

City of Iola



Personnel Policy Handbook

CITY OF IOLA

PERSONNEL POLICY HANDBOOK



First Adopted January 1995
Revised and Re-adopted 1998
Revised and Re-adopted July 2000
Revised and Re-adopted July 2002
Revised and Re-adopted November 2009
Revised and Re-adopted January 2011

RESOLUTION NO. 2009-14

WHEREAS, the Iola City Commission realizes the importance of having policies relating to personnel set forth in writing; and,

WHEREAS, the City Commission wishes to adopt a new comprehensive Personnel Policy Manual, to conform to all state and federal regulations such as, but not limited to the Fair Labor Standards Act; American's with Disabilities Act; Family and Medical Leave Act; Equal Opportunity Employment and Affirmative Action; and,

WHEREAS, the City Commission desires to provide fair and equal opportunity to all qualified citizens to enter City employment through fair and impartial methods; and,

WHEREAS, the City Commission desires to promote high morale among City employees and increase the efficiency of delivering quality services to the community, by providing good working conditions, opportunities for advancement, and consideration of employee needs in conjunction with the public interest; and,

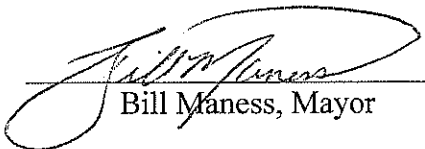
WHEREAS, the City Commission wishes to maintain a uniform plan of evaluation and compensation based upon relative duties and responsibilities of positions in the City service, to assure a fair and equitable hourly wage or salary to all employees; and,

WHEREAS, the City Commission desires to have said code take precedent over all other previous adopted resolutions, rules and regulations;

BE IT RESOLVED, that the Iola City Commission hereby sets out in writing the following Personnel Policy Manual, attached hereto; and,

BE IT FURTHER RESOLVED, that the attached document repeals and cancels other previous resolutions, manuals, letters or notices issued by the Governing Body.

Adopted, this 10th day of November, 2009.


Bill Maness, Mayor

Attest:


Roxanne Hutton, City Clerk





Personnel Policy Handbook Purpose Statement

As previously noted, policies, rules and regulations in the Personnel Policy Handbook are adopted by the City Council through Resolution and are administered by the City Administrator.

The purpose of this Handbook is to accurately communicate the rules and regulations governing City organization, including employee benefits, general policies/procedures for addressing common personnel matters, and basic expectations the City has for our employees.

The Handbook or any part thereof may be amended, changed, altered or abandoned at any time by an act of the City Council. **This Handbook does not constitute a contract of employment.** It is intended only to provide current information about personnel policies and regulations so employees might gain a basic understanding and interpretation of those policies and regulations.

To clarify or check the current status of any part of this Handbook, please ask your supervisor, Department Manager or Human Resources Manager.

WELCOME TO THE FAMILY OF IOLA CITY EMPLOYEES!

I. OUR MISSION IS: TO SERVE THE CITIZENS OF IOLA TO THE BEST OF OUR ABILITIES AND RESOURCES

II. OUR SERVICES MUST BE:

- RESPONSIVE
- TIMELY
- HELPFUL
- RELIABLE
- PROFESSIONAL
- ETHICAL

III. WE VALUE:

- RESPECT FOR OTHERS
- COURTESY
- HARDWORK
- TEAMWORK
- TRUST
- A CARING ATTITUDE
- HONESTY

IV. WE EXPECT EMPLOYEES TO: HONOR OUR VALUES AND HELP ACHIEVE OUR STANDARDS OF SERVICE!

THANK YOU

A BRIEF HISTORY OF IOLA, KANSAS

Cities are organized by people with a common need to make decisions on issues that affect the community as a whole, and to provide services that cannot be, or are not, provided by private businesses.

In January of 1859, a group of settlers gathered to discuss plans to develop a new town. Many of these individuals who lived in the county and in the nearby towns of Cofachique and Humboldt were looking to relocate Allen County's seat. After much discussion, it was decided that the new town would be called "Iola", in tribute to Iola Colborn... the daughter of Mr. J. F. Colborn who had built the first frame-style home in the area. The land was surveyed and platted with wide streets and a four-block square downtown. In 1860, two small general stores moved from Cofachique to Iola, and soon after came a dry goods store, a grocery, clothing store, and drug store. In 1865, Iola became the seat of Allen County. By 1870, the population had increased to 1,500 and the railroads had arrived. However, due to various local and national misfortunes, the town population remained stagnant for the next twenty-five years. Then in 1895, a great surge in population and expansion hit Iola... Giant natural gas pools were discovered in the area. In just nine years, from 1895 to 1904, Iola grew from a town of 1,567 people to a city of over 11,000. With this great population explosion came many of the homes and buildings still standing today. A water plant and electric generation plant were built, streets were paved, schools were constructed, and Iola prospered. In 1910 the Commission form of government was adopted, and three City Commissioners elected.

Unfortunately, the natural gas began to run out, which forced many of the town's newer industries (such as the smelters) to leave for richer fields. There was little positive change in Iola during the 1920's and 30's. Two exceptions were the Pet Milk plant, which located here in 1924 and the development of H. L. Miller & Sons dressmakers around 1933. Prior to World War II, the Riverside Park complex was built, many of the older school buildings were replaced, streets and utilities were upgraded, and businesses and homes were constructed. After WWII, Iola continued to expand its utilities, improve its water purification system, resurface and pave residential streets, and build a new hospital, National Guard Armory, business structures and homes. In the 1970's and 80's as the Thompson Poultry Company and Lehigh Cement Plant were beginning to decline as large employers in Iola, they were replaced by two new companies... Gates Rubber and Midland Brake.

In 1985, the first City Administrator was hired by the City Commission to oversee operations of the City government. During all these years, the City of Iola had worked hard to provide a limited number of services to its citizens. Now, in the 21st century, with 140 full-time employees and an annual budget of \$15 million, the City of Iola provides quality programs and services to about 6,500 customers, including:

Administration, Animal Control, Assistance with Community Events like Farm/City Days, Building Inspection/Code Enforcement, Crime Prevention, Cemeteries, Civil Defense, Clean-up Week, CPR Classes, Community Buildings, Compliance with Federal & State Laws, Compost Facility, DARE, Demolition (Structure) , 911 Dispatching, Economic Development, Electric Generation & Distribution, Emergency Medical Services, Fire Prevention Education, Fire Protection, Flood Control, Gas Acquisition & Distribution, Genealogy, General Information, Ident-a-kid Program, Industry Recruitment, Infill Development Program, Intergovernmental Agreements, Law Enforcement, Leak Detection, Level Billing Plan, Library, Licensing, Meter Reading, Mosquito Control, Mowing Public Land, Municipal Court, Police Protection, Public Records, Parks, Permitting, Plan Review, (Land) Planning, Recreation programs, Regulatory Activities, Reserve-a-Truck, Sidewalk Replacement, Snow/Ice Removal, Solid Waste Collection, Stormwater System, Streetlights/Signs & Signals, Storm Shelters, Support to Community Organizations, Swimming Pool, Tennis Courts, Traffic Marking, Tree Maintenance, Utility Billing, Voter Registration, Water Treatment/Distribution, Wastewater Collection/Treatment and Zoning.

2011 ORGANIZATIONAL CHART FOR THE CITY OF IOLA

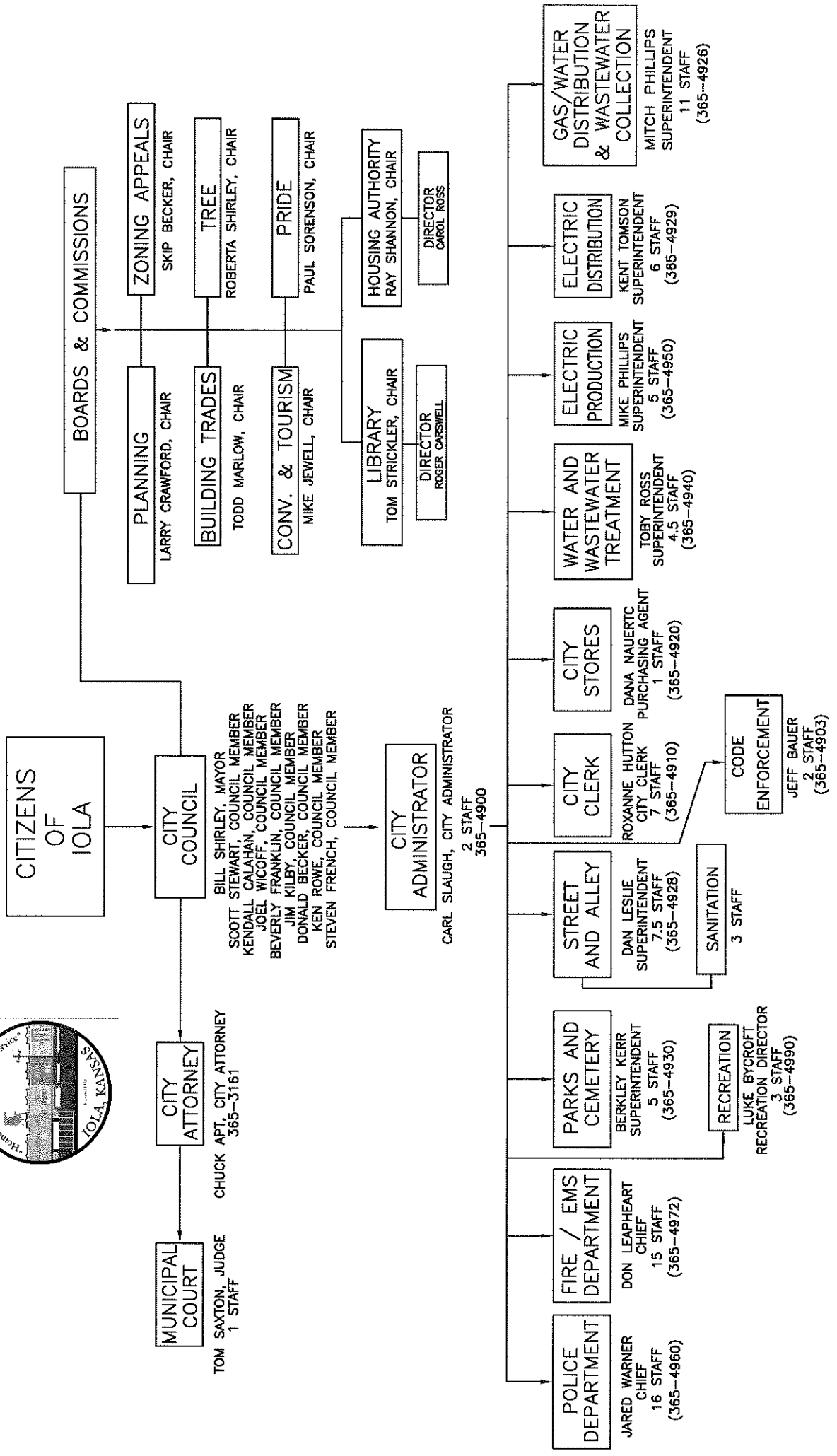
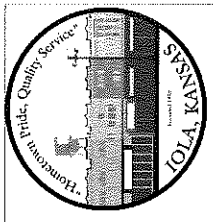


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General Policy

It is the City's policy and goal to fill vacancies with the most qualified applicants available solely on the basis of merit and qualifications. The City Administrator, Human Resources, and Department Managers will follow the Employment Procedure when recruiting employees.

Job Description

Department Managers anticipating a job vacancy will be responsible for ensuring that an accurate job description exists for the position, and that the City has all information about the job that might be needed to locate and screen qualified applicants. Department Managers and Human Resources will review all job descriptions every two years to ensure they are kept up to date.

Equal Opportunity Policy

The City is an Equal Opportunity Employer. All employees in the City and all applicants for positions are guaranteed equality of employment opportunity. This means that the City of Lola will not discriminate against any employee or applicant on the basis of race, color, religion, gender, age, marital status, national origin, sexual preference, veteran's status or disability. The City of Lola will make reasonable accommodations for job applicants and employees with disabilities. All recruitment, selection, placement, promotion, transfer and other personnel decisions will be solely based on merit and upon the job related qualifications and abilities of candidates. It is the policy of the City of Lola that work environments shall be free of unlawful discrimination or harassment.

Advertisement of Job Openings

Notice of job openings may be posted internally, and published externally in newspapers or professional journals, as well as school and college placement services, for a period of at least five days. A copy of the position job description will accompany each internal announcement, and will be given to each external applicant. Hiring procedures for internal candidates will be the same as those designed for external candidates, with eligibility for employment (or transfer) according to the established evaluation procedures outlined on page 3. Copies of all job opening notices will be sent to appropriate locations to assist in recruiting applicants from minority groups.

Qualifications for Employment

All applicants are required to complete an application form or, where permitted, submit a resume. In determining qualifications for employment or for promotion, the following factors will be considered: education, experience, attendance, special aptitudes, special training, demonstrated abilities, physical and mental ability to accomplish essential functions of the position, knowledge, skills, attitude, and other qualifications that are necessary for performance of the duties of the position. Written examinations, interviews, background investigation, polygraphs, tests, and other appropriate assessment methods may be used as screening devices in the selection process.

Drug-Free Work Place

It is the policy of the City not to hire persons who use illegal drugs or controlled substances. Prior to employment, the City will contract with a qualified laboratory to conduct screening tests for selected applicants. If test results detect traces of illegal drugs or controlled substances in an applicant's system, it may be used as the basis for not hiring the applicant. If an applicant should refuse to submit to testing, they will not be considered for employment.

Anti-Nepotism Policy

In order to avoid favoritism, or the appearance of favoritism based on family relationships, no one shall be employed in a department where their Supervisor is a member of their immediate family. For purposes of this policy only, the definition of immediate family is the employee's father, mother, spouse, child, sibling, grandparent and grandchild.

Selection/Rejection of Applications

Applicants may be disqualified for the position applied for when:

- (A) They do not meet the minimum qualifications for the vacant position.
- (B) Any section of the application form is not fully completed.
- (C) Conviction of a felony crime indicates a relationship to duties of the position or the City.
- (D) Previous City employment was terminated and status is "not recommended for rehire".
- (E) Qualifications are misrepresented on their resume, application or during an interview.
- (F) Verification of previous employment indicates a poor employment risk.
- (G) Pre-employment drug/alcohol test confirms use of illegal drugs/controlled substances.

Personnel Action Authority

The City Administrator and City Council have authority for approving all personnel recommendations, including hiring, transfer, promotion, and dismissal. The selection of any person who will serve in a position with the City begins with completion of a Personnel Action Form by the Department Manager making the request. All requested personnel recommendations become official only after approval by the City Administrator and the City Council.

Position Assignment

Being hired for a particular position does not relieve an employee from the obligation to serve in other positions on a temporary or permanent basis should the need arise. Each employee's interests, as well as his or her knowledge, skills, and abilities will be considered in job placement.

Initial Evaluation Period

The Initial Evaluation Period is regarded as a continuation of the selection process. A supervisor uses this period to closely observe the employee's work and help a newly hired, transferred or promoted employee adjust to the position. Supervisors will document the progress of the employee in order to accurately evaluate their ability to be successful in the position. At all times during an individual's period of employment, the City has the right and duty to discontinue the employment relationship when an employee's performance, or performance potential, is not satisfactory. An employee, who is hired, transferred, promoted, or reappointed to a regular full time position is required to successfully complete an initial evaluation period of at least six (6) months.

The initial evaluation period begins immediately upon assignment to any full-time position. The training period may be extended if deemed necessary. Documentation supporting this decision must be provided by the Department Manager with review and approval by Human Resources. Time spent in an "acting" capacity prior to formal approval of a permanent position with the same classification and department is not considered part of the initial evaluation period.

An employee's status is considered "Probationary" according to the terms noted above and remains so until the initial evaluation meeting is conducted by the employee's supervisor. After the initial evaluation period is completed, the employee's status will be changed to regular full-time, the training period will be extended, or the employment relationship will be discontinued.

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General Policy & Procedure

The City Administrator recommends all necessary offices, departments and positions to the City Council annually as a part of the recommended budget, except for the following appointed positions: City Clerk, Police Chief, Fire Chief, City Treasurer, City Attorney, Municipal Judge, and City Health Officer. The Council reviews and approves any recommendations that are required to administer and carry out the affairs of the City. The current classification and pay plan is on file and available for review in Human Resources. The City Administrator, with the approval of the City Council may revise the plan any time, as changing conditions require.

Position Classifications

All employees and employment positions are given one of the following classifications:

Regular full-time These employees are scheduled to work forty-hours per week (with exception of the Fire and Police Departments) on a regular basis. Regular full-time employees are subject to all of the rules and regulations and are entitled to all applicable benefits described in this Handbook. Full-time employees require City Council approval prior to beginning work.

Regular part-time These employees are scheduled to work less than forty but at least twenty hours per week on a regular basis. Regular part-time employees are subject to all of the rules and regulations, and are entitled to one-half of all applicable benefits, except for health and life insurance. These employees do not require City Council approval prior to beginning work.

Temporary These employees are hired for a defined period of 150 days or less, regardless of the number of hours worked and includes those who are scheduled to work less than twenty hours per week, regardless of the length of employment. Temporary employees are subject to all of the rules and regulations and are not entitled to any benefits except worker's compensation and injury leave benefits. These employees do not require City Council approval prior to beginning work.

Contract These are persons hired to accomplish work for the City on a contract basis who do not have "employee" status. Contract employees are governed by the terms of their contract and not by the rules and regulations outlined in this Handbook (unless specifically incorporated into their contract). These employees require City Council approval prior to beginning work.

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Department Managers, with assistance from the City Administrator, will prepare and maintain a job description for each approved position within their department. Job descriptions will include position title, essential duties, desirable knowledge, skills and abilities, working environment, special requirements, suggested training and experience, desired education, and other related information. Job descriptions are descriptive and not restrictive. The intent of job descriptions is to provide a general indication of the kinds of activities performed by employees in that position. Department Managers will review all job descriptions every two years and update as necessary.

Classification of Positions

The City of Iola Pay Plan provides an inventory of all positions in the organization. Every position has been slotted in a pay grade according to job worth based on measurable criteria. Some that are sufficiently alike in duties, responsibilities and qualifications are given the same job title and slotted in the same pay grade. No City employee will be given a position title or paid a wage which is not established and recognized in the City of Iola Pay Plan (see attachment A).

New Positions & Classifications

When a new position is created or the responsibilities and function of a current position are changed so that the current classification/job description is inappropriate, the Department Manager may seek approval from Human Resources to reassign the position to a more appropriate classification. If an appropriate job description does not exist, the Department Manager will prepare and submit a new job description/position title to Human Resources. After determining an appropriate pay grade, Human Resources will forward the requested change to the City Administrator for Council approval.

Maintenance of the Pay Plan

When a vacancy occurs and there appears to be a need for changes in the function, duties and responsibilities of a position, Human Resources will review the job description of that position. If a department or division is reorganized, the Department Manager will prepare and submit preliminary job descriptions for all affected employees to Human Resources for review.

Before a new position is established and before the recruiting and screening process can begin, a formal job description must be written by the Department Manager, reviewed and graded by Human Resources, approved by the City Administrator and Council and incorporated into the existing Pay Plan. This approval must also be obtained to abolish a classification and remove it from the Pay Plan.

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General Policy

It is the responsibility of the City Administrator to ensure a fair, competitive and equitable Pay Plan and to submit recommendations to the City Council when changes are necessary. The Pay Plan shall reflect an equitable relationship among the job classifications based upon a review of prevailing rates for comparable work in peer City organizations, local private and public wage rates, current cost of living, responsibilities of the position, and the policies of the City. Whenever the Council approves changes to improve the City’s Pay Plan and those changes are implemented, it is the responsibility of Human Resources to ensure the Pay Plan is maintained.

Through adoption of this Personnel Handbook by the City Council, the City of Iola Pay Plan has been formally approved and will be utilized as a guide for establishing starting wages when hiring future employees and a means to more accurately budget personnel costs. All employees should be paid within the established ranges. With the approval of the City Administrator, an employee may be allowed to remain at their current wage if the maximum of their pay grade is reduced to a rate lower than their current wage.

New Employees

Generally, starting rates for new employees will be set between the minimum and midpoint of the pay grade for the classification. Employees can only be hired above the midpoint when their qualifications justify a clear benefit to the City if an exception is made. A request to hire employees above the midpoint must include justifying documentation by the Department Manager that an exception would benefit the City and requires the approval of the City Administrator.

Promotions

When an employee is promoted to a position in a higher pay grade, the employee's rate will be increased at least to the minimum rate for the higher classification.

Transfer or Demotion

An employee might transfer or be assigned to a position in a lower pay grade with a lower minimum. The employee's current rate may be adjusted to a rate commensurate with the pay grade for that position and equitable with other employees currently performing those duties. When establishing the pay rate, consideration will be given to transferable skills, abilities and qualifications compared to those required of the new position.

Performance Evaluations

Department Managers will evaluate the performance of each of their regular full time employees prior to the anniversary of the date of hire, transfer or promotion. The City Administrator will evaluate the performance of each Department Manager prior to the anniversary of the date of hire, transfer or promotion. Performance evaluations are designed to assess the progress and work performance of all employees and communicate what they did well and what areas need attention, and a plan for improvement in those areas.

Except for Police Officers, performance will be evaluated for all new employees at the end of the first six and twelve months of employment. The purpose of these evaluations is to determine whether the employee should be retained in the position, if the training period should be extended, or employment discontinued.

Merit Increases

All merit increases will be based on the performance of an employee compared to objective departmental job performance criteria. Such criteria may include level of knowledge, skills, ability, personal work traits, compliance with established City or departmental rules and regulations, or other expectations which are indicative of performance. Generally, employees will be considered for merit increases annually, following their initial 12 month performance evaluation in conjunction with the initial date of hire, date of promotion or date transferred to a new position. Recommended increases will be granted only after review by Human Resources, approval by the City Administrator and final approval by the City Council. All rate changes become effective on the first day of the pay period following Council approval, unless otherwise specified.

Frequency of Merit Increase

Normally, merit increases will be considered once per year based on the anniversary date of hire, transfer or promotion. However, a Department Manager may recommend merit increases at any time for outstanding performance, because of increased skill level and job knowledge (i.e. gaining certification, etc.) or to bring their compensation in line with relative performance of others in their work unit.

Cost of Living Adjustments (COLA)

Each December, the City Administrator will provide the Consumer Price Index data from the Social Security Administration based on the percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) from the third quarter of one year to the third quarter of the next for determining cost of living increases. COLA's would be effective with the first pay of the new year of the following year. The City Council retains discretion to approve any amount they determine appropriate, regardless of the CPI data or the City Administrator's recommendation. The City Council may adjust all salary ranges by a specified percentage at any time to reflect changing economic conditions relative to the cost of living. Any COLA approved will be the same percentage rate for all employees.

Pay Plan Changes

Whenever cost of living adjustments are approved, the maximums of each pay grade will be increased by the same percentage amount. Periodically, the City Council may approve changes to the pay plan, including the minimum, midpoint and maximum rates. These changes will only be made by the Council after consultation with the Administrator and Department Managers or any outside agency that may be consulted to assist with the Pay Plan.

Longevity

After completing 10 years of continuous service as a full-time employee, City employees are eligible to receive longevity pay. Longevity will be paid on the payday following the employees' anniversary and will be added to the employees' gross pay. Longevity pay for ten years and over will be paid at \$250.00 annually, with \$50.00 for each year over ten, beginning with 2006. Upon a bona fide retirement from the City, a qualified employees' longevity will be prorated for the year in which he retires, for example the total longevity pay for the year will be divided by the number of months since the employees' anniversary date.

Pay Period

All employees are paid biweekly, every other Friday. A pay period consists of the two weeks ending at midnight on the Sunday before the Friday payday. Paychecks will be distributed every other Friday or the day preceding Friday if it is a recognized holiday. Except for employees with Exempt status under the Fair Labor Standards Act, an employee's annual income is converted to an hourly rate for payroll purposes.

Education Pay

Regular full time employees may receive additional Education pay for completing a certified regimen of course work or extensive training. This education must have a direct relationship to their position with the City and demonstrate an improvement of knowledge, skills/abilities and value to the City of Iola. Employees of the Water & Wastewater, Electric Generation, Electric Distribution, and Gas, Water & Sewer departments may receive Education pay for successfully completing certain State of Kansas certifications for operations, distribution and collection systems. State certifications for Fire Department personnel are also eligible for Education pay. Increases for Education pay will be approved based on a schedule developed by the Fire Chief and approved by the City Administrator. To be eligible for Education pay, all requests for course work and training must be approved in advance by the City Administrator and certifications must be current and effective.

Work Periods

The work period is 40 hours in seven days for all employees, except those in Fire and Police. Work periods run from 12:01 a.m. Monday until 12:00 midnight the following Sunday.

Except for the Fire Chief, all Fire department employees, have a work period of 28 days, with a 24-hour shift that consists of three 16/8 hour shifts working and three days off. Although this schedule equates to a variable number of work hours per pay period, ranging from 96-136, the month-to-month pay hours (those actually worked in a 28-day period) even out to either 216, 224 or 232 hours. With 13 work periods per year, this equates to about 2920 scheduled hours per year. Overtime is paid for each hour actually worked over 212 in a work period. The Fire Chief is a salaried Exempt employee (under FLSA). The work period for the Fire Chief is 40 hours in seven days.

Police Officers have a work period of 14 days with 12 hour shifts that in total consist of seven days working and seven days off. This schedule equates to 84 hours in the 14-day work period. With 26 work periods per year this equates to 2184 hours scheduled work hours per year. Overtime will be paid for each hour actually worked over 84 hours in a work period for Police Officers. The Police Chief and Communication Officers will have a work period of 80-hours in fourteen-day work period. The Detective and Community Resource Officer often work variable hours, but are based on 2080 hours per year.

Shifts

Water Plant, Power Plant and Police Department employees who serve the City every day, around the clock, are required to work shifts, including weekends and holidays. Shift and scheduling assignments are established by the Department Managers, and must be approved by Human Resources and verified by the City Attorney for FLSA compliance.

Shift Differential Pay

Certain department positions are eligible for Shift Differential Pay to compensate for working swing or off shifts. Employees working second or swing shifts will be compensated an additional \$0.20 per hour and those working third shifts will be compensated an additional \$0.30 per hour. Shift differential pay will only apply to worked hours defined as swing shift or off shift hours.

Overtime Pay

The overtime rate of a non-exempt employee is determined by multiplying the hourly rate times 1.5. Overtime is paid to non-exempt employees for all hours worked in excess of the specified number of scheduled hours in their work period (40 hours for most employees, 212 hours for Firefighters, and 84 hours for Police Officers). All overtime worked must be pre-authorized by the supervisor. As specified in the Fair Labor Standards Act section of this Handbook, exempt employees are not eligible for overtime pay. With the exception of meter reader, seasonal recreation department employees, non-exempt temporary and part time employees will also be paid overtime for all hours worked over 40 in a work week.

Call Back Pay (Non-Holiday)

Many services are provided by the City of Iola on a continual basis. Because of this, certain Department Managers must designate employees that keep themselves available during off duty hours. Designated employees who are called back for work after the end of the regular shift will be paid a minimum of two (2) hours pay. A second call received before the employee is home from the initial call, shall not be considered a separate call.

Call Back/On-call Pay (Holiday)

Except for public safety, departments providing call back service will designate one person to be available during off duty hours on designated holidays. These employees will be compensated for 8 hours of overtime pay for being on standby or On-call. In addition, if called back to work, the employee will be paid their regular hourly rate for actual time worked under 8 hours. Time worked in excess of 8 hours, will be paid at the overtime rate for actual time worked over 8 hours.

Stand-By Status

The safety of the public and protection of City facilities sometimes requires certain departments to place employees on stand-by status after regular working hours. Department Managers must create a standby/on-call schedule that ensures timely and safe response to emergency call-backs but does not put undue hardship through excessive restrictions of mobility or activity on employee's who are on stand-by. Department Managers are encouraged to discuss schedules with their employees and attempt to develop an agreeable method of scheduling. Employee's placed on-call are essentially standing by and waiting to be engaged and therefore must adhere to certain restrictions such as 1) no consumption of alcohol and 2) they must be able to respond within a reasonable period of time to a call. Department Managers will regularly monitor the frequency of standby and call-back responses. If on-call employees begin to receive such a high number of call-backs that it becomes disruptive to their personal lives, changes will be made to the scheduling method.

Department "On-call" schedules currently in use have been approved by the City Council. In order to ensure compliance with requirements under the Fair Labor Standards Act (FLSA), Department Managers must obtain the approval of Human Resources and the City Attorney prior to implementing a new on-call schedule. Employees eligible for on-call status who are scheduled to be on standby are compensated \$1.00 per hour. Compensation is limited to a maximum of 123 hours of on-call pay in a 7 day period.

Those departments subject to stand-by status are required to respond in approximately 30 minutes with the exception of the Fire/EMS who need to respond in 15 minutes.

Emergency Meals/Allowance

Occasionally employees are called out for emergencies such as storms, fires, water/gas/sewer-line breaks, electrical outages, etc. If these situations require employees to work over four (4) hours, the employee is allowed one meal at City expense and one additional meal for each four (4) hours worked thereafter.

Fair Labor Standards Act (FLSA)

The Fair Labor Standards Act (FLSA) defines three classes of employees in city municipalities. Certain regulations that address working hours and overtime pay apply to the following classes:

- Non-covered: elected officials, appointed officials, and volunteers.
- Exempt: professional, administrative, executive (salaried) and seasonal employees.
- Non-exempt: all other employees (hourly).

FLSA does not require overtime to be paid to employees in positions with Exempt status. These include, but are not necessarily limited to the following administrative positions: City Administrator, Department Managers and Superintendents, City Clerk, Purchasing Agent, Fire Chief, Police Chief and Code Enforcement Officer. Non-exempt employees are entitled to overtime pay for all hours worked above the number of hours in their regularly scheduled work period. Overtime pay must not be less than 1.5 times the employee's regular rate of pay.

Compensatory Time Off

All employees eligible for overtime pay have the option of receiving time off at the same rate in-lieu of the overtime pay. If possible, time off should be scheduled by the Department Manager before the end of the work period in which it is earned. If it cannot be scheduled by the end of the work period, the Supervisor may elect to pay the employee for the overtime. For Fire Department personnel, comp time may be accumulated up to a maximum of 72 hours and must be used within the calendar year it was accumulated (although there is some flexibility if accumulated towards the end of a year). When scheduling time off for Police Officers and Water Plant for holidays, Supervisors will try to schedule a day off within three (3) months of when it was earned or it may be paid. Compensatory time off is not transferable between employees.

Overtime Scheduling

Working overtime is sometimes necessary to complete a task. When volunteers within the department who are capable of performing the task are not available, Department Managers have the discretion to assign the overtime to the employee(s) determined most qualified to perform the task. Department Managers will make an effort to assign or offer overtime work equally to all eligible employees. If accommodations cannot be made, employees may be scheduled to work any of the seven (7) days of the week. An employee's regular work schedule will not be changed just to reduce or avoid overtime unless the employee voluntarily agrees to the change.

Compensation for Travel & Training

Training Time: Employees are compensated for time spent in training when the training is directly related to employee's job, is required by the City, and has been approved by the Department Manager. Training time will only count as hours worked for the purposes of computing overtime pay:

- (1) For time in training that occurred during the regular work schedule.
- (2) For time in training that was productive and useful. (Does not include social periods)
- (3) If it fulfills other requirements of the Fair Labor Standards Act.

Travel Time: Under ordinary circumstances, employees who travel anywhere on company business on a scheduled work day will be paid only for the time spent traveling that occurs during their regular scheduled shift. When employees are *required* by their supervisor to travel during time that is *not* part of their regular work schedule or if there is other extenuating circumstances, employees may be paid accordingly for time spent traveling that does not occur during their regular scheduled shift. Exceptions for payment of travel time must be approved by the City Administrator.

Business Travel & Training Expenses

The City of Iola will provide employees with appropriate educational and training opportunities required to maintain or improve the skills and abilities that assist in the performance of their duties and responsibilities. Expenses associated with training classes, seminars, conferences or college courses that are either required as a condition of continued employment or pre-approved by the City Administrator or Department Manager will be paid for or reimbursed by the City. These expenses include fuel for City vehicles, mileage, food, lodging, tuition, registration fees and other related expenses. Accounting requires all expenses to be supported by an appropriate receipt or other documentation. Some expenses may be paid for in advance or a cash advance authorized. Expense vouchers require the signature approval of the Department Manager.

Light Duty Assignments

The City of Iola encourages employees to return to the work place after sufficiently recovering from an injury or illness. Employees may be assigned to a temporary, light duty assignment as soon as they are given a conditional release from their attending physician.

Generally, the decision for an employee to return to work is initiated by the employee's attending physician and should have the support of the employee and the employee's Department Manager. However, a Department Manager may initiate a request for an employee to return to light duty when work demands of the department make it necessary and/or desirable. In this case, the Department Manager will make sure the physical requirements of available light duty work fully comply with the restrictions documented on the physician's release to return to work.

A decision to allow an employee to return to work for light duty will be made by the Department Manager after consulting with Human Resources and the City Administrator. The option of returning to a light duty assignment will be offered to the employee only when all of the following criteria are met:

- a. A physician's release has been received by Human Resources. The release must authorize the employee to return to a light duty assignment and include an estimated date when normal duty assignment may be resumed.
- b. There is legitimate and necessary work that can be performed by the light duty assignment (no one should be brought back simply to put in time).
- c. The employee's condition is improving and, in the opinion of the treating physician, there is good probability the employee will soon recover to a point they can assume full duties with no restrictions.
- d. The employee's light duty work will not jeopardize the employee's health and safety, or the health and safety of others.

All light duty assignments are subject to a 30 day review and renewal by the Department Manager and Human Resources. With regard to Item (c) above, it is specifically intended that **no** "permanent" light duty positions will be created. Any permanent change in duties and responsibilities or the skills and qualifications required for any position require review and approval by Human Resources, the City Administrator and City Council.

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KPERS

All full time City employees are required to participate in the Kansas Public Employees Retirement System (KPERS). Employee contributions to KPERS are made through a payroll deduction each pay period. The City also makes contributions to KPERS on each employee's behalf. The contribution rate for the City and the employees are set by KPERS. Retirement benefits, options and timetables are subject to the policies, rules and procedures of KPERS. Information regarding these plans is available in Human Resources.

ICMA-RC (Deferred Compensation Plan)

Full time regular employees may elect to participate in the City’s 457-retirement plan established by the International City/County Management Association-Retirement Corporation. This benefit is a deferred compensation plan that was established to assist City employees with their retirement needs. “Deferred compensation” means that all earned income contributed and any interest revenues or other gains will not be taxed until funds are withdrawn.

To take advantage of this benefit, employees simply need to fill out the enrollment form provided by Human Resources. After the first 30 days of employment, the City will then contribute \$10 per pay period (to a maximum of \$260 per year per employee) into the deferred compensation account of those employees who filled out an enrollment form. Employees are also encouraged to participate by authorizing their own pre-tax contributions through payroll deduction. As an incentive to participate, the City will match each dollar contributed by the employee “dollar for dollar” up to an additional \$240 per year per. The minimum employee contribution is currently set at \$10.00 per pay period or \$260 per year. The maximum City contribution/match is currently set at \$500 per year (unless stipulations in the current contract are changed). Withdrawal of funds is restricted to retirement, leaving employment with the City of lola for any reason, or for unforeseeable emergencies (regulated by IRS hardship definitions).

Social Security

Your federal retirement program is administered by the Federal Government. Mandatory contributions to Social Security are made by each employee through a payroll deduction each pay period, at a rate set by the Federal Government. The City also contributes to Social Security on each employee's behalf. Information on benefits is available in Human Resources.

Health Insurance

The City's group health insurance program is a self-insured, self-funded plan. The City has a contract with a third party administrator to provide services under the contract. The City pays 100% of the cost of the individual premium for all full-time employees. Optional family coverage is available. Employees pay the family portion of the premium. Coverage is not effective until the first of the month after the first full month of employment. The amount of premium paid by the city and shared by the employee is reviewed annually by the City Council. Employees will be advised if changes to current policy are being considered.

Life Insurance

For full-time employees, the City provides term life and AD&D insurance that provides \$25,000 coverage for the employee, \$5,000 for the spouse and \$2,000 for each child at no cost to the employee. Coverage is effective the first of the month following the first 30-days of employment. Employees are also provided life insurance benefits under KPERS equal to 1-1/2 times the employee's annual salary. The option to purchase additional coverage is available under a minimal cost to the employee.

Long Term Disability Benefits

Long Term Disability coverage is provided to all full time employees through KPERS. Disability benefits provide a monthly income that is based on 66 2/3 percent of the annual rate of compensation. To qualify for a disability benefit, employees must be totally disabled for 180 continuous days. Benefits are reduced by the amount of primary Social Security, Workers' Compensation, or any other disability benefit by reason of employment. If employees become disabled prior to age 60, they may receive benefits until recovery from the disability or until the age of 65, whichever comes first.

Worker's Compensation

All employees are provided certain medical and income benefits as a result of work related injuries/illness through Worker's Compensation Insurance. All injuries should be reported immediately to the Department Manager. Compensation from the insurer could be jeopardized if the injury/illness is not reported within 24-hours of occurrence to the Department Manager. It is the responsibility of the Department Manager to complete a Accident Investigation Report form and submit to Human Resources. Using this procedure will insure the correct reporting process required by the State of Kansas- Department of Human Resources is followed. For additional information, see Time-off due to a Work Related Injury/Illness on page 20.

Uniforms

City employees are expected to present a clean, neat and professional appearance. A variety of uniforms, shirts, etc. are provided at no cost to City employees. Uniforms are not to be worn when employees are off duty and are not to be worn by any person other than the employee. Employees will be held responsible for any lost or damaged uniforms if the loss or damage is due to the employee's negligence. Police and Fire department employees are furnished uniforms by the City. These departments have established rules governing their use and cleaning.

Break Policy

Employees who work a regularly scheduled eight-hour shift are eligible to take two 15-minute paid break periods each day. Department Managers will determine department policy for meal and break periods. All policies recognize that work demands may take precedent over scheduled meal and break periods. Location may vary to fit the work schedule. All breaks should be taken as close as possible to the employees' assigned work area/station on any particular day. Department Managers should keep in mind the need to balance between the occasional public misperception of City employees who are on break while at a site in the public view, and the time it takes for employees to pack up their gear and travel to and from the City warehouse. Unused break time does not accumulate. If work load prevents the taking of a break, it is not carried over to another day.

COBRA (For terminated employees)

The City of Iola provides extended health care coverage to terminated employees under its group health plan for a period of up to 18 months (or up to 36 months in case of spouse and dependents) as required under the Federal COBRA regulations. Employees and spouses are provided COBRA eligibility information during orientation and will also be provided enrollment information when the employment relationship is discontinued or anytime a qualifying event occurs.

KSA 12-5040 (For Retirees)

Eligibility: Membership in the City's group health care program shall be available to all retirees (as defined) and their dependents. To be considered a retiree under this program, the individual must:

- (1) Have at least 10 years service with the City of Iola; and
- (2) Be receiving a retirement or disability benefit for service with the City; and
- (3) Be under age 65 and ineligible for the Federal Medicare health insurance program; and
- (4) Submit a written application with Human Resources for coverage under this plan, within 30 days following retirement from City employment; and
- (5) Agree to promptly pay the required monthly premiums.

Disqualification: A retiree shall cease to be eligible for coverage under this plan, when any of the following conditions exist:

- (1) Attaining age 65 or becoming eligible for Medicare.
- (2) Failure to make the required premium contribution as provided in Section 5.
- (3) Becoming covered, or becoming eligible for coverage under a plan of another employer.
- (4) The cessation of retirement or disability benefits from service with the City.

If coverage under the City's health plan ends due to disqualification, coverage will not be reinstated, unless the City Council determines extenuating circumstances may have existed. For example: something caused a financial hardship that resulted in the inability/failure to pay premiums.

Dependents:

The spouse or dependents, of a retiree who attains age 65, may elect to remain on the City's health insurance plan for a period of no more than 48 additional months or until the spouse or any of the dependents turn 65.

Contributions:

The amount of the monthly premium contribution of a retiree participating in the City's health plan is \$302.50 for singles and \$525.50 for families effective November 1, 2010. The City reserves the right to change that amount if there are significant increases in administrative costs or we determine the inclusion of retirees is causing a disproportionate increase in the premiums paid by active employees or contributions made by the City.

Timely payment of monthly premiums is the sole responsibility of the retiree. The City has no obligation to send invoices to covered retirees. Payment must be made to the City Clerk's Office on or before the first day of the month that coverage is effective. In no situation will the City assume responsibility for payment of monthly premiums.

Plan Benefits:

The health plan coverage for retirees is identical to the coverage provided under the plan to similarly situated active employees, including the opportunity to choose among options during an open enrollment period. If coverage is changed or modified for similarly situated active employees, then continuation coverage may be similarly changed and/or modified for retirees.

Application of COBRA:

Nothing in this Plan shall subordinate the rights of a former employee under the Federal Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA).

Management Rights, Interpretation:

The City of Iola reserves the right to cancel or change any or all coverage not required by state or federal law, and to periodically make changes to the health insurance plan. Final determinations on questions regarding coverage situations not addressed in this plan, or disagreements in interpretation, will be made by Human Resources and the City Administrator after consultation with the City Attorney. Final determinations can be appealed to the City Council.

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General Leave of Absence Policy

For a variety of reasons, employees sometimes need to take a leave of absence from work with exception of the meter reader. If the time off will exceed 80 hours, the employee must complete a Request for LOA. Approval for time off should be obtained from their Department Manager prior to taking leave, except in cases of emergency. This requirement applies to any type of leave except FMLA (Family Medical Leave) and leaves of absences due to injuries or illnesses, whether work related or not. The Department Manager will forward the completed Request for LOA to Human Resources. LOA requests should be made as far in advance as practical. When the time off is due to a sudden illness, injury or emergency, the employee must notify the Department Manager of their need for time off as soon as possible after the event causing the need arises. With the approval of the City Administrator, Department Managers may grant a full time employee an extended leave of absence without pay not to exceed one year. Extended leave will be granted only after it is determined 1) the absence will not result in undue hardship to the City and 2) the employee will not have to be replaced for the leave period. No leave without pay will be granted without a written Request for LOA approved by the Department Manager. Upon expiration of an approved LOA without pay, the employee shall be reinstated to the position held at the time the leave was granted or to a position with similar job duties, equivalent pay, benefits and other terms and conditions of employment. Failure to return to work at the end of the leave period may be cause for termination of employment. The City will not contribute to premiums for benefits, including retirement plan contributions, health, life, or any other insurance while on an extended LOA. Employees will have the option of continuing these benefits but are responsible for the entire portion of any premium for these benefits while on leave without pay. Vacation and sick hours will not accrue and other leaves of absence will not be available while on extended LOA.

Paid Vacation

All regular full time employees (except non-exempt Fire department employees, meter reader and exempt Police department employees) accrue vacation time off according to the following schedule:

<u>Time in Service</u>	<u>Accrued Vacation Time</u>	<u>Hours accrued per pay period</u>
1 - 9 years continuous employment	10 days per year	3.08
10 - 19 years continuous employment	15 days per year	4.62
20+ years continuous employment	20 days per year	6.15

Non-exempt Fire department employees accrue 144 hours (equal to six 24-hour shifts) of vacation during the 1st through 9th year of continuous service at a rate of 5.54 hours per pay period. During the 10th through 19th year of continuous service they accrue 216 hours (equal to nine 24-hour shifts) of vacation at a rate of 8.31 hours per pay period. At the start of their 20th year of continuous service and every year thereafter, they accrue 288 hours (equal to twelve 24-hour shifts) of vacation at a rate of 11.07 hours per pay period.

Exempt Police department employees (scheduled to work 2184 hours per year) accrue 10 days of vacation at a rate of 3.27 hours per pay period if less than 10 years service; 15 days of vacation at a rate of 4.92 hours per pay period if less than 20 years service, and 20 days of vacation at a rate of 6.89 hours per pay period at the start of their 20th year of continuous service.

Most employees can accumulate up to 200 hours of vacation time off (360 hours for non-exempt Fire Department employees, 212.5 hours for Police Department employees, with the exception of the meter reader). Any accumulation in excess of the maximum must be used or it will be forfeited. Vacation pay is computed based on the employee's regular wage or salary for a standard work period. To insure minimum disruption of the work schedule, employees should visit with Department Managers about their vacation plans and Managers are encouraged to prepare and post vacation schedules. However, the manner in which schedules are developed is up to each individual Department Manager. Vacation time off can only be taken in place of a regular scheduled work day.

Upon termination of employment, an employee will be paid for accrued but unused vacation time. Accrual of vacation time is based on hours worked and will not accrue for any employee on LOA for illness or injury after the second week of such leave, unless such leave is the result of an illness or injury incurred while working on the job and where the employee is receiving workers' compensation payments from the City of Iola.

Paid Holidays

The following regular paid holidays are observed by the City of Iola:

New Year's Day	January 1 st
Martin Luther King Day	Third Monday in January
President's Day	In February (variable)
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	First Monday in September
Veteran's Day	November 11 th
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
½ day before Christmas	December 24 th or the Friday immediately preceding Christmas
Christmas Day	December 25 th
Floating Holiday	To be determined each year

Regular full time employees receive 92 hours paid time off for 11.5 Holidays, with the exception of the meter reader. Fire and Police employees, working more than 2080 scheduled hours per year, will be paid 1.5 times their normal hourly wage and receive another day off for each worked holiday. Employees will forfeit holiday pay if they are absent without approval on the last scheduled work day prior to an observed Holiday or the first scheduled work day following an observed holiday.

When a holiday falls on a Saturday or a Sunday, Friday or Monday will be observed in-lieu of the holiday. All full time employees are eligible for paid time off for holidays that occur after their first day of employment.

Paid Personal Days

All full-time employees are eligible for 16 hours paid time-off to take care of personal business each calendar year with the exception of the meter reader. Personal days may be requested at any time during the year with the approval of the employee's Department Manager. It is the responsibility of each employee to insure that their personal days are utilized each year. If any unused time is still left as of December 31st of each year, it will be forfeited and the employee will not receive any financial compensation for it. Personal Days accrue each year on January 1st for all full time employees. If an employee resigns or retires they must use their personal days prior to their last day of employment otherwise they will lose the personal time and will not be financially compensated for any unused time. Employees hired after March 31st of each year are credited with 12 hours personal time off. Employees hired after June 30th of each year are credited with 8 hours of personal time off and employees hired after September 30th are not eligible for personal time off until the following year.

Time-off due to Illness

All regular full-time employees accrue time off that is used to supplement pay for absences due to illness. The number of paid sick hours available is based on the number of hours worked prior to the illness. Accrual of sick leave hours is based on the following rates:

- Full time employees accrue 3.08 hours of sick leave for each 80 hour pay period worked up to a maximum of 10 days or 80 hours per year.
- Non-exempt Fire Department employees accrue sick leave at the rate of 5.5 hours for each pay period of continuous employment until a maximum of 144 hours have accrued per year. 24-hours of sick leave will be paid (if available) for each 24-hour shift missed due to illness. A portion of a 24-hour shift shall be counted in half-hour increments for time missed due to illness.
- Meter Reader is a salaried position and are exempt from sick, vacation, personal, holiday, jury duty and bereavement leave.

Any sick leave hours accrued during one calendar year that are not used will carryover into the next calendar year. Full time employees can accumulate sick leave up to a maximum of 960 hours (120 days). Non-exempt Fire Department employees may accumulate sick leave to a maximum of 1365 hours. Since accrual is based on hours worked, sick leave hours do not accrue for an employee on sick leave after two weeks of being on leave. An employee is eligible to take sick leave as it is accrued. In order to qualify for paid time off for illness, the employee must notify their Department Manager at least thirty (30) minutes prior to the absence (unless there are extenuating circumstances that prevent them from doing so). Upon notification, the Department Manager will complete a leave slip and forward to Payroll.

Time off due to illness qualifies for payment if 1) approved by the Department Manager, 2) there is sufficient accrual of hours to supplement the period of time absent, and 3) the absence is due to either personal illness or physical incapacity; enforced quarantine; medical and dental appointments; to care for a member of the employees' immediate family who is ill and requires the employee's presence. For purposes of this policy, immediate family only includes the employee's father, mother, spouse, children, sister, brother, grandparents, grandchildren, mother or father-in-law, and brother or sister-in-law.

Medical certification from a physician may be requested at any time to confirm an employee's illness or condition and/or the employee's fitness to return to work. Medical certification from a physician and release to return to work is absolutely required when an employee has been absent for more than five (5) days due to illness/injury, after a hospital stay for any period of time, or prior to returning from an absence due to a work related injury or illness.

Sick leave cannot be taken in less than one-half hour increments. When an employee's sick and vacation benefits are exhausted and the employee continues to be absent to the extent that the departmental functions are jeopardized, the Department Manager may recommend to the City Administrator to temporarily replace the employee. If an employee's sick and vacation benefits are exhausted, non-supervisory employees may donate up to ½ day of their vacation time (per employee) in an effort to assist an employee and minimize their financial hardship. The total vacation time donated cannot exceed one week.

Time-off due to a Work Related Injury/Illness

All employees are eligible for time-off due to work related injury or illness with the exception of the meter reader. Notification of an injury/illness occurring on-the-job must be made to the Department Manager immediately following the occurrence or as soon as practical, but no later than 3-days after the injury occurred. Temporary disability compensation is paid only after the employer-authorized physician confirms the employee's inability to work and continues until the physician releases the employee to return to work.

In Kansas, the first seven (7) calendar days of disability is a waiting period and compensation is not paid during the waiting period by the insurer unless the disability lasts for (21) consecutive calendar days. Any hours the employee is scheduled but unable to work during the waiting period (due to physician restrictions) will be paid from any accumulated sick and vacation hours at 100% of the regular rate of pay. Regularly scheduled work days that fall during the 8th through the 21st calendar days after the injury will be paid at 66.67% of the employee's average weekly wage by the insurer. The balance of 33.33% will be paid by the City from any remaining accumulated sick and vacation hours. If an employee is still unable to work on the 22nd day after the injury, the insurer will issue a check to the employee for the scheduled hours they were unable to work during the seven calendar day waiting period at 66.67%. This situation would automatically result in an overpayment since the employee was already paid 100% of their regular wages during the waiting period by the City. In this case, the City requires the check to be forwarded to Human Resources so the duplicate payment can be returned to the insurer. If, at anytime an employee uses up all of their accumulated vacation and sick leave they will only be compensated at the Worker's Compensation rate of 66.67%. After the 180th consecutive day of injury leave, the employee will be placed on "Inactive Status" resulting in the termination of all City benefits, and the City Administrator shall consider holding the employee's position open or temporarily filling the vacancy. After 180 consecutive days of absence resulting from a work related disability, the employee may be eligible to receive long term disability income from KPERS, which would be off set by the 66.67% payment received through Worker's Compensation.

Bereavement Leave

Full time employees, with the exception of the meter reader, are immediately eligible for up to five (5) days (per occurrence) paid time off for bereavement for a member of their immediate family. Fire department and police department employees doing shift work may be excused for up to five (5) days immediately following the loss of an immediate family member. The fire department and police department employees will be paid for their regular shift house scheduled during this five (5) day period. Bereavement leave should be noted by the Department Manager on the leave slip and forwarded to Payroll. For purposes of this policy, immediate family includes the employee's parent/step-parent, spouse, child/step-child, sibling/step-sibling, grandparent/step-grandparent, grandchild/step-grandchild, mother-in-law/step-mother-in-law, father-in-law/step-father-in-law, brother-in-law/step-brother-in-law, and sister-in-law/step-sister-in-law. With approval of the City Administrator, additional time off may be approved and paid by using accumulated vacation or personal days, or time off may be approved without pay.

Time-off for Training & Business Travel

If an employee is making plans to travel to a convention, meeting, or other official city business that is not part of their normal duties, a Travel Request must be submitted to the City Administrator for approval. Expense estimates on this request should be as complete as possible so the City Administrator can make a sufficiently well-informed decision about approving travel expenses. For additional information, see Compensation for Travel & Training on page 11.

Military Leave of Absence

Employees may take military leave in accordance with State Statute. Any employee committed to actively participate in field training or other active duty should inform their supervisor of this commitment and will be entitled to an unpaid leave of absence. A completed Request for LOA should be submitted for approval to the Department Manager. The employee may use accrued vacation hours to supplement all or any portion of the time absent on military leave with the exception of the meter reader. The employee is to report to work upon completion of military duty as agreed on the Request for LOA.

Family and Medical Leave Act (FMLA)

Eligible full time employees may request up to 12 weeks time-off for family and medical leave during a rolling 12 month period. Family and Medical Leave is 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 serious health condition, or due to a serious health condition effecting the employee. When possible, employees are required to provide at least 30 days notice before beginning Family and Medical Leave. The City of Iola requires employees to use all available paid time off (vacation, sick or personal leave, with the exception of the meter reader) before receiving unpaid time off for all or part of the leave period up to the maximum of 12 weeks provided under the Family and Medical Leave Act. FMLA requests and associated forms and documents are available in Human Resources.

- A. Eligibility FMLA applies to full time employees who have worked for the City of Iola at least 12 months, and for a minimum of 1,250 hours, during the 12 months prior to the leave request. Where a husband and wife both work for the City, the total number of weeks' leave to which both are entitled for birth of the employee's child will be limited to a total of 12 weeks during any 12 month period. When leave is requested because of a serious health condition, the employee must provide a medical certification statement issued by a health care provider. In addition, the City of Iola may, at its own expense, obtain an opinion from a second health care provider. If there is a discrepancy, the City may obtain the opinion of a third provider. The opinion of the third provider will be binding on both the employee and the employer.
- B. Restoration An employee returning from family leave within the 12 week period allowed will be returned to their original position, or a position with similar job duties, equivalent pay, benefits and other terms and conditions of employment.
- C. Vacation and Sick Leave Since accrual of vacation and sick hours are based on hours worked, employees on family and medical leave will not accrue vacation hours or sick leave benefits if they do not return after the 10th consecutive day of absence from scheduled work.
- D. Health Insurance Coverage The City will provide health care coverage under the same provisions that existed prior to the leave. An employee on leave is responsible for their portion of the premium(s) required to maintain various health related coverage during the leave period. The city will continue to pay their portion of required premium for a maximum of 12 weeks.
- E. Military Provisions. The Department of Labor published revisions of the Family Medical Leave Act, which went into effect on January 16, 2009. Eligible employees are entitled to 26 workweeks of leave during a 12-month period to care for a service member with a serious illness or injury incurred during active duty. Also eligible employees are entitled to 12 workweeks of leave during a 12-month period for certain "qualifying exigencies" arising out of a covered military member's active duty status, or notification of an impending call or order to active duty status in support of a contingency operation. Qualifying exigencies are defined as (1) short notice deployment; (2) military events and related activities; (3) child care and school activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post deployment activities; and (8) additional activities where the employer and the employee agree to the leave.

Time-off for Jury/Civil Duty/Civic Functions

It is the civic obligation of every employee to serve on a jury if they are called. While on jury duty, or while serving as a legal witness required as a result of employment with the City, an employee will receive full pay and benefits for any time that would have normally been spent at work. If an employee completes Jury or Civil duty during regularly scheduled work hours, they should report promptly to their supervisor. If Jury duty is completed after scheduled hours, they should report to work at the start of the next shift. Payment received from the court is to be endorsed and given to the City. Unpaid time-off will be granted to employees involved in a personal court case unrelated to employment with the City. Employees have the option of using accumulated vacation or personal hours to supplement payment for the time off with the exception of the meter reader. With supervisor approval, time-off with pay will also be given to employees who are 1) called for emergency civilian duty (in matters of national defense), 2) to vote (when polls are not open at least two hours before or after the employee's scheduled hours of work), 3) to donate blood (when donations occur within the City limits), and to volunteer for approved civic functions (HOSTS, etc.).

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Standard of Conduct

When a person is selected to become an employee of the City of Iola they are joining a group of good, hard working and conscientious people that have a dedicated interest in serving the community to the limit of their ability and the City's resources. The City of Iola expects our employees to follow certain standards of conduct, or behavior, including:

- Respect and courtesy for citizens and other employees
- Diligence and hard work
- Teamwork
- Honesty, integrity, high ethical standards
- Trustworthiness and loyalty
- Competence and professionalism
- An active concern for safety

Documentation

The City requires Department Managers and Supervisors to document occurrences and activities that are in violation of the rules and regulations outlined in this Handbook, especially with respect to unacceptable conduct and behavior. Department Managers will meet with employees to counsel them and establish goals to help improve behavior. These meetings, the items discussed, employees' response and any corrective action taken are documented on a Violation and Reprimand Report. The City believes disciplinary action should be corrective in nature and not punitive. It is the responsibility of the Department Manager to explain and document the consequences of unacceptable behavior to an employee. Any time an employee fails to meet recognized standards of conduct, appropriate consequences will be determined through a system of progressive discipline. The final step in progressive discipline will be a recommendation to discontinue the employment relationship.

Attendance

All employees will be at their assigned work places at and during the time assigned by their supervisors, and subject to general and departmental regulations. An employee who is absent without leave, and who fails to return to duty within twenty-four hours after receiving notice to do so, shall be deemed to have abandoned the position. An employee who abandons a position may not be eligible for termination benefits or re-employment.

Tardiness

An employee, who is going to be late for work for whatever reason, is required to notify their supervisor or Department Manager as soon as possible. Employees who are tardy more than once during any pay period or on a regular basis will be subject to disciplinary action.

Sexual Harassment

Position Statement Sexual harassment is a form of discrimination and misconduct that undermines the integrity of the employment relationship. Sexual harassment refers to behavior that is not welcome, is personally offensive, destructive to morale and interferes with work effectiveness. The City of Iola believes that all employees have the right to work in an environment that is free from all forms of discrimination including sexual harassment. The City will not tolerate the sexual harassment of an employee by any other employee. Behavior defined as sexual harassment will result in corrective action, up to and including termination of employment.

Definition The City of Iola bases our policy on the definition of sexual harassment set forth by the Equal Employment Opportunity Council (EEOC). The EEOC defines sexual harassment as *unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:*

- ✓ *Submission to such conduct is made either explicitly or implicitly a term or condition of employment*
- ✓ *Submission to or rejection of such conduct is used as the basis for employment decisions affecting an employee*
- ✓ *Such conduct has the purpose or effect of unreasonable interfering with work performance or creating an intimidating, hostile or offensive working environment.*

Interpretation Occasional compliments of a socially acceptable nature do not meet the definition of sexual harassment. Also, conduct or actions that arise out of a personal or social relationship, that are not intended to have a discriminatory employment effect, may not be viewed as harassment. The City will determine whether a complaint of misconduct constitutes sexual harassment, based on a review of the facts and circumstances of each situation.

Reporting Process If employee's experience or witness sexual harassment in the workplace, they should report it immediately to the Department Manager or Supervisor. If the Department Manager or immediate supervisor is the source of the misconduct, report the behavior to the City Administrator or Human Resources. Those Managers who receive a report of sexual harassment should immediately inform Human Resources.

Investigation Human Resources will conduct a full and confidential investigation of the complaint which will include questioning all possible witnesses and employees who may have knowledge of the incident being investigated. The employees' identity will be protected and there will be no retaliation as a result of making a complaint. The complaint, the investigative steps and findings will be documented as thoroughly as possible.

Conclusion When the investigation is complete, the complainant will be informed of the outcome of the investigation and whether corrective action is being recommended. Employees who are dissatisfied with the resolution of a sexual harassment investigation may file a complaint under the City of Iola grievance procedure.

Community Relations

Employees should afford the citizens of Iola every courtesy and consideration. When it is necessary to refuse a request made by a citizen, or when the action requested is outside the jurisdiction of the City, it is important to give a full, courteous explanation. When dealing with citizen's complaints, particularly irate citizens, employees are encouraged to direct the complaint to a supervisor or appropriate City official for assistance.

Smoking

City employees are not allowed to smoke at work except in areas designated by the Department Manager or City Administrator. Most public buildings, including City Hall and those generally frequented by citizens, are smoke-free.

Appearance

City employees are expected to present a neat, clean, professional appearance. Employees whose job or work assignment requires a uniform, protective clothing, and/or equipment, must wear such attire whenever necessary or required by general or departmental regulations or policies.

Drug Free Workplace & Substance Abuse

It is the policy of the City of Iola to maintain a drug and alcohol free work place. The purpose of this policy is to promote good job performance, employee safety and safety of the public. The manufacture, distribution, possession or use of a controlled substance or illegal drugs in the work place or off duty shall be strictly prohibited. No employee shall possess, consume or be under the influence of alcohol while on duty. Violation of this policy is considered gross misconduct subject to corrective action including termination of employment. Depending on the situation, a confirmed positive test for illegal drugs or alcohol will result in a minimum two-week suspension without pay or accrual of benefits, plus required attendance at a drug treatment center. The employee must also agree to submit to 4-6 retests at any time during the 12 month period following a positive drug or breath test. A second positive drug or breath test any time during the remaining period of employment will result in immediate termination of employment and the employee will not be considered eligible for future employment with the City.

Exceptions

- A. Call Back- In off-duty call back situations, an employee should not report for duty if, in their opinion, their performance would be impaired due to alcohol consumption. The employee is required to inform the supervisor making the request of their condition. If an employee on stand-by returns for call back and in the opinion of the supervisor is under the influence of alcohol and believes their performance and the safety of others is jeopardized, the supervisor should have the employee discontinue their duties and take them home. Appropriate corrective actions may be sought.
- B. Prescription Medications- This policy does not apply to medication prescribed by a physician or purchased over the counter and used in prescribed doses.

- C. Department of Transportation- Pursuant to Federal Pipeline Safety Regulations of the Department of Transportation, operators of pipeline facilities (which include some City employees) must test employees for the illegal use of drugs and provide a controlled-substance abuse assistance program for employees. The random testing requirement under FPS regulations of DOT applies separately to City employees engaged in the main operation of "emergency response" on the natural gas distribution system including employees in the Gas, Water & Sewer Department, and Meter-readers. Some procedures under these testing requirements may differ from the City of Iowa Drug Free Workplace and Substance Abuse Policy.

Requests for Drug/Alcohol Testing

Any employee of the City may be required to submit to testing for use of illegal drugs or alcohol whenever a supervisor suspects their behavior and/or job performance indicates their ability to perform the duties of their position is possibly being impaired by the use of controlled substance, illegal drugs or alcohol. Justification for requesting a test, information on the test(s) to be conducted, and the employee's consent to be tested shall be documented on the appropriate forms. Refusing a supervisor's request to submit to drug or alcohol testing is considered insubordination and will result in the immediate suspension of the employee and a recommendation to the City Council for termination of employment. All testing expenses will be paid for by the City and the results of testing will remain confidential. Employees who feel the request and suspension was not justified may file a complaint under the grievance procedure.

The City designated Drug and Alcohol Officer will administer or witness drug and alcohol testing for employees who are not subject to DOT or CDL regulations. The City currently contracts with a private firm to administer drug screens for employees subject to DOT's Federal Pipeline Safety Regulations. Employees in both groups are randomly selected four times per year. Those selected are required to participate in the testing process. All testing expenses will be paid for by the City and the results of testing will remain confidential. The City has designated the Human Resource Manager as the City Drug and Alcohol Officer. This person is responsible for keeping all drug/alcohol testing information secure and confidential.

Employees who desire to be tested on a "voluntary basis" will be allowed to do so. Requests for such testing shall be submitted to the Department Manager. The cost of voluntary testing is paid for by the employee.

Reporting of Illegal Drug Convictions

As a condition of continued employment, employees are required to report any conviction for illegal possession or distribution of a controlled substance or illegal drug within five (5) days after conviction. This information will be placed in the employee's file and reported to federal agencies granting funds to the City within ten (10) days as required by federal law.

Voluntary Assistance with Alcohol/Substance Abuse

Employees who feel they have a problem with drug or alcohol abuse may voluntarily request assistance from the City. Conscientious efforts to seek such help will not jeopardize the employee's job. The City will attempt to assist the employee by referral to a qualified drug and alcohol treatment center. The expense of treatment will be paid by the employee either directly or through personal insurance. If necessary, the City will assist the employee in finding a method of payment. If requested by the employee, no documentation of a voluntary request for assistance will be entered in the employee's personnel file. However, the employee's continued employment with the City will depend upon successful rehabilitation from drug abuse and continued satisfactory job performance.

Drug Free Workplace & Substance Abuse Policy Information

Human Resources will provide a policy to all active employees and all new employees that describe the dangers and consequences of using alcohol, illegal drugs or controlled substances.

Employee Political Activity

Every employee has the right to register and vote on political issues. Employees are encouraged to join political organizations, civic associations, and community improvement groups. Policy guidelines for becoming involved in local political activity are provided below.

- a. As private citizens, employees may participate in all political activity, including holding office, except for City Council elections.
- b. In City Council elections, employees may privately encourage and support candidates to run for office and contribute in-kind labor and time to candidates and organizations that endorse candidates. Employees are not permitted to be candidates for City Council office or make cash contributions to a candidate for the City Council.
- c. Any employee who desires to become a candidate for elective City office is required take a leave of absence without pay, or resign their position with the City. An employee on LOA who is unsuccessful in seeking City office may return to their position on the same terms and conditions as any other employee who has taken leave of absence without pay.
- d. Political activity must not interfere with job attendance or performance. City facilities, equipment and uniforms may not be used in any political activities.
- e. Employees are encouraged not to publicly express opinions on issues determined as public policy by the City Council.
- f. Employees may publicly discuss matters of working conditions which are under consideration by employee organizations.
- g. Employees are not permitted to be a member of a council, board or commission that is advisory or administrative to the City, except where such membership is authorized by City Ordinance.

The purpose of this policy is to reduce the potential for City candidates to use promises of special treatment to benefit employees who support their efforts for election. This Policy is also designed to protect City employees from adverse retribution from either an incumbent or newly elected Official whose political rival was publicly endorsed by an employee or group of employees. As City employees, our job is to uphold the Council's policies, attend to the duties at hand, be proud of the work we accomplish, and support those individuals who have been selected by a majority of the voters, regardless of who is elected. Non-appointed City employees are not retained in positions based on their political activities, but employed based upon their abilities, performance and willingness to serve. Violating the political activity policy outlined above may result in Corrective action up to and including termination of employment.

Solicitations

Non-employees are not allowed to solicit City employees for funds or for time (during public elections) during working hours or on City property. Employees are allowed to solicit for a fund raising effort or for charitable purposes during non-working time in non-working areas. The only exception will be for Fire and Police employees during nationally recognized fund drives that may take place while on stand-by during normal scheduled work hours. The only exception to this policy for non-employees will be for routine sales calls. Employees who violate this policy are subject to corrective action. Non employee individuals or groups who violate this policy will be removed from City property by the proper authorities.

Safety

The most important issue of all to the City of Iola is to make sure you return to your family at the end of the day in the same physical condition you arrived. The City will provide the proper personal protective equipment required to perform the functions of your job in a safe manner. For your safety and the safety of others, employees are required to use protective safety equipment provided by the City. Failure to use, or ensure the use of safety equipment and/or failure to use sound judgement to ensure that activities are performed safely could result in steps of corrective action with an employee, supervisor or Department Manager.

Outside Employment/Moonlighting

Having a second job with another employer is permitted only after it is determined 1) it is considered secondary to public service, 2) such employment does not interfere with the performance of duties in the employee's primary position with the City and, 3) no legal, financial, or ethical conflicts of interest exist concerning the dual employment. Any employee considering secondary employment is required to first obtain approval from their Department Manager before accepting a second job. Secondary employment situations must be reviewed annually and re-approved by the Department Manager. Employees should always consider public perceptions about secondary employment that might be perceived as a conflict of interest or inappropriate employment relationship for a City employee. Violations of this policy could result in termination of employment.

Financial Responsibility

Failure in the areas of individual responsibility and integrity reflect on employees and the entire City organization. City employees are expected to manage their personal and professional finances responsibly and are expected to pay their debts in a timely fashion. Employees who are experiencing financial difficulties are encouraged to seek assistance and/or counseling from professionals. Excessive delinquency, bad debt, or shut-offs in regards to an employee's financial obligations to pay for City utilities may result in corrective action.

CORRECTIVE ACTION

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General Policy

The purpose of corrective action is to ensure high standards of performance and efficiency, to maintain good working relationships among all employees, and to provide the citizens of Iola with the highest possible level of courteous and professional public service. Correcting unacceptable behavior depends in large part on "self" discipline. Self discipline is the conscientious effort of employees to work and behave in accordance with the values, service standards, rules and regulations established by the City of Iola and the specific department employees are assigned to. The City expects each employee to practice self-discipline, work hard at being the best at what they do and help the City provide a high level of professionalism.

When an employee does not exercise adequate self-discipline, or is not successful in meeting the expectations and requirements of their job, it may be necessary for their supervisor to consider action to correct the problem. An employee is subject to corrective action if their conduct:

- (a) Violates recognized rules/regulations, the City’s Code of Ethics & Standards of Conduct, or any other written regulations or established procedures specific to their Department.
- (b) Reflects discredit to the City or hinders the effectiveness or efficiency of departmental operations.

Progressive Disciplinary System

The City of Iola uses a system of progressive discipline to address and correct the unacceptable behavior or misconduct of an employee by attaching appropriate consequences to such behavior or misconduct. The basis of this system allows for lesser consequences for less serious misconduct and stronger consequences for more serious misconduct or re-occurrences of the same conduct. The intent of the system is for the consequence to be appropriate for the violation. If a violation is serious, even a first offence may result in termination of employment.

When a situation occurs that requires corrective action, the Department Manager will document the misconduct/violation that has occurred, what steps or behavior is needed to keep the problem from re-occurring, what corrective action is being recommended, and what corrective action will be taken if the misconduct/violation is repeated.

Unless prevented by precedent, the Department Manager will use the least severe corrective action necessary to remedy the situation. However, in some cases, to remain fair and consistent, an established precedent will dictate the action that is taken. For repeated violations of a same, similar or related behavior, the consequences of the violation will be more severe, and could progress until termination of employment is recommended.

Types of Corrective Action

The following types of corrective actions are officially recognized by the Iola City Council:

- (a) Verbal Warning: This is an oral warning given to an employee that a repeat offence will result in additional corrective action. An informal notation of the warning should be documented by the employee's supervisor.
- (b) Written Reprimand: This is a formally documented warning that a repeat offence could result in suspension or termination of employment. The original will be filed in the personnel folder and a copy given to the employee.
- (c) Suspension: A suspension is the removal of an employee from service without pay for a specified period of time. Suspension can be from 1 to 3 work days.
- (d) Termination: Termination is the discontinuation of employment.

The following separate actions have been approved to address unresolved performance issues:

- (e) Probation: This is a trial period of specified length during which an employee is required to fulfill a set of conditions, improve work performance, on-the-job behavior, etc. Failure to meet the probationary requirements may result in additional corrective actions.
- (f) 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.
- (g) Delay of Merit Increase: This is the withholding of a scheduled pay increase.
- (h) Demotion: Demotion is the placement of an employee into a position of a lower pay range.

Note: With the approval of Human Resources and the City Administrator, a Department Manager may suspend an employee with pay (if deemed appropriate) while an employee's conduct is under review for some issue of alleged misconduct. This action is separate and distinct from the corrective action of suspension without pay.

Procedure for Corrective Action

In the opinion of a Department Manager, whenever a violation or misconduct has occurred that requires the application of corrective action, the Department Manager will:

1. Document the violation/misconduct.
2. Determine the appropriate level of corrective action necessary to correct the problem.
3. Arrange a meeting with the employee to discuss and review the problem. The meeting should be private and only include the employee, Department Manager, immediate supervisor or other person(s) requested to be present by the Department Manager or City Administrator.
4. Document the conversation on the Violation & Reprimand Report. Give the employee an opportunity to offer their view/opinion of the cause for the situation. The employee may enter comments on the report form or can make them separately, then attach them to the report.
5. Attach related or supporting documentation (i.e. notes of what was said, by whom, etc.) to the Violation & Reprimand Report.
6. Make a preliminary decision and recommendation concerning the corrective action, sign the Violation & Reprimand Report and forward this and all related documentation to Human Resources for review and approval.

7. Upon approval of Human Resources, notify the employee of the final decision in writing (except for verbal warnings) and request their signature on the Violation & Reprimand Report. Advise the employee of their right to appeal the decision through the grievance procedure.
8. Return all documentation of the meeting to Human Resources for placement in the employee's personnel file.

Examples of Misconduct

Following is a list of violations that will most likely result in corrective action. These are categorized from least serious (A) to most serious (D). This list is not all inclusive, but provides examples of some of the more common types of misconduct:

A. Cause For Verbal Warning

Below is a non-inclusive list of violations for which an employee might be given a verbal warning:

1. Failure to follow safety rules or departmental procedures and regulations.
2. Inattention to duty or carelessness resulting in minor damage or loss of property.
3. Inefficient or incompetent performance of duties.
4. Tardiness or excessive absenteeism.

B. Cause For Written Reprimand

Below is a non-inclusive list of violations for which an employee might be given a written warning:

1. Repeated failure to follow safety rules or departmental procedures and regulations.
2. Inattention to duty or carelessness resulting in significant damage or loss of property.
3. Repeated occurrences of inefficient or incompetent performance of duties.
4. Repeated occurrences of tardiness or excessive absenteeism.
5. Discourteous or offensive conduct in public or directed to the public.
6. Failure to properly follow the instructions given by a Supervisor.
7. Negligent waste of public supplies or equipment.

C. Cause For Suspension

Below is a non-inclusive list of violations for which an employee might be suspended from work:

1. Careless or negligent use of City funds or City property.
2. Inducing or attempting to induce any employee or official while performing service for the City to commit an unlawful or unethical act or perform an act that violates any lawful or official regulation or order.
3. Failure of an employee to notify the immediate supervisor of a condition which could impair their ability to perform their duties in a safe manner.
4. Committing an act of violence or other flagrant misconduct, serious safety violations, or criminal offenses.
5. Falsification, misrepresentation or any demonstration of a lack of integrity.
6. Conviction of criminal laws of any applicable jurisdiction.
7. Repeated failure to follow safety rules or departmental procedures and regulations.
8. Repeated inattention to duty or carelessness resulting in significant damage or loss of property.
9. Repeated occurrences of inefficient or incompetent performance of duties.
10. Repeated occurrences of tardiness or excessive absenteeism.
11. Revocation or suspension of driver's license or other license or certification required as a condition of employment.

D. Cause For Termination

Below is a non-inclusive list of serious violations that may result in termination of employment:

1. Job abandonment (Absent from work for 3 days without proper notification)
2. Sleeping on the job / Sleeping during unauthorized times (Firefighters only)
3. Violation of the sexual harassment policy.
4. Illegal discrimination on the basis of race, creed, color, gender, sexual orientation, age, marital status or national origin in all areas of employment including transfer, promotion and demotion.
5. Insubordination or refusing to follow the direct instructions of a supervisor.
6. Possession or use of drugs/alcohol on the job, or being under the influence of drugs/alcohol to the extent the employee's job performance or effectiveness is impaired.
7. Continued or gross neglect of duty.
8. Violating the City Drug and Alcohol policy after receiving professional rehabilitation assistance while a City employee.
9. Willful damage to City or public property.
10. Theft of City or public property.
11. Using bribery or political pressure to secure appointment, promotion or advantage.
12. Material falsification of the employment application or providing any false statement, certificate or mark, rating 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.
13. Giving or receiving any consideration (monetary or otherwise) or providing undeserved service to any person or organization in return for (or in connection with) favorable test results, appointment, proposed appointment or proposed promotion.
14. Accepting any fee, gift, or item of value, in connection with employment, when such gift or valuable is given in the hope or expectation of receiving a favor or favoritism.
15. Accepting any bribe, gift, token, money or other items of value intended as an inducement to perform or refrain from performing any official act.
16. Engage in any action of extortion or other means of obtaining money or other items of value through their position in the service of the City.
17. Unauthorized disclosure of confidential information.
18. Failure to satisfactorily improve performance within ninety (90) days in an area rated "unacceptable" on a performance evaluation form.
19. Conviction of a felony that could have implications to the performance of job duties.
20. Repeated failure to follow safety rules or departmental procedures and regulations.
21. Repeated inattention to duty or carelessness resulting in significant damage or loss of property.
22. Repeated occurrences of inefficient or incompetent performance of duties.
23. Repeated occurrences of tardiness or excessive absenteeism.

Suspension & Appeal Rights for Appointed Officers

City Resolution #1658 gives the City Administrator authority to suspend all officers, department managers and employees with or without consultation with the City Council. Appointed officers in the positions of City Clerk, Police Chief, Fire Chief, City Treasurer, City Attorney, Municipal Judge, and City Health Officer, have the right to appeal a suspension to the City Council. Upon hearing the appeal, the City Council may sustain, reverse or modify the City Administrator's decision. For appointed officers, the right of appeal requesting a hearing before the City Council must be exercised by filing a letter with Human Resources within one week (7 days) after receiving notice of the suspension.

GRIEVANCES

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General Policy

All regular full-time employees have the right to issue a complaint or grievance concerning certain areas of employment. In the best interest of the employee and the City, we will strive to settle grievances internally in a prompt and equitable fashion.

Grievance Process

To assure employees have an opportunity to present complaints to a higher authority without fear of reprisal, the following four step process has been established:

- A. When an employee has a grievance, they should first discuss the situation with their Department Manager who will review the situation and give the employee a response within a defined period of time.
- B. If the grievance is not satisfactorily resolved by the Department Manager, the employee may submit their grievance in writing to Human Resources who will schedule a meeting with the employee to discuss the grievance. Human Resources must reply to the grievance in writing within a defined period of time.
- C. If the employee or the department manager is not satisfied with the response from Human Resources, either party may request a review of the grievance by the City Administrator. The City Administrator will meet with the appropriate party to discuss the grievance and give a written decision for settlement of the grievance to all parties within a defined period of time.
- D. If the employee or the department manager is not satisfied with the response from the City Administrator, either party may appeal to the City Council for a final review of the grievance. The City Council should convene within thirty (30) days from receipt of the appeal. At the hearing, all concerned parties will be given an opportunity (if deemed relevant by the Council) to present their respective views and offer any additional evidence, facts or witnesses that have not yet been presented. The City Council will render a decision in writing within a defined period of time. The written decision shall be supported by factual evidence. A copy of the finding will be provided to both the employee and City Administrator. The decision of the City Council will be final and binding upon all parties. Where issues of law are in dispute, either party may file an action in a court of appropriate jurisdiction.

Timely and successful resolution of problems relies on employees and managers who openly communicate with each other. Grievance Forms are available at the City Clerk’s Office or City Administrator’s Office.



CITY OF IOLA

GRIEVANCE FORM

NAME _____ DEPARTMENT _____

The specific reason for my complaint/grievance is _____

To resolve my complaint/grievance, I feel the following action should be taken: _____

I have discussed this complaint with my Department Manager/Supervisor and I have not received a satisfactory response. I am requesting a meeting with the City Administrator to resolve this situation.

Employee Signature _____ **Date** _____

Managers Signature _____ **Date** _____

Meeting scheduled for (Date) ____/____/____ **(Time)** ____:____ a.m. p.m.

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City Owned Vehicles

City vehicles are to be used for official City business only. Only City employees, and other specifically authorized persons, may ride in City owned vehicles. Employees required to retain a vehicle overnight may not use it for private use. Unauthorized use may result in corrective action. Employees who operate a vehicle or equipment on City business must have a valid Kansas driver's license as required by State Statute. Seat belts must be worn at all times when operating a City owned vehicle. Failure to do so is a violation of safety rules.

Some employees are required to operate heavy equipment/trucks. Job qualifications may require these employees to obtain a federally certified driver's license (CDL) before operating heavy equipment/trucks. Loss of required licenses will result in a reassessment of the employee's qualifications and status with the City. In this situation, an employee may be transferred, demoted or discharged depending on other open positions. The City will bear the cost of training and travel for obtaining CDL licenses. Department Managers are required to approve training and travel expenses in accordance with city policy.

Use of Private Vehicles for Business Purposes

Use of private vehicles for City business must be authorized in advance by the Department Manager. Mileage reimbursement will be according to the current IRS standards. To receive reimbursement, a Travel Request/Expense Voucher must be submitted to the Department Manager for approval and forwarded to Accounts Payable located in the City Clerks office.

Accidents

If an employee or representative of the City is involved in an accident while operating a City vehicle (or private vehicle while on City business) resulting in personal injury or property damage, the following steps should be taken:

- a. Report the accident immediately to the local Police Department.
- b. Ask that all parties, property, and concerned persons remain at the scene of the accident until Police Officers complete an investigation.
- c. Immediately report the accident to the Department Manager, no matter how small.
- d. Do not discuss the accident with anyone at the scene of the accident except the investigating officer.

To eliminate impaired judgment as a possible cause for the accident, employees will be required to submit to an alcohol and/or drug test. Failure to comply with a request to submit to a drug and/or alcohol test could result in corrective action up to and including termination of employment.

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General Policy

Employees who decide to resign or retire from their position with the City are required to give a two (2) week notice to their Department Manager. An intent to resign or retire must be submitted in writing. Notice of Termination forms are available in City Clerk’s Office or City Administrator’s Office and may be used for this purpose or a standard letter of resignation may be submitted. All uniforms and equipment issued to the employee must be returned to the Department Manager.

Failure to give proper notice or comply with the resignation/retirement requirements may result in the loss of a substantial part of your separation benefits. Separation benefits include:

- a. Payment for all the time that has been worked.
- b. Payment of all accumulated but unused vacation time.

Retirement Benefit/Sick Leave

Upon a bona fide retirement from the City (i.e. under the Social Security Program or the Kansas Public Employment Retirement System) an employee may be paid 50% of their accumulated sick leave. Fire Department employees may accrue up to 1,365 hours of sick leave with 50% pay out. Sick leave benefits will not be paid upon ordinary termination.

Elimination of Position & Reduction of Work Force

The City Administrator may determine a position should be eliminated or a reduction of work force is necessary in a department. Seniority, performance and other measurable criteria will be used to determine lay-offs when a decision has been made to reduce the work force.

Termination for Medical Reasons

Employment may be terminated upon the recommendation of an appointed physician if it is determined that performance of duty is compromised because of physical or mental impairment.

The City recognizes that many employees with HIV or other life-threatening illnesses desire to lead normal lives, which includes working as long as their health permits. In these situations, employees are encouraged to continue working as long as 1) they are able to satisfactorily perform the duties of their position, 2) the illness presents no threat to themselves, other employees, or the public and 3) the illness does not disrupt the effectiveness or efficiency of their department. Full time and part time employees with HIV or other life-threatening illnesses are entitled to the same employment benefits as other similar employees in the organization.

Termination for Medical Reasons (continued)

Human Resources will provide job related medical information to supervisors and other employees on an "as-needed" basis when a co-worker has a life threatening illness. Supervisors and other employees should understand that continued employment for a co-worker with a life threatening illness may have a therapeutic value and contribute to the individual's remission or recovery process.

Department Managers, supervisors, and co-workers who are given medical information about an employee's illness should treat that information in a confidential manner.

The City reserves the right to require any employee to undergo a "fitness for duty" examination by a physician chosen by the City whenever there is a question of an employee's ability to perform the essential functions of their job or whenever there is reason to believe that a worker's condition might pose safety or health risks to their self, other employees, or the public.

Job Abandonment

All employees of the City shall be on duty at the times indicated by the rules and under conditions of their employment. An employee who is absent without leave and properly notifying their supervisor who fails to return to duty after the third day of unapproved absence shall be deemed to have abandoned their position. Employee's discharged for job abandonment may not be eligible for re-employment or full payment of accumulated but unused vacation hours.

Corrective Action and Termination

Employees may be discharged as a result of a corrective action. Employees will be compensated for all hours worked in the current pay period including hours worked on the date of termination. Except for worked hours, the only hours which may be paid following termination are accumulated but unused vacation. 50% payment of accumulated sick leave only applies to a bona fide retirement from the City. Final pay checks will be available on the next regular pay day. Employees must deliver all City equipment, keys, materials, uniforms, etc., at the time the final paycheck is picked up.

APPENDIX

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Equal Opportunity/Affirmative Action

It is the policy of the City of Iola that all personnel policies and practices of the organization, including the City’s services and regulatory decisions, provide for equal employment opportunities on the basis of merit and without discrimination against anyone on the basis of race, color, religion, gender, age, marital status, sexual orientation, national origin, veteran’s status, or disability. In compliance with ADA, the City of Iola will make reasonable accommodations for job applicants and employees with disabilities.

It is also the policy of the City of Iola to take affirmative action to achieve a work force that is representative of the available community work force without sacrificing the principal of merit. In order to achieve our affirmative action goals, the City of Iola will:

1. Conduct an annually review of the composition of the employers’ work force to determine to what extent it reflects the available community work force. Separate major divisions and classes will be reviewed in addition to the organization as a whole. Major divisions will consist of the Public Safety, Public Works, Public Utilities, and Administration departments. Major classes will consist of first line supervisor and manager positions.
2. Attempt to solicit qualified applications from minority groups and protected classes in the available community work force for position openings.
3. Place emphasis on training and selection of members of minority groups and protected classes in areas where it has been determined the City work force is not representative of the available community work force. Training and selection should not sacrifice the principle of merit.
4. In an effort to solicit applications from a broader range of applicants, including those in the community who might be under represented in our work force, the City of Iola may post or advertise notices of openings on Departmental Bulletin Boards, in local and regional newspapers, professional publications/web sites, and other means of advertisement deemed appropriate. This does not apply to emergency appointments or promotions when circumstances require a position to be filled internally.
5. All advertised positions shall remain open for at least five (5) days after notice has been distributed.

All applications shall be on an approved application form. Each applicant will be encouraged to fill out a protected status questionnaire for purposes of compiling information on applicants belonging to minority and protected classes.

Acceptance/Return of Gifts

City policy does not allow employees to accept gifts or other items of value. The reason for this policy is to avoid the actual practice of or perception that gifts influence the decisions regarding the delivery of services to the citizens of our community. It is the policy of the City of Iola that employees are prohibited from accepting any fee, gift or token valuable, in the course of their work or in conjunction with it, from any person for their personal use when such gift or other valuable is offered in the hope or expectation of receiving a favor or better treatment than that provided to other persons. This policy applies to any bribe, gift, token, moneys or other items of value intended as an inducement to perform or refrain from performing any official act or engage in any action of extortion or other means of obtaining money or other items of value through their position in the service of the City. Violations of this policy are considered inappropriate conduct and could result in corrective action up to and including termination of employment. The following guidelines are offered to assist employees in proper compliance to this policy:

- Any amount of money shall be returned to the giver with a memo of explanation. A copy of the memo noting the amount of money received will be filed in the City Clerk's office.
- Any non-consumable item with a value greater than \$10.00 shall be returned to the giver with a memo of explanation. A copy of the memo noting the value of the item received will be filed in the City Clerk's office. An exception will be made for vendors/clients. Those gifts may be accepted on behalf of the City as donations and drawn for at the annual City picnic.
- Any consumable or perishable item except bottled or canned alcoholic beverages, worth less than \$10.00, may be accepted, provided it is not given on a regular basis. Examples of this include coffee, tea or other non-alcoholic beverages, a meal, candy, fruit, or other confection, goods, and flowers. Gifts or other considerations given on a regular basis should be declined or returned to the giver with a memo of explanation, a copy of which will be filed in the City Clerk's office.
- Bottled or canned alcoholic beverages of any value shall be returned to the giver with a memo of explanation, a copy of which will be filed in the City Clerk's office.
- Any consumable food product valued greater than \$10.00 will be shared with all employees in the work unit, or will be given to an employee in need of special assistance, or to a charitable organization for redistribution to the needy. Examples of this include a box of chocolates, large tin of popcorn, basket of fruits, large cans of nuts, etc. A record of the distribution of such item will be filed in the City Clerk's office.

Last Update: January 2011

CITY OF IOLA

Pay Plan Classification

Non-Exempt Position	Grade
Cashier	H – 5
Dispatcher	H – 6
Recreation Office Receptionist	H – 6
Animal Control Officer	H – 7
Assistant Purchasing Clerk	H – 7
Solid Waste Handler I	H – 7
Assistant Code Services Officer	H – 8
Park Maintenance/Equipment Operator	H – 8
Solid Waste Handler II	H – 8
Records Administrative Assistant	H – 8
Apprentice – Operator Power Plant	H – 9
Customer Assistant	H – 10
Finance Assistant	H – 10
Employee Assistant	H – 10
Utility Service Repairman	H – 10
Municipal Court Clerk	H – 10
Meter Reader	H – 10
Repairman/Equipment Operator	H – 10
Gas & Water Technician	H – 10
Chief Maintenance Worker	H – 10
Operator Power Plant	H – 10
Equipment Operator	H – 10
Water Plant Operator	H – 10
Water Plant/Wastewater Operator	H – 10
Administrative Assistant	H – 10
Utility Billing Supervisor	H – 11
Shift Operator Power Plant	H – 11
Chief Operator – Water Plant	H – 11
Certified Welder/Gas	H – 11
Apprentice Lineman	H – 12
Gas, Water, & Sewer Assistant Superintendent	H – 12
Street & Alley/Sanitation Ass't Superintendent	H – 12
Community Resource Officer (DARE)	H – 12
Patrol Officer	H – 12
Assistant Parks/Cemetery Superintendent	H – 12

Corporal	H – 13
Detective	H – 13
Power Plant Assistant Superintendent	H – 13
Lineman	H – 14
Police Lieutenant	H – 14
Electric Distribution Assistant Superintendent	H – 15

Exempt Position	Grade
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Recreation Program Coordinator	E – 3
Recreation Fitness Coordinator	E – 3
Purchasing Agent	E – 4
Code Enforcement Officer	E – 6
Recreation Director	E – 9
Human Resource Manager	E – 9
City Clerk/Finance Director	E – 11
Electric Distribution Superintendent	E – 11
Fire Chief	E – 11
Gas/Water/Waste Water Superintendent	E – 11
Parks/Cemetery Superintendent	E – 11
Police Chief	E – 11
Power Plant Superintendent	E – 11
Street & Alley/Sanitation Superintendent	E – 11
Water Plant Superintendent	E – 11
Assistant City Administrator	E – 11

Non-Exempt Firefighter Positions	Grade
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Firefighter	F – 12
Lieutenant	F – 13
Deputy Chief	F – 14
Firefighter/Paramedic	F - 15

2012 CITY OF IOLA

Grade	Start Pay <i>Minimum</i>	Step 2 3.5%	Step 3 3.5%	Step 4 3.25%	Step 5 3.25%	Step 6 <i>Mid-Point</i>	Step 7 3.0%	Step 8 3.0%	Step 9 2.5%	Step 10 2.0%	Step 11 2.0%	Max Pay <i>Maximum</i>
Exempt Pay Grades												
E 1	\$13.29	\$13.76	\$14.24	\$14.70	\$15.18	\$15.64	\$16.11	\$16.59	\$17.01	\$17.35	\$17.69	\$17.99
E 2	\$13.97	\$14.46	\$14.97	\$15.46	\$15.96	\$16.44	\$16.93	\$17.44	\$17.88	\$18.23	\$18.60	\$18.91
E 3	\$14.66	\$15.18	\$15.71	\$16.22	\$16.74	\$17.25	\$17.77	\$18.30	\$18.76	\$19.13	\$19.52	\$19.84
E 4	\$15.32	\$15.85	\$16.41	\$16.94	\$17.49	\$18.02	\$18.56	\$19.12	\$19.60	\$19.99	\$20.39	\$20.72
E 5	\$16.18	\$16.74	\$17.33	\$17.89	\$18.47	\$19.03	\$19.60	\$20.19	\$20.69	\$21.11	\$21.53	\$21.88
E 6	\$16.98	\$17.58	\$18.19	\$18.78	\$19.39	\$19.98	\$20.58	\$21.20	\$21.73	\$22.16	\$22.60	\$22.98
E 7	\$17.83	\$18.46	\$19.10	\$19.72	\$20.37	\$20.98	\$21.61	\$22.26	\$22.81	\$23.27	\$23.74	\$24.13
E 8	\$18.73	\$19.39	\$20.07	\$20.72	\$21.39	\$22.04	\$22.70	\$23.38	\$23.97	\$24.45	\$24.94	\$25.35
E 9	\$19.65	\$20.34	\$21.05	\$21.74	\$22.44	\$23.12	\$23.81	\$24.53	\$25.14	\$25.64	\$26.16	\$26.59
E 10	\$20.65	\$21.37	\$22.12	\$22.84	\$23.58	\$24.29	\$25.02	\$25.77	\$26.41	\$26.94	\$27.48	\$27.93
E 11	\$21.68	\$22.43	\$23.22	\$23.97	\$24.75	\$25.50	\$26.27	\$27.05	\$27.73	\$28.28	\$28.85	\$29.33
E 12	\$22.75	\$23.55	\$24.38	\$25.17	\$25.99	\$26.77	\$27.57	\$28.40	\$29.11	\$29.69	\$30.29	\$30.79
E 13	\$23.90	\$24.74	\$25.60	\$26.44	\$27.30	\$28.12	\$28.96	\$29.83	\$30.58	\$31.19	\$31.81	\$32.34
E 14	\$25.08	\$25.96	\$26.87	\$27.74	\$28.65	\$29.51	\$30.40	\$31.31	\$32.09	\$32.73	\$33.39	\$33.94
E 15	\$26.34	\$27.26	\$28.22	\$29.13	\$30.08	\$30.99	\$31.92	\$32.88	\$33.70	\$34.37	\$35.06	\$35.64
Non - Exempt Pay Grades												
H 1	\$8.32	\$8.61	\$8.91	\$9.20	\$9.50	\$9.79	\$10.08	\$10.39	\$10.65	\$10.86	\$11.08	\$11.26
H 2	\$8.74	\$9.04	\$9.36	\$9.66	\$9.98	\$10.28	\$10.59	\$10.91	\$11.18	\$11.40	\$11.63	\$11.82
H 3	\$9.18	\$9.50	\$9.83	\$10.15	\$10.48	\$10.80	\$11.12	\$11.46	\$11.74	\$11.98	\$12.22	\$12.42
H 4	\$9.63	\$9.97	\$10.32	\$10.65	\$11.00	\$11.33	\$11.67	\$12.02	\$12.32	\$12.57	\$12.82	\$13.03
H 5	\$10.11	\$10.46	\$10.83	\$11.18	\$11.54	\$11.89	\$12.25	\$12.61	\$12.93	\$13.19	\$13.45	\$13.67
H 6	\$10.62	\$10.99	\$11.37	\$11.74	\$12.12	\$12.49	\$12.86	\$13.25	\$13.58	\$13.85	\$14.13	\$14.36
H 7	\$11.15	\$11.54	\$11.95	\$12.33	\$12.74	\$13.12	\$13.51	\$13.92	\$14.27	\$14.55	\$14.84	\$15.09
H 8	\$11.71	\$12.12	\$12.55	\$12.96	\$13.38	\$13.78	\$14.19	\$14.62	\$14.98	\$15.28	\$15.59	\$15.85
H 9	\$12.30	\$12.73	\$13.18	\$13.60	\$14.05	\$14.47	\$14.90	\$15.35	\$15.74	\$16.05	\$16.37	\$16.64
H 10	\$12.91	\$13.36	\$13.83	\$14.28	\$14.74	\$15.19	\$15.65	\$16.12	\$16.52	\$16.85	\$17.19	\$17.47
H 11	\$13.55	\$14.02	\$14.51	\$14.99	\$15.47	\$15.94	\$16.42	\$16.91	\$17.33	\$17.68	\$18.03	\$18.33
H 12	\$14.24	\$14.74	\$15.25	\$15.75	\$16.26	\$16.75	\$17.25	\$17.77	\$18.21	\$18.58	\$18.95	\$19.26
H 13	\$14.94	\$15.47	\$16.01	\$16.53	\$17.06	\$17.58	\$18.11	\$18.65	\$19.12	\$19.50	\$19.89	\$20.22
H 14	\$15.70	\$16.25	\$16.82	\$17.36	\$17.93	\$18.47	\$19.02	\$19.59	\$20.08	\$20.49	\$20.90	\$21.24
H 15	\$16.48	\$17.06	\$17.66	\$18.23	\$18.82	\$19.39	\$19.97	\$20.57	\$21.09	\$21.51	\$21.94	\$22.30
Non- Exempt Firefighters Pay Grades												
F 11	\$9.65	\$9.99	\$10.33	\$10.67	\$11.02	\$11.35						--
F 12	\$10.13	\$10.49	\$10.85	\$11.21	\$11.57	\$11.92	\$12.28	\$12.65	\$12.96	\$13.22	\$13.49	\$13.71
F 13	\$10.66	\$11.03	\$11.42	\$11.79	\$12.17	\$12.54	\$12.92	\$13.30	\$13.64	\$13.91	\$14.19	\$14.42
F 14	\$11.19	\$11.58	\$11.98	\$12.37	\$12.77	\$13.16	\$13.55	\$13.96	\$14.31	\$14.60	\$14.89	\$15.13
F 15	\$11.74	\$12.15	\$12.57	\$12.98	\$13.41	\$13.81	\$14.22	\$14.65	\$15.02	\$15.32	\$15.62	\$15.88

CODE OF ETHICS & STANDARDS OF CONDUCT

FOR

THE CITY OF IOLA, KANSAS

I. PURPOSE

This Code of Ethics for the City of Iola, Kansas establishes the 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. Those who serve the public must perform and discharge their duties consistent with high 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 not 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 of Iola.
3. Help officials and staff in determining the proper course of action when facing uncertainty in ethical obligations.
4. Support the actions of the Government, its officials and employees in situations of unwarranted criticism.

II. APPLICATION

This Code of Ethics for the City of Iola shall apply to all persons who are elected to the office of Council; to all elected officials; to all persons appointed or hired as employees of the City, its agencies, departments or councils, whether temporary or permanent, whether full-time or part time; to all persons appointed by the Board of City Council Members to any position, board, or council, whether compensated or not; to all persons, whether compensated or not, other than independent contractors, who perform personal services for and on behalf of the City; and to all persons elected or appointed to hold any office in the City of Iola.

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 of Iola.

III. POLICY STATEMENT

It is the policy of the City of Iola that:

- A. All citizens be provided fair and equal access to and treatment by 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 interests of the City adhere to the highest standards of ethical conduct in the performance of their official 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 moral standards, to family 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 of Iola.*
- **STANDARD 301** *Seek to find and employ efficient and economical ways to provide service, and give to the performance of his or her duties their best attention, efforts and thoughts.*
- **STANDARD 401** *Treat all citizens fairly and equally with courtesy and respect and never discriminate unfairly by dispensing of special favors or privileges, whether for remuneration or not; and never accept for himself or herself or family, any favors or benefits under circumstances which might give the appearance to reasonable persons as influencing the performance of his or her governmental duties.*
- **STANDARD 501** *Refrain from making any public or private promise the performance of which would required him or her to act beyond the proper scope of the duties of his or her office, or act in a manner which could compromise the integrity of his or her public office.*

IV. ETHICAL STANDARDS (continued)

- **STANDARD 601** *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 701** *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 801** *Always safeguard the public trust and never use not allow the use of governmental property or funds for private purposes, for purposes other than those authorized or permitted, or for purposes which could mislead the citizens or damage the confidence and reputation of the government.*
- **STANDARD 901** *At all times display the highest level of integrity in performing duties, and never knowingly nor negligently mislead or allow others to mislead the public or other government officials, nor fail to disclose or report to appropriate officials any corruption wherever discovered.*
- **STANDARD 1001** *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 1101** *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 1201** *Stand as a representative of the City of Iola 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. ADVISORY OPINIONS AND RULINGS Any person to whom the Code of Ethics applies may request an advisory opinion or ruling on any provision of the Code or concerning any matter relating to their official duties or functions. The request must be made in writing, submitted to any member of the Ethics Advisory Board (see Section VI), and should contain sufficient and adequate factual information upon which to base the opinion, although the issue may be submitted as a hypothetical question. The Advisory Board shall issue its opinion or ruling upon any request within seven (7) days, and may keep all or any part of the request confidential, but must, upon rendering any opinion or ruling, prepare a general interpretation relating to the issue raised by the request for distribution to all interested persons. Reliance by any person upon any advisory opinion, ruling or general interpretation issued by the Advisory Board shall be deemed conclusively as compliance with the requirements of the Ethics Code.
- C. ETHICAL CONSIDERATION The Advisory Board may develop and issue ethical considerations, to be used for interpreting and applying the provisions of the Code of Ethics.
- D. GUIDELINES FOR APPLICATION 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 includes any item of value, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, favor, or tangible objects. In general, 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 ten dollars (\$10.00); and
 - d. accept any gift or gratuity under circumstances that a reasonable person would question or circumstances where the giver would have reason to expect something in return.

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

- e. report to their Department Manager, Human Resource Manager or City Administrator, any offer or attempt to offer a gift or gratuity in exchange for the performance of their duties.
 - f. file a disclosure statement showing the nature of any unsolicited gift or gratuity received, the person giving the gift or gratuity, its value, the circumstances under which it was received; and
 - g. 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 of Iola 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 includes any 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 (\$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, 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 government action for which the official or employee has any discretionary authority or responsibility. It is not limited to financial interests, but may include other interests such as personal friendships, 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 the City Council, composed of the following designated members:

1. The City Administrator, or their designee;
2. The City Attorney, or their designee; and
3. The City Human Resources Manager or their designed.

In the event that any matter presented to the Ethics Advisory Board for consideration relates to any issue or complaint which has been considered or acted upon at the department or agency level by 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
2. A person designated by the City Council, 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, to prepare advisory opinions and rulings, 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 sue as resources in accomplishing these duties.

VII. COMPLAINTS AND PROCEDURES

- A. Department Review Any allegation of a violation of this Code of Ethics shall be acted upon and resolved through standard policies and procedures of the applicable City department or City Personnel Polices.
- B. 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 Board shall prepare a written report, stating its findings, conclusions, and recommendation on the complaint. If the Ethics 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 Ethics Board shall immediately issue its finding, dismissing the complaint. If the Ethics 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; and
 2. submitted to the City Council if the complaint involves the City Administrator, or member of any City Board or council, or any person acting as an appointed representative on behalf of the City.

VIII. REVIEW AND ACTION UPON REPORT

The City Administrator and/or the City Council shall immediately review any report submitted to them 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 Advisory Board, the City Council, 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, demote or terminate the employee be issued pursuant to personnel policies; or
 - 3. A complaint be filed for action with the law enforcement officials; or
 - 4. The matter 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 for consideration; or
 - 4. The matter 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 dismissed for lack of cause.

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TITLE: DRUG FREE WORK PLACE	DATE ISSUED: 09/16/02
LAST REVISED: 11/09/10	CITY COMMISSION APPROVAL DATE: 09/10/02

SECTION I.

PURPOSE

The City of Iola, referred to hereafter as the Employer, believes that a drug-free environment is important to the health and safety of their employees and customers. In order to achieve that goal, the following policy and procedures have been adopted in regard to drug and alcohol abuse and testing of employees and applicants. This policy becomes effective on September 15, 2002 for all non DOT/CDL employees of the City of Iola KS.

SECTION II.

COVERED POSITIONS

All full-time, part-time and temporary employees of the City of Iola, who are not subject to DOT or CDL guidelines are subject to the provisions of this policy.

SECTION III.

DEFINITIONS

- A. Accident: Any event which results in:
 - 1. Death or personal injury requiring medical treatment.
 - 2. Damage to a vehicle that is owned, leased, or loaned to the City, or any vehicle operated by a City employee that arises out of the performance of their duties.
 - 3. Damage to company owned machines or equipment in excess of \$500 where the employee may be at fault or where employee fault cannot be completely ruled out.
 - 4. Any event which the employer believes to be significant, even if it does not meet either of the above criteria.
- B. Breath Test: A test for alcohol by analyzing the employee’s breath, using a PBT device and performed by a trained Police Officer who is FST certified.
- C. Drug Test: A chemical analysis utilizing urine samples to determine the presence of prohibited drugs.
- D. Fail a drug or breath test: Confirmation of a test result which shows positive evidence of the presence of a prohibited drug in the employee's system, for which there is no legal or legitimate reason.
- E. Pass a drug or breath test: Initial or confirmation testing does not show evidence of a prohibited substance in an employee's system.
- F. Prohibited drug: Alcohol and all illegal drugs are prohibited while an employee is engaged in company business, while using company equipment or acting as an employee of the company. Currently, the City of Iola tests for the following drugs: Cocaine, Methamphetamines, Marijuana, Opiates, and Alcohol.

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- G. Drug and Alcohol Officer: A City employee designated by the City Administrator to manage the Drug Free Workplace/Substance Abuse Policy for the City of Iola.
- H. PBT Device: (LED Display Alco-Sensor Preliminary Breath Testing unit)
- I. Collector: Persons who have successfully completed training using materials supplied by the Department of Transportation or personnel who have received UCI training or instruction.

SECTION IV.

DRUG/BREATH TEST REQUIREMENTS

- A. NOTIFICATION- Upon being notified that a drug/breath test is required, an employee or applicant will:
 - 1. Report as soon as possible to the drug testing collection personnel. For employees, no later than 30 minutes after receiving notification.
 - 2. Sign a Release of Liability/Consent form (Exhibit B).
 - 3. Provide a urine sample and/or
 - 4. Submit to a breath test using a PBT Device to detect alcohol. (All testing will be performed in accordance with the guidelines set forth in this policy. A photo ID is required for identification purposes.)

- B. EMPLOYEE RIGHTS- Employees/applicants have the right to:
 - 1. See photo identification from collection personnel before testing. Collectors are UCI Certified City employees and will comply with all requirements set forth in this policy and the accompanying procedures in regard to collection and custody and control of urine samples.
 - 2. A full explanation of their options and consequences of their decision to submit to or refuse a test.

- C. CAUSES/REASONS FOR TESTING- Employees are subject to drug testing for the following reasons/causes:
 - 1. Pre-employment: After a conditional offer of employment is made, the prospective employee is required to successfully pass a “Fitness for Duty” physical which includes a drug test.
 - 2. Post-accident: Any employee whose performance may have been a contributing factor in the accident or whose performance cannot be completely discounted as a contributing factor to the accident shall be tested for drugs and/or alcohol within the time frame defined in this policy.

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NOTE: If an employee is requested to submit to post-accident testing and is conscious and able (in the opinion of a medical professional) to provide an adequate breath and urine sample, but refuses to be tested, the refusal should be documented on the appropriate form (Exhibit C) and the employee instructed that refusal is cause for termination of employment.

EXCEPTIONS: In the case of an unconscious employee, or one who is unable to consent to the procedure, testing will not be done. Also, the employer may decide not to test if it is determined an employee's performance could not have contributed to the accident or because the time between performance and accident would make a test useless in determining whether performance was affected by drug or alcohol use.

3. Reasonable cause: The Employer will request a drug and breath test when there is reasonable cause to believe an employee is under the influence of a prohibited drug or alcohol while on duty. There must be reasonable and articulable cause for testing, based on specific physical, behavioral or performance indicators of probable drug or alcohol use. Examples, which should be documented on the appropriate form (Exhibit D), are evidence of repeated errors on the job, rule violations or unsatisfactory time and attendance patterns, coupled with a specific event, just occurring, that indicates probable drug or alcohol use.

NOTE: At least two supervisors, one of whom is trained in detection of the symptoms of possible drug and alcohol use, will agree on the decision to test.

EXCEPTION: If two supervisors are not available at the job site, a consultation between two supervisors may be held by telephone in order to obtain a consensus to test.

4. Post-rehabilitation/Return to duty: Follow-up drug testing will be done on any schedule recommended by the City of Iola Drug and Alcohol Officer and the employee's rehabilitation counselor, with or without prior notice to the employee for not more than 18 months after an employee returns to duty.

D. INABILITY/REFUSAL TO PROVIDE A URINE/BREATH SAMPLE: If the employee/applicant feels unable to provide a urine sample when requested, the collection personnel will direct the employee to drink fluids and (after a reasonable time) the employee will be requested to attempt to provide a sample. If the employee cannot produce a sample within 2 hours of the time the initial request was made, the collection process shall be discontinued and the employee's supervisor notified. Any employee who fails to report for collection within the 30 minute time frame or refuses to test after being informed that a test is required will be suspended, unless the employee has a legitimate, verifiable reason for failure to report or refuse to test.

E. RECORDS OF POSITIVE TEST RESULTS: A photograph will be taken of samples that yield positive results and will be retained by the City for one year. Photographs may be retained for an additional period if, within the 365 day period, the City receives a

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proper written request to retain the sample for an additional period. Otherwise, photographs may be discarded after one year.

- F. RE-TESTING URINE SAMPLES: If testing is done according to proper procedures, there would be no general justification to retest a sample for confirmation. However, if it is determined there was some problem with the test or proper procedure was not followed, the City may perform a re-test by utilizing a portion of the original sample provided by the employee. The results of the second test will be considered final.

- G. EXTENUATING CIRCUMSTANCES: In the case of employees who may be subject to call-back on holidays, week-ends and after duty hours, it is possible that use of alcohol, prescription or over-the-counter medications may cause the employee to function in a manner which could be unsafe or harmful to themselves or others. Employees who are officially "on call" during hours which would normally not be working hours are to abstain from drugs and alcohol during that time. Employees who are not assigned official "on call" status should notify the supervisor upon emergency call-back if they do not believe they are able to perform the duties necessary because of use of medications or alcohol. Employees who are not "on call" will not be disciplined or be subject to retaliation for such disclosure.

SECTION V.

DRUG AND ALCOHOL OFFICER

- A. The Human Resource Officer has been designated as the Drug and Alcohol Officer for the City of Iola. The D & A Officer has training and experience in collection, testing procedures, interpretation of results and in identifying the symptoms and effects of drug and alcohol use. The D & A Officer is an employee of the City of Iola.
- B. The duties of the D & A Officer are to manage, interpret, evaluate and monitor the City of Iola drug and alcohol testing program. Specifically, the D & A Officer will:
 - 1. Review the results of drug testing before they are reported to other interested parties.
 - 2. On positive results, conduct an informal interview with the employee tested to determine if current medical treatment may be a reason for the results. This will be done by discussing the employee's recent and relevant medical history.
 - 3. Interpret or obtain outside professional opinion on confirmed positive, adulterated, substituted or invalid tests to determine if there is an alternative legitimate medical explanation which would account for the results.
 - 4. After appropriate review, if the D & A Officer determines there is no legitimate medical explanation for the confirmed positive test result other than unauthorized use of prohibited drugs or alcohol, the D & A Officer will report the test to the other interested parties as positive.

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5. After a review of the drug or breath test results, the D & A Officer may conclude that a particular drug or breath test result is insufficient for further action or that a positive test result is consistent with legal drug or alcohol use and in this case will report the test to the other interested parties as negative.
6. The D & A Officer may conclude a test is positive if the employee/applicant expressly declines to discuss test results.

SECTION VI.

EMPLOYEE ASSISTANCE PROGRAM

- A. Education/Training- The Employer will provide the following drug and alcohol abuse information to existing employees at the time the policy becomes effective and to new employees as they are hired:
 1. Informational material about drug and alcohol use (Exhibit E) will be displayed and distributed in offices and work areas of employees covered by this policy.
 2. A listing of community service hot-line telephone numbers (Exhibit F) for employee assistance and counseling will be displayed and distributed in offices and work areas of employees covered by this policy.
 3. Copies of the Employer's policy on use of prohibited drugs/alcohol will be given to employees and displayed in offices and work areas of employees covered by this policy.
 4. Supervisors having the responsibility to determine whether an employee must be drug tested based on reasonable cause will receive one hour of training on recognizing physical, behavioral or performance indicators of possible drug use and one hour of additional training in recognizing signs and symptoms of possible alcohol use.
 5. Information about the availability and contact numbers for rehabilitation programs will be displayed and distributed in offices and work areas of employees covered by this policy.

- B. Rehabilitation- The city will offer rehabilitation according to the coverage limits in the city's Health Insurance Plan for individuals who voluntarily seek rehabilitation prior to a request to submit to a drug or breath test. Employees who seek help the same day a request to submit to testing is made will not be eligible for rehabilitation. An employee who has completed rehabilitation must provide documentation to Human Resources of a negative drug and breath test before they are allowed to return to work. To reinforce accountability, the employee must agree to a schedule of drug and breath testing.

Employees scheduled for rehabilitation are required to sign a release of information form (Exhibit G) that allows the city to receive the following information from the treatment facility or counselor:

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1. Verification that the employee is attending and participating in counseling sessions as scheduled.
2. Verification that treatment is progressing as expected.
3. An approximate date the employee may return to work.
4. The assistance that will be provided to the employee and City management personnel to help them make the employee's transition back to work as smooth and successful as possible.

The City of Iola will offer the opportunity for rehabilitation one time. Any positive drug or breath test after the employee has participated one time in a rehabilitation program will be grounds for immediate termination.

SECTION VII.

RECORDKEEPING

- A. Records to document the collection process will be kept for at least 3 years. Records will be kept by the D & A Officer or someone designated by the D & A Officer.
- B. Records showing that employees failed a drug test and the type of test failed will be kept for at least 5 years and will include the following information.
 1. Department and position title of employees who tested positive on drug and breath tests.
 2. The prohibited drug indicated by the drug test.
 3. The disposition of employees who tested positive on a drug or breath test (termination, probation, rehabilitation, etc.).
- C. Records to document negative drug and breath tests will be kept for at least one year.
- D. A record of the number of employees tested, by type of test, will be kept for at least 5 years.
- E. Records to document training for supervisors and employees under this policy will be kept for at least 3 years. Training records will include copies of all training materials.

SECTION VIII.

CONFIDENTIALITY/SECURITY

- A. The Drug and Alcohol Officer will only release the following information concerning the test:
 1. The types of drugs tested for
 2. A positive or negative result
 3. A specimen number (assigned by the D & A Officer)

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- B. The D & A Officer may disclose the results of a positive test to the employee/applicant, supervisor, City Administrator, City Council, or the decision maker in a lawsuit, grievance or other proceeding initiated by or on behalf of the employee or applicant and arising from a verified positive drug or breath test.
- C. Individual results will not be disclosed to anyone else, including subsequent employers, without the express written permission of the individual tested.
- D. All records of drug or alcohol testing results and rehabilitation will be treated as private and confidential and will be kept in a locked, secure area, with limited access. This includes testing records of applicants for jobs and current and former employees. Records will be kept by the D & A Officer.
- E. The D & A Officer may disclose information to a physician or pharmacist for the purpose of determining an alternative legitimate medical explanation which would account for a positive drug test. Before obtaining an outside medical opinion as part of the verification process, the D and A Officer will inform the employee that information may be disclosed to a third party as provided in this policy and the identity of any parties to whom information may be disclosed.
- F. Except as provided above, the D & A Officer will not disclose medical information provided by the individual as a part of the testing verification process to any third party.
- G. Employees will be told who will receive test results before testing is done.
- H. Upon written request, any employee who is subject to a drug or alcohol test will be granted access to any records relating to their test.

SECTION IX.

SUMMARY

The purpose of the City of Iola Drug Free Workplace & Substance Abuse Policy is to provide a safe and productive environment for employees and to insure safe and effective service to our customers.

Any employee who tests positive for drugs or alcohol will be immediately suspended and is subject to termination of employment. Reasons for dismissal shall remain confidential within the guidelines of this policy.

Refusal to submit to a drug or breath test in accordance with the terms of this policy, at any time during the employment relationship, could result in termination of employment.

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EXHIBIT A

**EMPLOYEE ACKNOWLEDGEMENT
OF
CITY OF IOLA
DRUG FREE WORKPLACE AND SUBSTANCE ABUSE POLICY**

I, the undersigned employee, hereby acknowledge that I have been supplied with a copy of the City of Iola Drug Free Workplace and Substance Abuse Policy, including provisions of the Employee Assistance Program and have read and understand this policy. I have also received educational materials on drug abuse and the community service hot-line telephone number for employee assistance.

I understand that I cannot be employed in any position which is covered by this policy if I test positive for alcohol or drugs of abuse listed in the policy and the immediate consequences would be suspension of employment. I also understand that upon subsequent management review, a positive test for alcohol or drugs could ultimately result in termination of employment or a referral to be evaluated for possible treatment of addiction.

If rehabilitation treatment is offered, I understand that I am required to produce a negative test for prohibited drugs and alcohol before I may return to duty and that I am subject to unannounced testing for a period of eighteen (18) months after I return to duty.

I am also aware that if I produce a confirmed positive drug or breath test or refuse to supply a specimen for a test, I will be offered the same opportunities and options offered to all other employees and I will not hold the City of Iola liable for damages or otherwise on account of such action.

I have read and understand the consequences of a positive drug or breath test.

Executed this day ____ of _____, 2 _____

Employee Signature

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EXHIBIT B

**CITY OF IOLA
DRUG FREE WORK PLACE AND SUBSTANCE ABUSE POLICY**

CONSENT AND RELEASE OF LIABILITY

The City of Iola Drug Free Work Place and Substance Abuse Policy requires drug and/or alcohol testing for situations occurring due to pre-employment, post-accident, reasonable cause, random selection and post-rehabilitation.

I have been requested to submit to drug and/or breath testing for one of the above reasons to determine the presence of prohibited drugs and/or alcohol in my system.

I voluntarily agree to submit to testing. I understand my employment with the City of Iola will be contingent upon the results of this test and that any positive test will disqualify me for such employment.

I understand that results of this testing will remain confidential according to the provisions of this policy. I agree to hold the City of Iola harmless and release them from all liability due to the results and all subsequent action that may occur out of and in the course of submitting to this test.

I have read and understand the foregoing statements.

Signed this _____ day of _____, _____

Signature of Employee

Signature of Witness

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EXHIBIT C

CITY OF IOLA
DRUG FREE WORK PLACE AND SUBSTANCE ABUSE POLICY

EMPLOYEE REFUSAL TO SUBMIT TO TEST REQUEST

The City of Iola Drug Free Work Place and Substance Abuse Policy requires drug and/or alcohol testing for situations occurring due to pre-employment, post-accident, reasonable cause, random selection and post-rehabilitation.

I have been requested to submit to drug and/or breath testing for one of the above reasons to determine the presence of prohibited drugs and/or alcohol in my system.

I refuse to submit to testing. I understand that my decision will result in the immediate suspension of employment with the City of Iola and upon Management review, could result in termination of my employment.

I have been advised of the City of Iola Grievance Policy and that I may exercise my rights under this policy to have this situation reviewed by the City Council. I also understand that I am suspended from work indefinitely and that I will be contacted by the Human Resources department when a final determination is made.

I have read and understand the foregoing statements.

Signed this _____ day of _____, _____

 Signature of Employee

 Signature of Witness

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EXHIBIT D

CITY OF IOLA
DRUG FREE WORK PLACE AND SUBSTANCE ABUSE POLICY

DOCUMENTATION TO TEST FOR REASONABLE CAUSE

Name of Employee _____ Date of Observation __/__/__

Name of Supervisor making initial observation _____

Name of Supervisor confirming observation _____

This checklist is required before a supervisor can recommend an employee for drug/alcohol testing. According to policy, a supervisor must have a reasonable and articulate cause that is based on physical, behavioral or performance indicators. Place a (x) on any of the following behaviors exhibited recently by the employee. Indicate with a (d) if documentation exists in the employees file. This information is strictly confidential

A. PERFORMANCE INDICATORS

- | YES | (d) | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Clear refusal to do assigned tasks |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Significant increase in errors |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Repeated errors in spite of increased guidelines |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Reduced quantity of work |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Inconsistent, "up and down" quantity/quality of work |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Behavior that disrupts workflow |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Noticeable change in written or verbal communication |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Excessive absences in last 12 months |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Excessive use of sick leave in last 12 months |
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Frequent Monday/Friday absence or other pattern |
| <input type="checkbox"/> | <input type="checkbox"/> | 11. Frequent unexplained disappearances or time away form work area |
| <input type="checkbox"/> | <input type="checkbox"/> | 12. Increased number of safety offenses |
| <input type="checkbox"/> | <input type="checkbox"/> | 13. Experiences or causes job accidents |
| <input type="checkbox"/> | <input type="checkbox"/> | 14. Major change in duties or responsibilities |
| <input type="checkbox"/> | <input type="checkbox"/> | 15. Interferes with or ignores established procedures |
| <input type="checkbox"/> | <input type="checkbox"/> | 16. Unable to follow through on job improvement goals. |
| <input type="checkbox"/> | <input type="checkbox"/> | 17. Other (Please specify) _____ |

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B. BEHAVIORAL INDICATORS

- | YES | (d) | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Changes in or unusual personal appearance (dress, hygiene) |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Changes in or unusual speech (slurred, incoherent, stuttering, loud) |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Changes in or unusual physical mannerism (gesture, posture, stumbling) |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Changes in or unusual facial expressions |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Changes in or unusual level of activity (is noticeably reduced or increased) |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Changes in or unusual topics of conversation |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Significant change in relationships with co-workers or supervisors |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Has personal relationship problems |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Engages in detailed discussions about death, suicide, harming others |
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Increasingly irritable, frustrated, discontent or tearful |
| <input type="checkbox"/> | <input type="checkbox"/> | 11. Persistently boisterous, rambunctious or verbally abusive |
| <input type="checkbox"/> | <input type="checkbox"/> | 12. Unpredictable or out-of-context displays of emotion, frequently argumentative |
| <input type="checkbox"/> | <input type="checkbox"/> | 13. Unusual fears, distrustful, very sensitive to advise/criticism, makes cynical comments |
| <input type="checkbox"/> | <input type="checkbox"/> | 14. Lacks appropriate caution |
| <input type="checkbox"/> | <input type="checkbox"/> | 15. Engages in detailed discussion about obtaining/using drugs or alcohol |
| <input type="checkbox"/> | <input type="checkbox"/> | 16. Has received professional assistance for emotional or physical problems |
| <input type="checkbox"/> | <input type="checkbox"/> | 17. Makes unfounded accusations toward others, i.e., has feelings of persecution |
| <input type="checkbox"/> | <input type="checkbox"/> | 18. Secretive or furtive, does things behind your back |
| <input type="checkbox"/> | <input type="checkbox"/> | 19. Increasingly withdrawn and less involved with people |
| <input type="checkbox"/> | <input type="checkbox"/> | 20. Intentionally avoids contact and conversation with supervisor or peers |
| <input type="checkbox"/> | <input type="checkbox"/> | 21. Memory problems (difficulty recalling instructions, data, past behavior) |
| <input type="checkbox"/> | <input type="checkbox"/> | 22. Makes unreliable and false statements |
| <input type="checkbox"/> | <input type="checkbox"/> | 23. Unrealistic self-appraisal or grandiose statements |
| <input type="checkbox"/> | <input type="checkbox"/> | 24. Physically abusive, temper tantrums, angry outbursts, complains more frequently |
| <input type="checkbox"/> | <input type="checkbox"/> | 25. Opinions are demanding, rigid or inflexible |
| <input type="checkbox"/> | <input type="checkbox"/> | 26. Concerns about sexual behavior or sexual harassment |

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C. PHYSICAL INDICATORS

- YES (d)
- 1. Smell of alcohol on breath of person
 - 2. Speech is slurred, confused, slow, unusually soft or loud
 - 3. Employee is disoriented or confused about where they are, what day or time it is
 - 4. Employee has apparent inability to focus on work
 - 5. Employee shows unusual or unexplained resistance to authority or refusal to follow directions
 - 6. Employee lacks motor skills or coordination or shows unusual weariness, fatigue or exhaustion
 - 7. Mood is belligerent, ecstatic, giddy, talkative, drowsy, unusually nervous and twitchy
 - 8. Skin color is pale or flushed or is experiencing excessive perspiration
 - 9. Making excessive trips to the restroom
 - 10. Eyes are bloodshot, pupils are dilated or pupils are pinpoints
 - 11. Drink containers belonging to employee have trace odors of alcohol
 - 12. Employee has stated/confessed to others they were drinking alcohol or taking drugs
 - 13. Drinking alcohol or use of drugs was witnessed/confirmed by other employees
 - 14. Presence of substance that has appearance of a prohibited drug, i.e., green leafy substance
 - 15. Presence of drug paraphernalia or odor of marijuana.
 - 16. Employees congregating in remote area or area not usually frequented by employees
 - 17. Employee shows deteriorating physical appearance, is yawning excessively, has a blank stare
 - 18. Employees hands are shaking or trembling
 - 19. Employee wears sunglasses at inappropriate times
 - 20. Needle marks on arms
 - 21. Frequent colds, flu, upset stomach, headaches, excessive fatigue, or other illnesses
 - 22. Has experienced a major change in physical health

NOTES: _____

Supervisor _____ Date ____/____/____
 Signature

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EXHIBIT E

CITY OF IOLA
DRUG FREE WORK PLACE AND SUBSTANCE ABUSE POLICY

EDUCATIONAL MATERIALS

<u>TITLE</u>	<u>TYPE</u>
Alcohol and the Family	A brochure by W. R. Spence, M.D.
Drink and Drive Calculator	Pocket visual by UCI Consortium
Drug Education Guide	Pocket visual by UCI Consortium
Drive Sober- Alcohol can be a deadly passenger	Article by Parlay International
Driving under the influence of safety	“ “
Protect yourself from drunk drivers	“ “
A family affair- Addiction touches everyone	“ “
Recovery begins at home- Families, drinking and drugs	“ “
The pressure’s on- Men, drinking & drugs	“ “
Hurting the ones you love- Women, drinking & drugs	“ “
Alcoholism and Denial- Partners in dependence	“ “
When Drinking isn’t social anymore	“ “
A co-worker has a drinking problem	“ “
You can drink responsibly- If you know your limits	“ “
Facts about Alcohol	Fact Sheet by Parlay International
Facts about Heroin	“ “
Facts about Speed/Amphetamines	“ “
Facts about PCP/Angle Dust	“ “
Facts about Hallucinogens	“ “
Facts about Marijuana	“ “
Facts about Cocaine	“ “
Facts about Crack Cocaine	“ “
Facts about Narcotics	“ “

CITY OF IOLA	PERSONNEL POLICIES AND PROCEDURES
TITLE: DRUG FREE WORK PLACE	DATE ISSUED: 09/16/02
LAST REVISED: 11/09/10	CITY COMMISSION APPROVAL DATE: 09/10/02

EXHIBIT F

CITY OF IOLA
DRUG FREE WORK PLACE AND SUBSTANCE ABUSE POLICY

COMMUNITY SERVICE HOTLINE'S/WEBSITES

Southeast Kansas Mental Health Center 304 N. Jefferson Iola, KS. 66749	620-365-5717
Counseling Therapy Inc. 206 S. Jefferson Iola, KS. 66749	620-365-3404
New Horizons Counseling	620-431-4000 or 800-279-6030
Hope Unlimited 206 S. Jefferson Iola, KS. 66749	620-365-7566 or 800-498-7566
Alcohol AA & A 24 Hour Action Hotline (Toll Free)	800-203-3602
Alcoholics Anonymous 301 S. Highland Chanute, KS.	620-431-1046
Narcotics Anonymous	620-431-1700

www.marijuana-info.org

www.clubdrugs.org

www.drughelp.org

www.drugfreeamerica.org

www.nida.nih.gov

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EXHIBIT G

CITY OF IOLA
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TREATMENT FACILITY/RELEASE OF INFORMATION

I authorize _____ to release the following
(Name of Counselor, Treatment or Rehabilitation Facility)
information to the City of Iola:

- ✓ Verbal or written statements to verify attendance and participation at counseling sessions are in accordance with facility requirements.

- ✓ Verbal or written statements to verify treatment is progressing normally and on schedule.

- ✓ An approximate date the employee is expected to be able to return to regular duties.

- ✓ All assistance the facility will provide the employee and the City to help make a smooth transition back into the workplace.

The City of Iola understands the confidential nature of medical information and will treat this document in a confidential manner with access given only to those who have a need to know.

Signature of Employee _____ Date ____/____/____

Signature of Witness _____ Date ____/____/____

City of Iola- Drug and Alcohol Officer

CITY OF IOLA	PERSONNEL POLICIES AND PROCEDURES	
TITLE: SEXUAL HARASSMENT		DATE ISSUED: <u>05/21/02</u>
LAST REVISED: <u>11/10/09</u>	CITY COMMISSION APPROVAL DATE: <u>05/14/02</u>	

PURPOSE

The City of Iola believes that all employees have the right to work in an environment that is free from all forms of discrimination including sexual harassment. The purpose of this policy is to ensure the legal rights of employees are protected and create a work environment free of sexual harassment.

SCOPE

This policy applies to all full time, part time, temporary and contract employees who work for the City of Iola.

POLICY

The City of Iola will not tolerate the sexual harassment of an employee by any other employee. Sexual harassment is a form of discrimination and misconduct that undermines the integrity of the employment relationship. It refers to behavior that is not welcome, is personally offensive, destructive to morale and interferes with work effectiveness. Behavior defined as sexual harassment will result in corrective action, up to and including termination of employment.

DEFINITIONS

The City of Iola bases our policy on the definition of sexual harassment set forth by the Equal Employment Opportunity Commission (EEOC). The EEOC defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when a) submission to such conduct is made either explicitly or implicitly a term or condition of employment, b) submission to or rejection of such conduct is used as the basis for employment decisions affecting an employee, or c) such conduct has the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile or offensive working environment.

PROCEDURES

- A. Reporting** If employees experience or witness sexual harassment in the workplace, they should report it immediately to the Department Manager or Supervisor. If the Department Manager or immediate supervisor is the source of the misconduct, the employee should report the behavior to the City Administrator or Human Resources. Those Managers who receive a report of sexual harassment should immediately inform Human Resources.

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B. Investigation Human Resources will conduct a full and confidential investigation of the complaint which will include questioning all possible witnesses and employees who may have knowledge of the incident being investigated. The complainants' identity will be protected and there will be no retaliation as a result of making a complaint. The complaint, the investigative steps and findings will be documented as thoroughly as possible.

C. Conclusion When the investigation is complete, the complainant will be informed of the outcome of the investigation and whether corrective action is being recommended. Employees who are dissatisfied with the resolution of a sexual harassment investigation may file a complaint under the City of Iola Grievance Procedure.

EXCEPTIONS

Occasional compliments of a socially acceptable nature do not meet the definition of sexual harassment. Also, conduct or actions that arise out of a personal or social relationship, that are not intended to have a discriminatory employment effect, may not be viewed as harassment. The City will determine whether a complaint of misconduct constitutes sexual harassment, based on a review of the facts and circumstances of each situation.