabling illness of the employee. Where possible, employees are required to provide at least 30 days notice before beginning to take leave. The employer may require that any accrued paid vacation, sick, or personal leave of the employee be substituted for the 12 weeks of leave provided under this law.
- (b) *Eligibility.* An employee must have worked for the city at least 12 months and for a minimum of 1,250 hours during the previous year. Where a husband and wife work for the city, the total number of weeks leave to which both are entitled will be limited to 12 weeks during any 12-month period. Where leave is requested as a result of a serious health condition, the employee will provide the city a certification statement issued by a health care provider. Should there be a question of validity of the certification provided by the employee the city may, at its own expense, require an opinion from a second health care provider. Where there is a conflict between the two opinions, the city may pay for the opinion of a third provider. The opinion of the third provider is binding on both the employee and employer.
- (c) *Restoration.* An employee returning from family leave will be entitled to return to their position or to a position with equivalent benefits, pay and other terms and conditions of employment.
- (d) *Vacation and Sick Leave.* Employees on family leave will not accrue any seniority, vacation or sick leave benefits.

- (e) *Health Insurance Coverage.* The city will continue to provide health care coverage. The employee will be responsible to pay all the premiums they normally would be responsible for, as if they were actively working for the city.

**E-11. 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 when such attendance is authorized by the City Administrator.
- (b) *Educational Leave.* An employee, upon written request, may be granted leave without pay for a period up to one year to further his or her education or seek specialized training, upon recommendation of the employee's department head and approval by the City Administrator.
- (c) *Leave of Absence.* An employee, upon written request, and with the recommendation of his or her department head, may be granted a leave of absence without pay for a period of up to six months, subject to the approval of the City Administrator. Approved leave of this type shall not constitute a break in service. During this time, the employee will be responsible for maintaining medical insurance, and no benefits accrue during this period.

**E-12. Request for Leave.** Except as provided in Section E-5 (e) as to sick leave, and Section E-11 as to family leave, all leave must be authorized in writing by the employee's department head or City Administrator prior to leave time being taken. A copy of each leave record, including records of sick leave taken, signed by the employee and department head, shall be maintained in the employee's personnel file.

**E-13. Credits for Paid Leave.** An employee while on paid sick leave, vacation leave or other leave with pay shall continue to earn credit for sick leave and vacation leave, but no leave credit shall be earned by any employee while on leave without pay.

## ARTICLE F. OTHER EMPLOYEE BENEFITS

**F-1. Retirement---OASDI Benefits.** All eligible employees of the city are under the federal OASDI social security system, and receive the benefits thereof in accordance with federal laws and guidelines. The cost of this benefit is paid equally by the city and the employee, with the employee contribution subject to payroll deduction.

**F-2. Retirement---KPERs Benefits.** All eligible employees of the city are members of the Kansas Public Employees Retirement System (KPERs) and receive the benefits thereof in accordance with state laws and guidelines. Membership begins after one year of employment. Under current law, KPERs members contribute four percent of salary, by payroll deduction. The employer's share is determined by KPERs, and varies annually.

**F-3. Retirement Date.** The federal Age Discrimination in Employment Act shall be the policy for city retirement. Normal retirement benefits under KPERS and OASDI accrue at age 65.

**F-4. Workers' Compensation Benefits.** All employees of the city receive the benefits of the Kansas Workers' Compensation Act, in accordance with such law and guidelines. The cost of this benefit is paid entirely by the employer.

**F-5. KPERS Death and Disability Benefits.** All employees who are contributing members of KPERS are eligible for the insured death and disability benefits provided by KPERS, which is supplemental to the regular KPERS benefits. The cost of this benefit is paid entirely by the employer. This insured death and disability benefit begins on the first day of employment, whether or not the employee is a contributing member of KPERS.

**F-6. Unemployment Compensation.** All employees receive the benefits of the Kansas Employment Security (unemployment compensation) Act, in accordance with such law and guidelines. The cost of this benefit is paid entirely by the employer.

**F-7. Life Insurance.** In addition to the death benefits provided under OASDI and KPERS, the city makes available to each employee the option of purchasing group life insurance, administered by KPERS, on a payroll deduction basis. The cost of this additional life insurance is paid by the employee and varies with the options selected by the employee.

**F-8. Health Care Program.**

- (a) All full-time employees shall be eligible for the city's group health insurance program.
- (b) When an individual employee is required to contribute because of participation in the city's group health care program the amount of such contribution shall be a payroll deduction.
- (c) All costs for health care insurance shall be paid by the employee during any period the employee: is on leave without pay; is on suspension without pay; is on unauthorized leave; or is participating in any unlawful work stoppage.
- (d) Health care insurance coverage shall be extended to an individual who is temporarily disabled and drawing workers' compensation while serving as a city employee. The employee's share of the cost shall be deducted from any compensation payments. In the event no additional compensation is due, insurance may be extended at the option of the employer.
- (e) No employee shall be entitled to cash payment in lieu of health care insurance coverage.
- (f) The city complies with those provisions of the federal Consolidated Omnibus Reconciliation Act of 1986 (COBRA) relating to the extension of group health care plan coverage upon termination of city employment.

## **F-9 Uniforms & Clothing Allowance.**

- (a) *Police Department.* Upon employment, the City of Horton will furnish new police officers with uniforms. The initial uniform issue shall consist of 4 pairs of trousers, 4 short sleeve shirts, 4 long sleeve shirts, 1 windbreaker, 1 safety vest, 1 complete set of leather (or approved substitute) and brass, nameplate, patches, and flag. The style, make, quantity, and frequency of purchase for all uniforms shall be determined by the city. The new officer must furnish his own footwear. Additionally, each officer is required to maintain their own uniforms (laundry, dry cleaning, etc.) at their own expense. Other rules may apply per the Police Department manual.
- (b) *Other Departments.* The City of Horton will pay for the safety clothes that are dictated by each employee's job description. Such things as rubber boots, rubber gloves, hard hats, etc. will be furnished by the City of Horton. The style, make, quantity, and frequency of purchase for all personal protective equipment shall be determined by the city. If an employee chooses a different item than the city selected item, and it is approved by the city, the city will reimburse the employee for cost up to the amount the city would have paid for the item as selected by the city.

## **ARTICLE G. DISCIPLINE**

**G-1. Authority to Discipline.** City supervisors and the City Administrator are responsible for the conduct and effective performance of all employees under their jurisdiction and shall have the authority and the responsibility to discipline employees for violations of the city's personnel policies and any departmental guidelines.

**G-2. 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 of the city with the highest possible level of courteous and professional public service. Discipline in the city organization is for the most part is "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 to help 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. Notwithstanding the general policy, employees of the city of Horton, Kansas are "at will" employees and may be terminated from employment with or without cause.

**G-3. Disciplinary Actions.** The following types of disciplinary actions are officially recognized by the City Administrator. The extent of disciplinary action that may be taken shall be commensurate with the severity of the violation and include but are not limited to:

- (a) *Verbal Warning.* 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) *Reprimand.* 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.* 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) *Salary Reduction.* A salary reduction is the lowering of an employee's rate of pay within the pay range to which the employee's position is assigned.
- (e) *Demotion.* A demotion is the placement of an employee into a position of a lower pay range.
- (f) *Suspension.* A suspension is the removal of an employee from service, with or without pay, for a specific period of time.

**G-4. 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 within three working days, 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 Administrator 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 as set out in Article H.

(h) All disciplinary action in writing must be signed by the department head and employee.

**G-5. 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, which 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, or, without proper authority, the use of city property, equipment, employees, material or funds for private non-city purposes.

(f) Incompetence or inefficiency in the performance of the duties of his or her position.

(g) Insubordination or other breach of discipline, which includes but is not limited to a refusal to accept a reasonable and proper assignment from an authorized supervisor.

(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.

(p) violation of personnel policies and guidelines, or any other written guidelines or procedures applicable to the department in which the employee works;

- (q) conduct reflecting discredit to the city or hinders the effectiveness or efficiency of city operations;
- (r) performance of an act of misconduct, or the failure to perform an act, which results in misconduct.

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.

An employee may be suspended with pay when he or she has been arrested for a crime and is awaiting legal adjudication. 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.

**G-6. Notice to Employees on Discipline and Termination.** As is stated in A-1(e), all employees are considered at-will employees. Termination can be carried out with or without cause. Actions that may lead to disciplinary actions other than termination are self-evident.

## **ARTICLE H. GRIEVANCES AND HEARINGS**

**H-1. General Policy.** Any employee who has been disciplined in any manner except by 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.

**H-2. Grievance Procedure.** The following grievance procedure is established:

- (a) The employee shall initially file any complaint or grievance with his or her supervisor. The supervisor shall provide an answer to the grievance to the employee in writing within five working days. If the employee disagrees with the decision of the supervisor, the employee may forward the complaint or grievance in writing to the City Administrator, which shall provide an answer to the employee within five working days.
- (b) If the complaint or grievance cannot be satisfied by the City Administrator, the employee may forward his or her written complaint or grievance to the Governing Body, specifying the nature of the complaint or grievance, provided he or she has informed the City Administrator of his or her intentions to do so, and request a hearing thereon.

**H-3. Hearing Procedure.** The Governing Body may conduct hearings in accordance with the following procedures:

- (a) Notice of a hearing shall be given to interested parties, no sooner than seven calendar days prior to the 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 Governing Body. 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 Governing Body may call for additional evidence, as it deems proper.
- (e) The Governing Body 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 Governing Body 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, the supervisor, and the City Administrator, 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 Governing Body's decision shall be binding and final and subject to no further appeal.

## **ARTICLE I. VOLUNTARY SEPARATION**

**I-1. Resignation.** An employee who terminates his or her employment voluntarily shall be terminated in good standing, providing the employee gives a minimum of two weeks written notice to his or her immediate supervisor or department head. Under appropriate circumstances, a shorter period of notice may be approved by the City Administrator.

**I-2. Reinstatement.** An employee who was terminated in good standing and who is re-employed within a period of 120 calendar days following separation may be reinstated at not more than the salary he or she was receiving at the time of his or her termination. Upon reinstatement within 120 calendar days following separation, an employee shall receive credit for all unused sick leave he or she had accrued as of the time of separation.

## ARTICLE J. SEXUAL HARASSMENT

**J-1. Definitions.** Sexual harassment is defined as the threat or insinuation by one employee or group of employees, either explicitly or implicitly, that his/her refusal to submit to sexual advances will adversely affect his/her employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development (quip pro quo); or

The subjecting of an employee(s), by another employee(s), to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical, so as to create an intimidating, hostile, or offensive working environment.

**J-2. General Policy.** It is the policy of the City of Horton to maintain a work environment free of intimidation, insult, and harassment based upon race, religion, sex, age, national origin, ancestry or disability. To insure that this policy is strictly adhered to, the city will not tolerate the sexual harassment (or any other types of harassment) of any of its employees, and will take immediate disciplinary action if such behavior should occur.

No employee, whether supervisory or non-supervisory, may sexually harass another employee. Sexual harassment as defined includes but is not limited to:

- (a) Unwelcome touching, propositions, and/or advances;
- (b) Abusive and/or vulgar language of a sexual nature;
- (c) Suggestive jokes or comments about an employee's body or clothing;
- (d) Displaying of sexually graphic or suggestive pictures, photographs, cartoons, etc.

Any employee who believes that they are the victim of unwelcome behavior that would constitute sexual harassment shall immediately report the incident(s) to any level of supervision.

All complaints involving claims of sexual harassment shall be promptly and confidentially (as practical) investigated. The employee filing the complaint shall be advised of the results of the investigation.

Any employee, supervisory or non-supervisory, found to have engaged in harassment of another employee will be disciplined, up to and including discharge. When appropriate, the employee filing the complaint will be encouraged to file criminal charges against the harasser.

**J-3. Complaint Procedure.** Any employee who feels he/she is being subjected to sexual 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) The employee's immediate supervisor;
- (b) The employee's department head;

- (c) Other supervisory personnel;
- (d) The City Administrator;

The employee should be prepared to provide the following information:

- (a) Employee's name, department, and position title;
- (b) The name of the person or persons committing the sexual harassment;
- (c) The date(s) and approximate time(s) of the sexual harassment;
- (d) The specific nature of the sexual harassment, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against him/her as a result of the harassment;
- (e) Witness to the harassment, if any;
- (f) Whether he/she has previously reported such harassment and if so, when and to whom;

After receiving a sexual harassment complaint, the recipient of the complaint shall assist the employee filing the complaint with documenting the incident in writing and the employee shall affix their signature attesting to the accuracy and truthfulness of the complaint. All information disclosed in the complaint procedure will be held in strictest confidence and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter.

**J-4. Review of a Sexual Harassment Complaint.** It shall be the responsibility of the City Administrator to coordinate the investigation and review of sexual harassment complaints. The City Administrator may delegate the investigation to the appropriate city employee. If the City Administrator is the subject of the complaint, an independent individual shall coordinate the investigation of the complaint. The following procedures shall apply to the receipt, review, and handling of such complaints:

- (a) The person to whom the complaint is made shall immediately present it to the City Administrator (or Mayor if the City Administrator is the subject of the complaint);
- (b) An investigation into the alleged incident shall be promptly started;
- (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 sexual harassment, witnesses interviewed during the investigation, the person against whom the complaint of sexual 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 sexual 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 sexual harassment shall be given appropriate opportunity to refute the allegation and present information and/or witnesses on his/her behalf;

Based upon the investigation report, the City Administrator (or Mayor) shall determine whether the conduct of the person against whom a complaint of sexual harassment has been made constitutes sexual harassment. In making that determination, the City Administrator (or Mayor) shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred. The determination of whether sexual harassment occurred will be made on a case-by-case basis.

If the City Administrator (or Mayor) determines that the complaints of sexual harassment are founded, he/she shall take immediate and appropriate disciplinary action against the employee guilty of sexual harassment.

The disciplinary action shall be consistent with the nature and severity of the offense, whether a supervisory relationship exists, and any other factors the City Administrator (or Mayor) believes relate to fair and effective 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 demotion and/or suspension, dismissal, warning, or reprimand. A determination of the level of disciplinary action shall also be made on a case-by-case basis.

If the City Administrator (or Mayor) determines that the complaint of sexual harassment is unfounded, he/she shall notify the employee accused of sexual harassment of the determination. Action shall also be made on a case-by-case basis.

The employee making the complaint shall be notified of the results of the investigation and the discipline, if any, to be administered.

If the City Administrator (or Mayor) determines after reviewing the investigation report that the complaint was intentionally falsified by the employee filing the complaint, the City Administrator (or Mayor) shall take immediate and appropriate disciplinary action against said employee.

**J-5. Appeal of the Decision.** Within ten (10) working days of the postmark of the written notification to the employee of the City Administrator (or Mayor's) decision, the complainant or respondent may make a written request for a final review of the record by the Governing Body.

The Governing Body members, in response to a timely appeal, will either:

- (a) Review the record and provide a final decision within five (5) working days of the receipt of the appeal; or,

- (b) Schedule an executive session with the appealing party to hear his/her appeal, within ten (10) days following the receipt of the appeal;

The meeting date can be scheduled on any date, convenient to all parties, with mutual consent (including beyond the ten (10) day period).

A final decision will be made by the Governing Body members.

Copies of the decision shall be sent to the complainant and respondent by certified mail, return receipt requested, and a copy will be given to City Administrator (or Mayor).

**J-6. Record of a Sexual Harassment Complaint.** All records, except those affected by the Kansas Open Records Act, concerning a sexual harassment complaint shall be confidential and kept in a separate locked file. Access shall be granted only with the City Administrator (or Mayor's) approval and to parties who have a direct and relevant need to know.

## **ARTICLE K. POLITICAL ACTIVITY**

**K-1. Political Activity.** It is the right of every employee to register and vote on all political issues. Employees are permitted to join political organizations, civic associations or groups, and to become involved in political activities subject to the restrictions of this article.

- (a) As private citizens, employees may participate in all political activities, including holding public office, except where holding an appointive or elective office is incompatible with the employee's city employment.
- (b) Any employee desiring to become a candidate for city elective office shall first take leave of absence without pay or resign. Should an employee on leave of absence without pay be unsuccessful in seeking such elective office, he or she shall be returned to employment on the same terms and conditions as any other employee who has taken leave of absence without pay. An employee is considered to be a candidate for elective office once all statutory requirements have been met to qualify as a candidate.
- (c) Political activity must not interfere with job attendance or performance. Employees are not permitted to solicit 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.
- (d) No supervisor or other person in authority shall solicit any city employee for contributions of money or labor for any candidate for elective office, or otherwise compel, or attempt to compel, any employee to support a candidate for elective office or to engage in any political activity.
- (e) The purpose of this policy is to prevent and avoid the appearance of impropriety on the part of any city employee. City employees are neither appointed to, nor retained in, the city's

service on the basis of their political affiliations or activities.

## **ARTICLE L. OUTSIDE EMPLOYMENT**

**L-1. Outside Employment.** Outside employment constitutes a city employee holding a second job with another employer. Outside employment by a full-time employee is permitted only when such outside employment: (1) is considered secondary to service with the city; (2) does not interfere with the performance of duties for the city; and (3) no legal, financial or ethical conflict of interest results from such dual employment. Outside employment must be authorized by the employee's supervisor and concurred by the City Administrator.

## **ARTICLE M. WORKPLACE SAFETY**

**M-1. General Safety.** All employees are required to wear appropriate safety equipment and follow appropriate safety precautions according to city and/or departmental policy at all times. Failure to comply with safety policies may result in disciplinary action.

**M-2. Workplace Violence.** The City of Horton has a policy of zero tolerance for violence. If an employee engages in any violence in the workplace, or threatens violence in the workplace, the employee shall be terminated immediately for cause. No talk of violence or joking about violence will be tolerated.

“Violence” includes physically harming another, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, and threatening or talking of engaging in those activities. It is the intent of this policy to ensure that everyone associated with the City, including employees and citizens, never feels threatened by any employee’s actions or conduct.

**M-3. Substance Abuse Policy.** The City of Horton has a responsibility to its employees and citizens to take reasonable steps to assure safety in the workplace and in the services it provides. To this end, the city reaffirms its policy that the following are strictly prohibited:

- (a) Reporting for work under the influence of intoxicants, including alcohol, illegal drugs, or controlled substances; and
- (b) The use, possession, sale, or distribution of such intoxicants, illegal drugs, controlled substances, or related paraphernalia, in any manner during work hours, or while engaged in city business, on city property, or in city vehicles. Further prohibited is use of such drugs and/or alcohol on ones personal time, the extent that such use negatively impacts an employee's work performance.

## ARTICLE N. TELECOMMUNICATIONS

**N-1. Telecommunications Policy.** The city's e-mail, computer, Internet, telephone, and voice mail systems are city property. These systems are in place to facilitate the employee's ability to do their jobs efficiently and productively. To that end, these systems are solely for city purposes, and gross abuse of these systems for personal use is prohibited. The city may intercept, monitor, copy, review, and download any communications or files employees create or maintain on their systems. No employee may use passwords on any part of their city computers or computer files without the prior consent of the city administrator. When using the Internet, employees shall exercise discretion and good judgment. Sending materials of a sensitive nature or materials that constitute "confidential information" is highly discouraged unless the information is properly encrypted to prevent interception by third parties.

Employee communications and use of city e-mail, computer, Internet, and voice mail systems will be held to the same standard as all other business communications, including compliance with anti-discrimination and anti-harassment policies. It is expected that employees use good judgment in the use of the city's system. Management should be notified of unsolicited, offensive materials received by any employee on any of these systems.

Employee consent and compliance with e-mail, computer, Internet, and voice mail policies is a term and condition of employment. Failure to abide by these rules or to consent to any interception, monitoring, copying, reviewing, and downloading of any communications or files is grounds for discipline, up to and including termination.

**N-2 City-Provided Cell Phones.** Cellular phones are provided to improve customer service and to enhance business efficiencies of the city's employees. Cellular phones provided by the city in the workplace are not a personal benefit and shall not be the primary mode of communication, unless they are the most cost-effective means to conduct city business. In regard to this policy, the following applies:

- (a) Employees are responsible for operating city-owned vehicles and potentially hazardous equipment in a safe and prudent manner, and therefore, employees should refrain from using cellular phones while operating such vehicles and equipment.
- (b) The city may seek reimbursement for additional charges resulting from personal calls that cause the monthly plan minutes to be exceeded. Excessive misuse of the city-provided cell phone may result in possible disciplinary action.

**N-3 Private Cell Phones.** City employees may carry personal cellular phones with them while on city time or operating city equipment, but are subject to the following restrictions:

- (a) Excessive use of a personal cellular phone for personal business during duty hours is not allowed.
- (b) Employees are responsible for operating city-owned vehicles and potentially hazardous equipment in a safe and prudent manner, and therefore, employees should refrain from using personal cellular phones while operating such vehicles and equipment.

- (c) The use of a personal cell phone for city business is discouraged. The city will not reimburse an employee for such use of a private cell phone. All business calls to the city should go to the regular telephone numbers of the city offices or to individual departments.
- (d) The use of personal cell phones on the job should be limited to emergency contact from or to immediate family members. While some use of private cell phones is unavoidable, employees are expected to exercise discretion and should return nonemergency phone calls during breaks or during the lunch hour. Private business should not be conducted on private cell phones during work hours.
- (e) The violation of any provision of this policy may result in possible disciplinary action as the refusal to accept a reasonable and proper assignment from an authorized supervisor.

## **ARTICLE O. TRAVEL**

**O-1. Travel Policy.** In an effort to provide fair and equitable policy pertaining to travel by employees necessary for the conduct of their particular assignments, the City of Horton shall allow employees to utilize city vehicles for work related travel. Travel shall be defined for the purposes of this policy as any out-of-town trip. An employee shall receive permission from the City Administrator for any travel. Any overnight travel shall be approved in advance by the City Administrator. Private automobile mileage shall be reimbursed only if there is no city-owned vehicle available for such out of town travel. All mileage for private vehicles used on city related travel shall be reimbursed at the rate per mile equal to that rate paid by the state of Kansas for use of state owned vehicles.

**CODE OF ETHICS**  
**and**  
**STANDARDS OF CONDUCT**  
**for**  
**HORTON, KANSAS**

**I. PURPOSE**

This Code of Ethics for the City of Horton establishes standards of conduct expected of those persons who act for or on behalf of the public in the performance of all governmental duties and responsibilities.

Government service and public sector employment is a public trust, and those who serve the public must perform and discharge their duties consistent with the highest moral principles, serving always the best interests of the City and its citizens.

Representative government is based solely upon the consent of the governed, under a system whereby every citizen has a right to expect those who govern or serve in the government to act for themselves but for the governed as a whole. Since government can act only through its officials and employees, it is incumbent upon them to honor the public trust and instill confidence in government by their own integrity and conduct in all official actions.

It is, therefore, the purpose of this Code of Ethics to:

1. Maintain the highest ethical standards in the City government.
2. Increase public confidence in the integrity of the officials and employees of the City.
3. Help officials and staff in determining the proper course of action when facing uncertainty in ethical obligations.

**II. APPLICATION**

This Code of Ethics for the City shall apply to all persons who are elected to the Office of Commission or Council; to all elected officials; to all persons appointed or hired as employees of the City, to all persons appointed by the Board of City Commissioners to any position, board, or

commission, whether compensated or not, other than independent contractors, who perform personal services for and on behalf of the City. The ethical standards, considerations and rules of conduct shall apply and be observed during the person's term of office or service with the City.

### **III. POLICY STATEMENT**

It is the policy of the City that:

- A. All citizens be provided fair treatment and equal access to and from the government, without any appearance or element of discrimination or favor or consideration of any special interest.
- B. All official actions taken in the performance of government duties or responsibilities be motivated by service of the public interest and protection of the public trust without any regard for personal achievement, aggrandizement, or personal benefit.
- C. All persons who act for or represent the interest of the City adhere to the highest standards of ethical conduct in the performance of their duties.
- D. The policies and procedures for operation of the City government provide for efficient and cost-effective service, responsive to the public interest, which will preserve and promote confidence in government and the integrity of its members.

### **IV. ETHICAL STANDARDS**

It shall be the duty of all persons to whom this Code of Ethics applies to observe the highest moral principles in all official actions, whether specifically noted or mandated in this Code, and to refrain from any course of conduct which might result in, or create the appearance of a violation of the following ethical standards. An official, whether elected or appointed, and a City employee should:

- **STANDARD 101:** Endeavor to be loyal to high standards and to the City, above loyalty to persons, department or agency, or political or other interests.
- **STANDARD 201:** Uphold the constitution, laws and regulations of the United States, the State of Kansas, and the City.
- **STANDARD 301:** Treat all citizens fairly and equally with courtesy and respect, and never discriminate by dispensing of special favors or privileges, whether for remuneration or not.

- STANDARD 401: Refrain from making any public or private promise the performance of which would require him or her to act beyond the proper scope of the duties of his or her office, or act in a manner that could compromise the integrity of his or her public office.
- STANDARD 501: Never engage in business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his or her governmental duties
- STANDARD 601: Never use any information coming to him or her confidentially in the performance of governmental duties as a means for making a private profit or gaining benefit for himself or herself or others; and never reveal any information made known to him or her through his or her public office which is by law confidential or by custom a protected right of privacy where revealing the information could affect the civil or moral rights of any citizen.
- STANDARD 701: Always safeguard the public trust and never use nor allow the use of government property or funds for private purposes, for purposes other than those authorized or permitted, or for purposes that could mislead the citizens or damage the confidence and reputation of the government.
- STANDARD 801: At all times display the highest level of integrity in performing his or her duties and never knowingly or negligently mislead or allow others to mislead the public or other government officials nor fail to disclose or report to appropriate officials any corruption whenever discovered.
- STANDARD 901: Avoid the appearance of improper influence and refrain from ever receiving, soliciting or accepting gifts, gratuities, favors or anything of value for himself, herself, family, or others, which is intended or has the appearance or affect of influencing the performance of his or her duties; and should never himself or herself lobby nor attempt to influence others in the performance of their duties by any means which are not a part of his or her authorized duties.
- STANDARD 1001: never allow his or her judgment to be compromised by any personal, family or business interest not a part of his or her government service and never act upon any matter in which he, she, family, or business has or may have any financial or beneficial interest; and always declare and disclose the full nature and extent of any personal, family, or business interest in any matter related to governmental actions or duties.
- STANDARD 1101: Stand as a representative of the City and the public trust and never intentionally act outside the scope of his or her authority in that representation nor allow to be perceived as acting on behalf of the public or government when, in fact they are not.

## V. INTERPRETATION AND GUIDELINES

A. GENERAL INTENT AND INTERPRETATION: This Code of Ethics is intended to establish standards to guide the decisions and actions of the public officials and employees in the performance of their official duties and functions. The standards established by the Code are rules of reason and not rules of law, and they do not themselves seek to impose duties or obligations not otherwise required of public officials and employees. Rather, the standards seek to recognize the expectations inherent in government service through public opinion and perception and to define the special responsibilities that arise through the representation and authority of government. Likewise, the Code does not attempt to exhaust the moral and ethical values that must guide government actions, nor does it displace professional knowledge, skill or judgment. Every person in government service must also be guided by personal conscience and the independent ideals of their profession, as well as the legal duties imposed upon them. These standards, therefore, should be interpreted with reference to the purposes of government service and the unique stature of public professionalism.

B. ETHICAL CONSIDERATIONS: The Advisory Board may develop and issue Ethical Considerations, to be used for interpreting and applying the provisions of the Code of Ethics.

C. GUIDELINES FOR APPLICATIONS: The following guidelines are designed to provide a frame of reference for interpretations of the Ethical Standards. They are not absolutes, but serve as considerations to be applied to specific factual situations.

1. Gifts and Gratuities. A gift or gratuity would include any item of value, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, favor, or tangible objects. As a general rule, a public official or employee should not:
  - a. solicit a gift or gratuity for any purpose related to their official duties or City business or operations;
  - b. accept any gift or gratuity (other than appropriate political contributions for elected officials) or an honor or award presented by a professional or fraternal organization, for the performance of duties;
  - c. keep any unsolicited gift or gratuity having a value exceeding \$40; and
  - d. accept any gift or gratuity under circumstances that a reasonable person would question or circumstances where the give would have reason to expect something in return.

Further, as a general rule, a public official or employee should:

- a. report to their supervisor, department head, personnel officer, or city administrator, any offer or attempt to offer a gift or gratuity in exchange for the performance of their duties;

- b. file a disclosure statement showing the nature of any unsolicited gift or gratuity received, the person giving the gift or gratuity, its value and the circumstances under which it was received; and
  - c. to the extent possible, retain any unsolicited gift or gratuity for the office or department as a whole, rather than as a personal gift or gratuity.
2. Financial or business interests with City Operations. A financial or business interest includes any that would directly or indirectly provide a monetary or material benefit to the official or employee. As a general rule, an official or employee of the City should refrain from participation in any selection process, contract negotiation, or purchase of goods or services where they, or their family members or business associates, have any beneficial or financial interest in the award, selection, or contract. Further, a public official or employee should not engage in or have a financial interest in any business providing goods or services to the City except when the goods or services are provided through the formal competitive bid process under the purchasing policies of the City, and then only upon full disclosure to all appropriate officials of the financial interest.
3. Financial Interest Disclosures. A material financial interest would include an interest that provides direct financial remuneration to the public official or employee, or to any member of their immediate family, in an aggregate amount of five hundred dollars (\$500) or more in any year, or an ownership interest in any business entity which exceeds ten percent (10%) of the total ownership. A public official or employee of the City should always fully and publicly disclose any material financial or other beneficial interest that the official or employee has or may have in any contract, legislative action, formal decision, or governmental ruling or determination whenever the official or employee will or may participate in any manner in the discussion, deliberation, decision, or administration of the matter.
4. Conflict of Interest. A conflict of interest includes any circumstance under which a public official or employee of the City has a direct personal interest, other than the diligent performance of their official duties, in the result or outcome of any governmental action for which the official or employee has, in whole or in part, any discretionary authority or responsibility. It is not limited to financial interests, but may include other interests such as personal friendship, family relations, or other associations with groups or persons. A public official or employee of the City should always avoid even the appearance of such conflicts by full, public disclosure of such interests to appropriate officials and, where possible, by abstaining from participation in the performance or exercise of the official, discretionary actions. Elected Officials should abstain from voting on issues only if there is a conflict of interest, and should state, in general terms, the nature of the conflict.

## VI. ETHICS ADVISORY BOARD

The Ethics Advisory Board shall be a standing committee, established by City Commission and may include one or more of the following designated members:

1. The City Administrator, or their designee;
2. The City Attorney, or their designee; and
3. The City's Personnel Director, Human Resource Director, or City Clerk, or their designee.

In the event that any matter presented to the Ethics Advisory Board for consideration is directly related to any member of the Advisory Board, or which involves any member of the Advisory Board or another person directly supervised by a member, then that member shall not participate in the consideration of that particular matter and shall, for the purposes of that matter only, be replaced on the Advisory Board by:

1. A person designated by the City Administrator; or
2. A person designated by the Board of City Commissioners, if the member is the City Administrator.

It shall be the duty and function of the Ethics Advisory Board to issue interpretations and guidelines for the Ethical Standards, and to conduct investigative reviews upon complaints of violations of the Ethical Standards. The Kansas Association of City/County Managers and the International Association of City/County Managers are recommended for use as resources in accomplishing these duties.

## VII. COMPLAINTS AND PROCEDURES

Department Review. Any allegation of a violation of the Code of Ethics for the City shall be acted upon and resolved through standard policies and procedures of the applicable City department or agency through the City Personnel Policies.

Advisory Board Review. In the event that any allegation of a violation of the Code cannot be resolved through standard policies or procedures, then the complaint shall be referred to the Ethics Advisory Board for review and consideration. The Ethics Advisory Board may, as it deems necessary, conduct an investigation of the complaint, which may include interviewing persons who may have knowledge of the facts of the complaint. Upon completion of its review and/or investigation, the Ethics Advisory Board shall prepare a written report, stating its findings, conclusions, and recommendation on the complaint. If the Advisory Board finds that there is no merit to the allegations of the complaint and there is no cause to believe that a violation has occurred, then the Advisory Board shall immediately issue its finding, dismissing the complaint. If the Advisory Board finds that there is cause to believe that a violation may have occurred, then the report of its findings and conclusions shall be:

1. submitted to the City Administrator, if the complaint involves an employee, a department head or agency director for his or her review, consideration and action; or
2. submitted to the Board of Commissioners if the complaint involves the City Administrator, or member of any City board or commission, or any person acting as an appointed representative on behalf of the City.

The City Administrator and/or the Board of City Commissioners shall immediately review any report submitted to by the Ethics Advisory Board, and shall conduct any additional investigation, including interviews or a hearing, as deemed necessary. Upon completion of the review, if it is determined that no violation has occurred, then the complaint shall be dismissed and action taken to conclude the matter. If it is determined that a violation has occurred, then direct action shall be taken as deemed necessary and advisable, consistent with the provisions of this Code, to correct the violation and to enforce the Code of Ethics.

## **IX. CONFIDENTIALITY**

All proceedings of the Ethics Board, the Board of City Commissioners, and any official, department or agency, in investigating and reviewing any ethics complaints shall be deemed as personnel matters and, thus, shall be confidential under Executive Session.

## **X. SANCTIONS FOR VIOLATION**

For any violation of the Code of Ethics, the following enforcement actions may be taken:

**A. For employees of the City:**

1. A written warning or reprimand be issued pursuant to the personnel policies; or
2. A notice of intent to suspend or demote the employee be issued pursuant to personnel policies; or
3. A notice to terminate the employee be issued pursuant to personnel policies; or
4. A complaint be filed for action with the law enforcement officials; or
5. The matter be dismissed for lack of cause.

**B. For elected Officials of the City:**

1. A public censure or reprimand be issued; or
2. A complaint be filed for action with the law enforcement officials; or
3. The matter be referred to the State Attorney General or County Attorney for consideration; or
4. The matter be dismissed for lack of cause.

**C. For appointed officials of the City or persons acting as representatives on behalf of the City:**

1. A public censure or reprimand be issued; or
2. Removal from the office or position, or termination of any contract, agreement or representative status; or
3. A complaint be filed for action with the law enforcement officials; or
4. The matter be dismissed for lack of cause.

**Acknowledgement of Receipt and Understanding**

I, the undersigned, acknowledge that I have received, read, and understand all policies enclosed in the City of Horton's personnel policies and guidelines statement, particularly including, the city's sexual harassment and ethics policies. I further understand and agree that should I fail to work within the confines of any of these policies, those actions I've taken that are in direct violation of these policies can and will have an adverse impact on my employment with the City of Horton.

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

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

\_\_\_\_\_  
Employee Printed Name

\_\_\_\_\_  
Supervisor Printed Name

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