

A stylized, light-colored illustration of a suspension bridge with two towers and a row of five buildings below it. The buildings vary in style, including a multi-story one with many windows, a smaller one with a porch, a one with steps leading up, a one with a dome, and another multi-story one with arched windows. The background is a light green and grey color scheme.

# City of Boonville Personnel Manual

City Of est. 1839

# BOONVILLE

Last updated: January 1, 2020

# Welcome

Welcome to service with the **City of Boonville**, Missouri. Boonville has long promoted itself as a great place to live, work, and play, and it has a wealth of historic and recreational attractions that bring visitors from all parts of the world. As important as our past as a City has been, the future is even more important and depends upon a talented, professional, and dedicated team of employees that are committed to the hard work necessary to keep Boonville moving forward and reaching for excellence.

## **Purpose of the Manual**

The City Council and City Administrator are providing this Personnel Manual as a reference source for all employees, Department Heads, and supervisors in order to promote the uniform and consistent administration of City policies in individual departments.

The City Council, City Administrator, Department Heads and all other management personnel will consult it when making human resources decisions to:

- 1) provide equal employment opportunity for applicants and personnel,
- 2) develop systems for recruiting, assigning, training, advancing and evaluating personnel, and
- 3) communicate basic employment values which encourage outstanding public service to the citizens of Boonville.

The City Council and City Administrator will endeavor to exercise good judgment and sound discretion when this document does not address a particular problem or issue.

The City Council reserves the right to modify, revoke, suspend, cancel or change any or all language found in this document, when unforeseen circumstances occur.

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## Employment at Will

Employment at **City of Boonville** is on an at-will basis unless otherwise stated in a written individual employment agreement.

This means that either the employee or the **City of Boonville** may terminate the employment relationship at any time, for any reason, with or without notice.

Nothing in this employee handbook is intended to or creates an employment agreement, express or implied. Nothing contained in this or any other document provided to the employee is intended to be, nor should it be, construed as a contract that employment or any benefit will be continued for any period of time. In addition, no **City of Boonville** representative is authorized to modify this policy for any employee or to enter into any agreement, oral or written, that changes the at-will relationship.

Any salary figures provided to an employee in annual or monthly terms are stated for the sake of convenience or to facilitate comparisons and are not intended and do not create an employment contract for any specific period of time.

Nothing in this statement is intended to interfere with, restrain, or prevent concerted activity as protected by the National Labor Relations Act. Such activity includes employee communications regarding wages, hours, or other terms or conditions of employment. **City of Boonville** employees have the right to engage in or refrain from such activities.

## Equal Opportunity and Commitment to Diversity

### Equal Opportunity

**City of Boonville** provides equal employment opportunities to all employees and applicants for employment without regard to race, color, ancestry, national origin, gender, sexual orientation, marital status, religion, age, disability, gender identity, results of genetic testing, or service in the military. Equal employment opportunity applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.

**City of Boonville** expressly prohibits any form of unlawful employee harassment or discrimination based on any of the characteristics mentioned above. Improper interference with the ability of other employees to perform their expected job duties is absolutely not tolerated.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the City Administrator. The **City of Boonville** will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. If an employee feels he or she has been subjected to any such retaliation, he or she should bring it to the attention of the City Administrator. Retaliation means adverse conduct taken because an individual reported an actual or perceived violation of this policy, opposed practices prohibited by this policy, or participated in the

reporting and investigation process described below. “Adverse conduct” includes but is not limited to:

- (1) shunning and avoiding an individual who reports harassment, discrimination or retaliation;
- (2) express or implied threats or intimidation intended to prevent an individual from reporting harassment, discrimination or retaliation; or
- (3) denying employment benefits because an applicant or employee reported harassment, discrimination or retaliation or participated in the reporting and investigation process.

Complaints of discrimination should be filed according to the procedures described in the Harassment and Complaint Procedure.

### Americans with Disabilities Act (ADA) and Reasonable Accommodation

To ensure equal employment opportunities to qualified individuals with a disability, City of Boonville will make reasonable accommodations for the known disability of an otherwise qualified individual, unless undue hardship on the operation of the municipality would result. Employees who may require a reasonable accommodation should contact the City Clerk.

### Commitment to Diversity

**City of Boonville** is committed to creating and maintaining a workplace in which all employees have an opportunity to participate and contribute to the success of the municipality and are valued for their skills, experience, and unique perspectives. This commitment is embodied in **City of Boonville** policy and the way we do business at **City of Boonville** and is an important principle of sound management of government.

### Harassment and Complaint Procedure

Sexual and other unlawful harassment is a violation of Title VII of the Civil Rights Act of 1964 (Title VII), as amended, as well as many state laws. Harassment based on a characteristic protected by law, such as race, color, ancestry, national origin, gender, sex, sexual orientation, gender identity, marital status, religion, age, disability, veteran status, or other characteristic protected by state or federal law, is prohibited.

It is the **City of Boonville’s** policy to provide a work environment free of sexual and other harassment. To that end, harassment of the **City of Boonville’s** employees by or against management, supervisors, coworkers, or nonemployees who are in the workplace is absolutely prohibited. Further, any retaliation against an individual who has complained about sexual or other harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated. **City of Boonville** will take all steps necessary to prevent and eliminate unlawful harassment.

**Definition of Unlawful Harassment.** “Unlawful harassment” is conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of substantially and unreasonably interfering with an individual’s work performance; or otherwise adversely affects an individual’s employment opportunities because of the individual’s membership in a protected class.

Unlawful harassment includes, but is not limited to, epithets; slurs; jokes; pranks; innuendo; comments; written or graphic material; stereotyping; or other threatening, hostile, or intimidating acts based on race, color, ancestry, national origin, gender, sex, sexual orientation,

gender identity, marital status, religion, age, disability, veteran status, or other characteristic protected by state or federal law.

**Definition of Sexual Harassment.** While all forms of harassment are prohibited, special attention should be paid to sexual harassment. “Sexual harassment” is generally defined under both state and federal law as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of any individual’s employment or as a basis for employment decisions; *or*
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.

Other sexually oriented conduct, whether intended or not, that is unwelcome and has the effect of creating a work environment that is hostile, offensive, intimidating, or humiliating to workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct that, if unwelcome, may constitute sexual harassment depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwanted sexual advances, whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one’s sex life, comments about an individual’s body, comments about an individual’s sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, or cartoons;
- Unwelcome leering, whistling, brushing up against the body, sexual gestures, or suggestive or insulting comments;
- Inquiries into one’s sexual experiences; *and*
- Discussion of one’s sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment and retaliation against individuals for cooperating with an investigation of sexual harassment complaint is unlawful and will not be tolerated at **City of Boonville**.

**Complaint Procedure.** Any employee who believes he or she has been subject to or witnessed illegal discrimination, including sexual or other forms of unlawful harassment, is requested and encouraged to make a complaint. You may complain directly to (1) your immediate supervisor, (2) your department head, (3) the City Clerk, (4) the City Administrator, or (5) any other member of management with whom you feel comfortable bringing such a complaint. Similarly, if you observe acts of discrimination toward or harassment of another employee, you are requested and encouraged to report this to one of the individuals listed above.

No reprisal, retaliation, or other adverse action will be taken against an employee for making a complaint or report of discrimination or harassment or for assisting in the investigation of any

such complaint or report. Any suspected retaliation or intimidation should be reported immediately to one of the persons identified above.

All complaints will be investigated promptly and, to the extent possible, with regard for confidentiality. To report sexual harassment in a City workplace or in the course and scope of your City employment or to ask questions regarding this anti-harassment policy, please call or write the City Administrator, at City Hall, 401 Main Street, Boonville, Missouri 65233. Phone: (660) 882-2332.

If the investigation confirms conduct contrary to this policy has occurred, **City of Boonville** will take immediate, appropriate, corrective action, including discipline, up to and including immediate termination.

## Conflicts of Interest and Confidentiality

### Conflicts of Interest

**City of Boonville** expects all employees to conduct themselves and **City of Boonville** government in a manner that reflects the highest standards of ethical conduct, and in accordance with all federal, state, and local laws and regulations. This includes avoiding real and potential conflicts of interests.

Exactly what constitutes a conflict of interest or an unethical practice is both a moral and a legal question. **City of Boonville** recognizes and respects the individual employee's right to engage in activities outside of employment which are private in nature and do not in any way conflict with or reflect poorly on the **City of Boonville**.

It is not possible to define all the circumstances and relationships that might create a conflict of interest. If a situation arises where there is a potential conflict of interest, the employee should discuss this with their department head or city counselor for advice and guidance on how to proceed.

### Confidential Information

The protection of confidential information is vital to the interests and success of **City of Boonville**. Confidential information is any and all information disclosed to or known by you because of employment with the **City of Boonville** that is not generally known to people outside the **City of Boonville**. Such information may be considered closed records under the Missouri Sunshine Law.

An employee who improperly uses or discloses confidential information will be subject to disciplinary action up to and including termination of employment and legal action, even if he or she does not actually benefit from the disclosed information.

### Media Inquiries/Public Comment Regarding City of Boonville

All requests for comment or for interviews concerning the **City of Boonville** by the press/radio/television or members of the public must be directed to the City Administrator or the Mayor. Police matters may be directed to the Chief of Police or his/her designee; Fire Department matters may be directed to the Fire Chief or his/her designee; Public Works matters may be directed to the Director of Public Works or his/her designee; and Parks and Recreation matters may be directed to the Parks Director or his/her designee. Employees are not authorized to speak in any official capacity about City business, and unofficial, anonymous or "off the record" remarks or dissemination of information gathered in the course of working for the City are prohibited.

This provision is not intended to, and should not be interpreted to, prohibit employees from discussing wages and other terms and conditions of employment if they so choose.

## Employment Relationship

### Hiring and Recruiting

The City Administrator acts as the Hiring Authority on behalf of the City Council for all positions, except Department Heads. When the City recruits for positions at the head of City departments, the City Administrator's role is to screen candidates, conduct interviews, and makes recommendations to the City Council for its ultimate approval/disapproval of an appointment.

### Formal Recruitment Process

A Department Head who wishes to fill a vacancy must send a Request for Employment form to the City Administrator. The City Administrator may approve or deny the request. When necessary and appropriate, formal recruitment will involve announcing job openings, taking applications, evaluating and interviewing applicants, and selecting the best person for the job. At the discretion of the City Administrator, the City may alter or forego one or more steps in the formal recruitment process when necessary.

- 1) If the Request for Employment is approved, the Department Head may recruit applicants. This recruitment may include, but is not limited to, posting the job opening at City Hall, on the City's website, in the newspaper(s) and/or on other appropriate media.
- 2) Applicants must complete an application form.
- 3) The Department Head will review all applications which are timely received and will determine which applicants meet the minimum job requirements.
- 4) Any applicants who meet the minimum job requirements may be interviewed and ranked.
- 5) Reference checks will be conducted.
- 6) Other pre-employment checks may be performed, including but not limited to criminal background checks, child abuse and neglect screenings, employment verification or other investigations as may be directed by the City Administrator.
- 7) The Department Head will list his/her top three (3) recommendations for hire, plus his/her preference and send them, along with support information to the City Administrator for review and additional evaluation.
- 8) The City Administrator will approve or deny any new hire. The City Administrator may take any employment information to the City Council for its input.
- 9) A formal offer of employment will be made to the person selected to fill the vacancy, however the offer is conditional on the offeree's ability to pass his/her pre-employment physical, if required by state or federal law, and a pre-employment drug test.

### General Recruitment Considerations:

- 1) Preference will be given to applicants who reside within the corporate limits of the **City of Boonville** if the balance of the qualifications is otherwise identical.
- 2) Persons filling Department Head positions must reside within 15 miles of the **City of Boonville** within six (6) months of hire. City Administrator residency requirements can

be found in Boonville Code of Ordinances Chapter 2, Section: 2-50 and City Clerk residency requirements can be found in Chapter 2, Section: 2-61.

- 3) At the discretion of the City Administrator, preference will be given to qualified persons who were previously laid off from City service, if previous performance was deemed satisfactory in all relevant aspects at the time of the layoff.
- 4) Preference will be given to qualified persons who already work for the **City of Boonville** and who have a current satisfactory performance record.

### **New Hire Orientation**

All new hires shall meet with the City Clerk, appropriate Department Head, or City Administrator for employee orientation.

The orientation will generally cover/include the following:

- 1) Completion of all employment-related forms (Personal Information Sheet, Payroll Forms, Direct Deposit Information, insurance applications, etc.)
- 2) Presentation of the Personnel Manual and Safety Policies and signing acknowledgements of consent/understanding of specific policies contained in the Manual and Safety Policies
- 3) Tour of City facilities directly related to duties of the new hire, as time permits
- 4) Employee Training videos
- 5) Pre-Employment Drug Screening

At the conclusion of the orientation, the employee will be asked to sign a form which indicates he/she has been given an opportunity to ask any questions regarding City Personnel policies.

### **Employment Classification**

In order to determine eligibility for benefits and overtime status and to ensure compliance with federal and state laws and regulations, **City of Boonville** classifies its employees as shown below. **City of Boonville** may review or change employee classifications at any time.

**Exempt.** Exempt employees are paid on a salaried basis and are not eligible to receive overtime pay.

**Nonexempt.** Nonexempt employees are paid on an hourly basis and are eligible to receive overtime pay for overtime hours worked.

**Regular, Full-Time.** Employees who are not in a temporary status and work a minimum of 30 hours weekly and maintain continuous employment status. Generally, these employees are eligible for the full-time benefits package and are subject to the terms, conditions, and limitations of each benefits program.

**Regular, Part-Time.** Employees who are not in a temporary status and who are regularly scheduled to work fewer than 30 hours weekly, but at least 20 hours weekly, and who maintain continuous employment status.

**Temporary, Full-Time.** Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work the **City of Boonville's** full-time schedule for a limited duration.

Employment beyond any initially stated period does not in any way imply a change in employment status.

**Temporary, Part-Time.** Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work fewer than 30 hours weekly for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status.

### Work Week and Hours of Work

The **City of Boonville** has employees on duty 24 hours per day, 365 days per year. The work schedule is based on necessity and may be changed by City Administrator and/or Department Head with notice if it is practicable to give it, or without notice when necessity dictates, in order to meet work requirements and attend to exigent circumstances. All employees are expected to be at work regularly and on time. Employees may not take unpaid time off unless approved by the City Administrator. If an employee will be late or absent, he or she must call the on-duty supervisor immediately. Lunches and breaks are to be scheduled at the discretion of the immediate supervisor, so service will not be impacted and so there is full coverage of each work unit.

For all departments other than the Police Department and Fire Department, typical work hours will be between 7:00 AM and 5:00PM. The specific working hours, breaks, and lunch schedules are determined by department and will be discussed at the time of hire and orientation and may be adjusted for season, specific job requirements, or by the Department Head or City Administrator.

The Fire and Police departments are always staffed. The Chief of each department is responsible for assigning work schedules. Work schedules will normally be posted two (2) weeks prior to the actual work activity. The work schedule is based on necessity and may be changed by City Administrator and/or the Chief of Police with or without notice, to meet the work requirements.

### Time Records

All nonexempt employees are required to complete accurate weekly time reports showing all time actually worked. These records are required by governmental regulations and are used to calculate regular and overtime pay. All exempt employees are required to complete accurate weekly time reports. At the end of each pay period, the employee and his or her supervisor must sign the time sheet attesting to its correctness before forwarding it to the City Clerk's designee no later than 2pm the Monday following the end of the pay period; along with all overtime/compensatory time request and approval documents.

### Overtime/Compensatory Time

When required due to the needs of the **City of Boonville**, you may be asked to work overtime. Overtime, for all non-exempt employees, except for fire and police, is actual hours worked in excess of 40 in a single workweek (Sunday 12am- Saturday 11:59pm). Nonexempt employees will be paid overtime compensation at the rate of one and one half (1 ½) their regular rate of pay for all hours over 40 actually worked in a single workweek. Paid leave, such as

compensatory time off, sick time, and bereavement time **does not** apply toward work time, (except for the Fire Department). Paid leave, such as holiday, vacation time, and jury duty **does** apply toward work time. All overtime work must be requested **in writing, in advance**, and then submitted to supervisor or department head for approval, unless circumstances require unplanned overtime (i.e. snow plowing). This request and approval shall be submitted with the weekly time reports no later than 2pm the Monday following the end of the pay period. **City Employees responsible for inmate detail will earn overtime rate, for said detail, after 40 hours including compensatory time off, sick time, bereavement time, or other non-working hours. Boonville K-9 Police Officer responsible for the care of the K-9 unit, will earn four (4) hours overtime only (for K-9 care), after 40 hours including compensatory time off, sick time, bereavement time, or other non-working hours.**

For Nonexempt employees who work in the Police Departments, overtime is determined by the Fair Labor Standards Act, 3(s)(1)(C) section 7(K). Overtime is determined on a work period basis of 14 days. Law Enforcement personnel are due overtime after 80 hours worked. Overtime for non-exempt police personnel is for actual hours worked in excess of the maximum number of hours (80 hours police) worked during the pay period. Paid leave, such as compensatory time off, sick time, and bereavement time **does not** apply toward work time. Paid leave, such as holiday, vacation time, and jury duty **does** apply toward work time. All overtime work must be requested **in writing, in advance**, and then submitted to supervisor or department head for approval, unless circumstances require unplanned overtime.

Department Heads have the discretion to allow Compensatory Time Off in lieu of overtime, which shall be accrued at 1 ½ times the hours of overtime worked. One Hundred Twenty (120) hours is the maximum number of Compensatory Time Off hours which a non-exempt employee may accrue and carry at any time, at the discretion of the Department Head. Compensatory Time Off may not be taken in increments of less than 1 hour. Overtime pay must be taken if the employee has maxed out his/her accrual of Compensatory Time Off.

At discretion of the Department Head and the City Administrator, fire and law enforcement personnel may be calculated by the Fair Labor Standards Act, 3(s)(1)(C) section 7(K).

### **On-Call assignments**

- 1) The City Administrator and Department Heads will be solely responsible for determining the need for On-Call employees. All employees are eligible for On-Call status.
- 2) Employees will be paid \$6.00 for each eight- (8) hour period while serving On-Call. **On-Call employees must be able to reach their respective work sites within 15 minutes.**
- 3) Employees who are On-Call and are notified of the need to report for work on a Call-In basis will be paid On-Call pay, plus pay for actual time worked.
- 4) The time credited for work during a Call-In situation or while serving On-Call will not include travel time to or from home.
- 5) Employees scheduled for On-Call status will be given as much advance notice as practical. Normally three (3) calendar days advance notice will be given so employees

may make plans, however, the City Administrator and Department Heads may schedule employees for On-Call status with less than three days' notice.

### Call-In

- 1) Employees receiving notice to report for duty on a Call-In basis on a day when not previously scheduled and when not On-Call will be compensated a minimum of one (1) hour's pay.
- 2) Employees who have completed a scheduled workday and who are not On-Call but have been called back to work will be compensated for a minimum of one (1) hour of pay.
- 3) Employees called to report for work before they are scheduled to report for a normal shift, and who report early and continue working into the regular shift, will not be considered to be there on a Call-In basis and will be paid only for all time worked.
- 4) Employees are expected to work when notified of a Call-In, unless excused by the immediate supervisor.
- 5) Employees reporting on a Call-In basis may be expected to do whatever work is necessary, even though not part of their regular duties, provided they have the necessary knowledge and skill to perform the work safely and without risk to the equipment or operation.
- 6) The time paid for Call-In work will be credited toward time worked in the pay period for overtime purposes.

### Travel for Work

On occasion, it may be necessary for an employee to travel for work. Employees who are traveling for work shall discuss travel with the department head and/or City Administrator who will approve the expense. After approval, employee will meet with City Clerk, or their designee, who will give them a travel packet.

### Deductions from Pay/Safe Harbor Exempt Employees

The **City of Boonville** does not make improper deductions from the salaries of exempt employees and complies with the salary basis requirements of the Fair Labor Standards Act (FLSA). Employees classified as exempt from the overtime pay requirements of the FLSA will be notified of this classification at the time of hire or change in position.

**Permitted deductions.** The FLSA limits the types of deductions that may be made from the pay of an exempt employee. Deductions that are permitted include:

- Deductions that are required by law, e.g., income taxes;
- Deductions for employee benefits when authorized by the employee;
- Absence from work for one or more full days for personal reasons other than sickness or disability;
- Absence from work for one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness;
- Offset for amounts received as witness or jury fees, or for military pay; or

- Unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions.

During the week an exempt employee begins work for the **City of Boonville** or during the last week of employment, the employee will only be paid for actual hours worked. In addition, an employee may be paid only for hours worked during a period when the employee is using unpaid leave under the Family and Medical Leave Act (FMLA).

**Improper deductions.** If an employee classified as exempt believes that an improper deduction has been taken from his or her pay, the employee should immediately report the deduction to the City Clerk. The report will be promptly investigated and if it is found that an improper deduction has been made, the **City of Boonville** will reimburse the employee for the improper deduction.

### Paychecks

**City of Boonville's** pay day for all employees is biweekly on Friday. If pay day falls on a federal holiday, employees will receive their paycheck on the preceding workday. Paychecks are directly deposited into your checking and/or savings accounts.

### Wages

The City Council and City Administrator shall provide for wages and salaries of all City employees in accordance with an annual appropriation for same at the beginning of each fiscal year, which starts April 1 and runs through the following March 31, and any amendments to that annual appropriation.

### Jobs and Pay Levels

- 1) Position pay levels will be established based on job descriptions which include duties, responsibilities, education, work experience, physical and work environment requirements.
- 2) The City Administrator and Department Heads shall have broad discretion to affix job titles and corresponding wage/salary levels, which may be adjusted from time to time.
- 3) In addition to regular wages, wastewater treatment, water treatment, and water distribution employees will be paid an award for receiving DNR licenses according to the following schedule:
  - a. "A" License or equivalent - \$60.00 per month
  - b. "B" License or equivalent - \$32.50 per month
  - c. "C" License or equivalent - \$16.00 per month
  - d. "D" License or equivalent - \$ 10.50 per month
- 4) New or transferred employees will normally start at a wage/salary set at the discretion of the City Administrator and shall advance through salary adjustments made at the beginning of each fiscal year thereafter, in accordance with the yearly appropriations process authorized by the City Council.

- 5) A Department Head may request an advanced starting salary or yearly increase when a particular employee's education and work experience clearly demonstrate a case for it. The request must be made in writing and given to the City Administrator who shall have the sole discretion for approval/rejection of the request.

### Access to Personnel Files

Employee files are maintained by the City Clerk and are considered confidential. Department Heads and supervisors may only have access to personnel file information on a need-to-know basis. Personnel file access by current employees and former employees, upon request, will generally be permitted within 3 days of the request unless otherwise required under state law. Personnel files are to be reviewed in the City Clerk's office. Employee files may not be taken outside city hall. Representatives of government or law enforcement agencies, in the course of their duties, may be allowed access to file information.

### Employment of Relatives and Domestic Partners

Relatives and domestic partners may be hired by the **City of Boonville** if (1) the persons concerned will not work in a direct supervisory relationship, (2) the employment will not pose difficulties for supervision, security, safety, or morale, and (3) approval of the City Administrator. For the purposes of this policy, "relatives" are defined as spouses, children, siblings, parents, or grandparents. A "domestic partnership" is generally defined as a committed relationship between two individuals who are sharing a home or living arrangements.

Current employees who marry each other or become involved in a domestic partnership will be permitted to continue employment with the **City of Boonville** provided they don't work in a direct supervisory relationship with each other or otherwise pose difficulties as mentioned above. If employees who marry or live together do work in a direct supervisory relationship with each other, the City Administrator may reassign one of the employees to another position or shift for which he or she is qualified if such a position is available. If the situation results to be a problem, the employees will be permitted to determine which one of them will resign from the **City of Boonville**.

### Transfers and Promotions

Transfers and promotions are a privilege available to employees who have successfully completed at least 6 months of service in their specific role and if/ when other vacancies occur within the **City of Boonville**.

An employee or his/her Department Head may request a transfer or promotion. Before a move between departments may occur, the Department Heads of both departments and the City Administrator must approve it.

In no circumstance is a transferred employee guaranteed the option of returning to the original post, however consideration will be given in the event the original post has remained available, and the employee would otherwise be eligible for rehire.

## Separation from Employment

Cessation or termination of service is the separation of an employee from the **City of Boonville** by resignation, retirement, layoff, involuntary dismissal or death.

Upon termination of service, employees will be paid for all unused Vacation and Compensatory time. The payment is calculated at the person's hourly rate of pay on his/her last day of work. This payment cannot exceed the maximum accrual limits listed elsewhere in this Manual. Upon death of an entitled worker, payment is made to the beneficiary(s) of record, or to the estate, for all unused Vacation and Compensatory time accrued, up to the applicable maximum.

In all cases of voluntary resignation (one initiated by the employee), employees are asked to provide a written notice to their supervisors at least 10 working days in advance of the last day of work. The 10 days must be actual working days. Holidays and paid time off (PTO) will not be counted toward the 10-day notice. Employees who provide the requested amount of notice will be considered to have resigned in good standing and generally will be eligible for rehire.

In most cases, the City Clerk, appropriate Department Head, or City Administrator may conduct an exit meeting on or before the last day of employment to collect all **City of Boonville** property, and to discuss final pay. If an employee does not return City property upon their exit, the city reserves the right to proceed with legal action to reclaim city property or the value at the time of termination of employment.

If applicable, information regarding benefits continuation through the Consolidated Omnibus Budget Reconciliation Act (COBRA) will be sent to the employee's home address.

Should it become necessary because of conditions to reduce the number of employees or work hours, this will be done at the discretion of the **City of Boonville**. Employees who are laid off, or who are demoted in lieu of layoff, will generally be eligible for rehire by the City, as vacancies arise, but each must initiate a regular application process for any job in which he/she is interested and for which he/she is qualified.

## Workplace Safety

### Commitment to Safety

Protecting the safety of our employees and visitors is the most important aspect of running our government.

All employees have the opportunity and responsibility to contribute to a safe work environment by using commonsense rules and safe practices and by notifying management when any health or safety issues are present. All employees are encouraged to partner with management to ensure maximum safety for all. Each employee will be asked to review our safety policies and procedures in depth prior to beginning work with the city in their respective roles.

In the event of an emergency, notify the appropriate emergency personnel by dialing 911 to activate the medical emergency services.

### Drug-Free and Alcohol-Free Workplace

#### Administration of the Policy

The **City of Boonville** is a drug- and alcohol-free workplace. The illegal use of prescription drugs or controlled substances at any time and/or being under the influence of such substance(s) and/or alcohol during work hours is considered misconduct and is not consistent with the behavior the City has a right to expect of its employees. It is the policy of the **City of Boonville** to safely provide dependable and economical services to its citizens and safe working conditions for its employees. This policy applies to all employees of the **City of Boonville**

Notice Regarding Medical and/or Recreational Marijuana Use: Because the possession and use of marijuana, whether for medical use or otherwise, constitutes a federal offense and because the City is a drug free workplace, the City will not accommodate the medical use of marijuana and enforces written policy prohibiting working for the City while marijuana is in the body. The fact that state law recognizes medical marijuana as a prescribed, or otherwise permitted, medication does not alter or otherwise change this policy.

The use, possession, distribution or sale of controlled substances, illegal drugs, or alcohol; being under the influence of any of these; or testing positive for any of these (including their inactive components or metabolites) while working for the City is strictly prohibited while on duty, while on City premises or worksites, and while operating vehicles, machinery or equipment owned or leased by the City.

#### Policy Administrator

The City Administrator shall be designated as the Alcohol and Substance Abuse Policy Administrator for the **City of Boonville**. Any inquiries concerning this policy, its application, its administration or its interpretation shall be made to the policy administrator or his/her designee.

## **Alcohol & Controlled Substance Prohibitions**

Every employee is prohibited from the operation of tools/equipment, the use of a commercial motor vehicles, and/or from reporting to work or otherwise engaging in any duty-related functions: (1) while consuming alcohol; (2) while having a blood alcohol concentration of 0.02 or greater; (3) within four (4) hours of consuming alcohol; (4) after refusing to submit to an alcohol test; and (5) within eight (8) hours after an accident as specified in this policy.

Every employee is prohibited from the unauthorized use of a controlled substance at any time, whether on or off duty, and is prohibited from the unauthorized possession of alcohol while on duty and unauthorized possession of controlled substances at any time, whether on or off duty.

## **Mandatory Self-Reporting**

Any employee who pleads guilty to or is convicted of any crime related to controlled substances or alcohol, including a traffic offense, must report the conviction or guilty plea to the policy administrator within 24 hours of such event. Failure of an employee to report such a conviction or guilty plea to the policy administrator may be cause for immediate dismissal from service.

Any employee whose job performance requires the possession of a valid CDL and who loses the CDL for a violation, or as a consequence, of the law shall be subject to disciplinary action up to and including dismissal from City service. The employee shall notify the policy administrator and the employee's immediate supervisor of the loss of the CDL within 24 hours. Failure to notify the policy administrator of the loss of the CDL shall result in immediate dismissal from service.

## **Education and Training**

The **City of Boonville** shall develop and provide training for all supervisors and department heads who are responsible for the administration and enforcement of this policy. The substance abuse training, at a minimum, shall include at least sixty (60) minutes of program on the physical and behavioral effects on personal health, safety and the environment and on performance indicators. The training should address the effects of alcohol use and abuse, the side effects of abuse and the consequences of prohibited work-related activity involving alcohol consumption. The training shall include an overview of this policy and its implementation/application to employees. Training shall also include a component related to objective observation for reasonable suspicion testing, documentation and record keeping.

## **Confidentiality**

All records developed and/or acquired pursuant to this policy shall be maintained under strict confidentiality by the **City of Boonville** and the testing laboratory. The records shall be maintained separately from other personnel records kept by the **City of Boonville** and shall be kept in a secured location with other medical records.

Any person who breaches the confidentiality provisions of this policy shall be subject to immediate dismissal from employment and/or from any contractual relationship with the **City of Boonville** without recourse.

### **Mandatory Controlled Substance and Alcohol Testing of Employees**

Employees shall be subject to controlled substance and alcohol testing as follows: pre-employment testing for all new hires, random testing (except as provided herein), reasonable suspicion testing, post-accident testing, return-to-work testing and follow-up testing after rehabilitation programs.

#### **1. Pre-Employment Testing**

Pre-employment urine or oral fluid lab testing shall be required of all applicants receiving an offer of employment with the City for all positions. Receipt of satisfactory test results is required prior to commencement of work or at the earliest possible occasion it may be scheduled in the first few days of employment. Any positive controlled substance or alcohol test shall disqualify an applicant from employment for a period of no fewer than 180 days. Evidence that (1) the applicant has successfully completed a formal program of treatment for substance abuse/chemical dependency or that the applicant has submitted to an assessment by a qualified Substance Abuse Professional (SAP) and been deemed to be without the need for substance abuse/chemical dependency treatment, and (2) at least one negative controlled substance and alcohol test shall be required before any further offer of employment is extended by the City.

#### **2. Reasonable Suspicion Testing**

Reasonable suspicion testing shall be used to determine fitness for duty evaluation, including appropriate urine, oral fluid lab drug testing and/or breath testing when there are objective, observable reasons to believe that the use and abuse of any controlled substance or alcohol is adversely affecting an employee's job performance or that the employee has violated this policy. Reasonable suspicion referral for testing shall be made on the basis of documented, objective facts and circumstances which are consistent with the effects of substance use. Reasonable suspicion observations and reports can only be made by supervisory or management employees and must be based on contemporaneous, articulable observations concerning the subject employee's appearance, grooming, gait, speech, behavior, and breath and body odors. The observing supervisor or department head, whether or not the person is the employee's immediate supervisor, must complete an observation report before the employee is directed to report for reasonable suspicion testing, which shall include both oral fluid or urine drug test and a breath alcohol test.

Reasonable suspicion testing shall be required and completed whenever possible, within two (2) hours of the observation, but in any case, no later than eight (8) hours after the observation for breath alcohol testing and thirty-two hours (32) hours for controlled substance testing. If possible, reasonable suspicion testing shall be conducted at the employee's regular work site. If the employee tests positive for the consumption of any controlled substance or alcohol or if

that employee is suspected of being presently impaired, he or she shall be driven to and from the test site and/or to the employee's usual place of abode concurrent with the reasonable suspicion testing so that he or she is prevented from driving under the influence, if possible.

### 3. Post-Accident Testing

Post-accident testing shall be required of any employee after an on-duty equipment or motor vehicle accident in which a fatality has occurred; where a traffic citation is issued to him or her as a result of the accident; where injury to a person requires transport to a medical treatment facility; or where there has been disabling damage to one or more vehicles which requires towing from the accident site. Testing shall include both breath alcohol and urine or oral fluid lab testing of the employee(s).

Whenever possible, post-accident testing shall be completed within two (2) hours of the accident. Barring exigent circumstances, post-accident breath alcohol testing must be done less than eight (8) hours after the accident and testing for other controlled substances shall be done in under thirty-two (32) hours from the time of the accident. An employee involved in an accident shall refrain from alcohol consumption for at least eight (8) hours following the accident.

### 4. Random Testing

Random testing shall be conducted on all persons covered by this policy. Random testing shall be unannounced and conducted with unpredictable frequency throughout the year using an established scientifically based selection method. Testing shall be conducted whenever ordered by appropriate supervisory employees, but no less frequently than required by federal law and regulations, and in such numbers as minimally determined under the regulations.

### 5. Return-to-Work Testing

Return-to-work urine, oral fluid lab drug testing and alcohol testing for all employees covered by this policy shall be required for all employees returning to work or offered re-employment by the City after failing a controlled substance or alcohol test previously administered under this policy. Evidence that (1) the applicant/employee has successfully completed a formal program of treatment for substance abuse/chemical dependency or that the applicant/employee has submitted to an assessment by a qualified Substance Abuse Professional (SAP) and been deemed to be without the need for substance abuse/chemical dependency treatment, and (2) at least one negative controlled substance and alcohol test shall be required before any further offer or resumption of employment is allowed by the City. An employee who's testing does not show improvement over time, shall be terminated.

### 6. Follow-up Testing

Employees or new hires having ever failed a controlled substance or alcohol test administered under this policy shall be subject to frequent, unannounced, random urine and/or oral fluid lab drug testing and breath alcohol testing for at least six (6) times in the following twelve (12)

months after return to work, and for a period of time up to sixty (60) months from the employee's return-to-work date.

#### 7. Failure to Test

Any employee or post-offer applicant who fails or refuses to submit to the required testing under this policy, or delays compliance with a directive to report for testing, is considered to have tested positive and shall be subject to all of the consequences that flow from testing positive.

Any employee ordered to test shall report immediately to the test site upon being ordered to submit to testing. No delay of any type may be granted or taken. Delay in reporting by the employee shall be treated as a refusal to test and shall subject the employee to all of the consequences that follow related to positive testing. Failure to provide a sufficient sample or for providing an adulterated sample shall be considered as a refusal to test and shall subject the employee to all of the consequences that follow.

#### **Independent Rehabilitation Efforts**

Any employee who tests positive for the use and consumption of alcohol or other controlled substances or who is prosecuted and is found to be (or pleads) guilty to an alcohol or drug offense is strongly encouraged to seek out and comply with any professional recommendations for treatment and rehabilitation for substance abuse. Employees dismissed for violation of this policy must submit to evaluation and recommended treatment in order to be considered for re-hire. Employees subject to lesser disciplinary action will only be retained on the condition of evaluation and treatment.

Evaluation and treatment by a substance abuse professional shall be at the sole expense of the employee, less any portion of such services underwritten by the employee's health insurance.

#### **Testing Protocols**

##### 1. Contract for Testing Services

The **City of Boonville** shall secure a contract with an appropriately certified testing laboratory to conduct the controlled substance testing analysis, breath alcohol testing and reporting required under this policy and under federal law in conformity with the standards established under the federal regulations.

Any testing service with which the City contracts shall use a laboratory certified by the Substance Abuse and Mental Health Services Administration (SAMSHA) and shall perform all testing herein described under the supervision of a qualified Medical Review Officer (MRO) charged with evaluating the reporting results under the guidelines set forth in 49 CFR, Part 40. All drug and alcohol test samples will be collected in a manner, and by individuals, meeting federal testing requirements as set forth in 49 CFR, Part 40.

## 2. Testing Controls

Alcohol: Federal regulations require breath testing to be done on Evidential Breath Testing devices approved by the National Highway Safety Administration. An initial screening test is conducted first. Any result that is less than 0.02 blood alcohol concentration is considered negative. If the blood alcohol concentration is 0.02 or greater, a second confirmatory test must be conducted. Any employee who tests with a blood alcohol concentration of 0.02 or greater shall be removed from service for at least twenty-four (24) hours.

Any employee who is found to have engaged in prohibited alcohol conduct under this policy shall be immediately removed from work-related activity. Such an employee will be subject to immediate termination or other serious disciplinary action. Unless terminated, the employee shall not be permitted to resume work until the employee is (1) evaluated by an SAP, (2) has complied with any recommendations of the SAP for rehabilitation and (3) has tested negative in a follow-up test.

Controlled Substances: Controlled-substance testing will be for the following substances:

- (1) Marijuana (THC metabolite)
- (2) Cocaine
- (3) Amphetamines
- (4) Opiates (including heroin)
- (5) Phencyclidine (PCP)

Testing may also include barbiturates, benzodiazepines, methaqualone, methadone and propoxyphene, Oxycontin, and any other drug the City may designate in the future.

## 3. Disciplinary Action

Violators of the drug-free and alcohol-free workplace policies of the **City of Boonville** will be subject to disciplinary action, up to and including involuntary dismissal. Participation of an employee in a program of rehabilitation for abuse of substances does not serve as a bar to imposing disciplinary action related to violations of this policy.

Any supervisor or department head who knowingly permits an employee to violate this policy or to engage in work activity while consuming alcohol or a controlled substance or who fails to enforce this policy shall be subject to immediate dismissal from employment.

This policy does not displace any other penalties that may be imposed or be incurred as a result of violation of the **City of Boonville's** policy, state and federal laws, or as provided in the Workers' Compensation laws.

## 4. Coordination with Other Laws & Policies

This policy shall be administered in compliance with other federal, state and local laws related to employee health and welfare policies, leave policies, benefit programs and other related policies of the **City of Boonville**. In the case of apparent conflicts between this policy, other

policies and applicable laws, the policy administrator shall make the appropriate rulings to resolve the potential conflicts.

In the event that any part of this policy is judicially determined to be in conflict with any law or to be in violation of any law or is rendered ineffective because of some state or federal legislative enactment, that part(s) shall be void, but the remainder of the policy shall remain in effect. Parts that are void or voided shall be replaced as soon as possible to maintain the full effect of this policy and/or to bring it into compliance with relevant laws.

## 5. Amendments

This policy is subject to amendment by the **City of Boonville** from time to time. Amendments that are made shall be provided to employees upon adoption and shall become effective as provided by the policy administrator.

### Smoke-Free Workplace

Smoking/tobacco use is not allowed in **City of Boonville** buildings, City vehicles, and on private property at which work is being provided by City employees at any time. “Smoking” includes the use of any tobacco products including chewing tobacco, electronic smoking devices, and e-cigarettes.

Smoking is only permitted during break times in designated outdoor areas. Employees using these areas are expected to dispose of any smoking debris safely and properly.

### Workplace Violence Prevention

**City of Boonville** is committed to providing a safe, violence-free workplace for our employees. Due to this commitment, we discourage employees from engaging in any physical confrontation with a violent or potentially violent individual or from behaving in a threatening or violent manner. Threats, threatening language, or any other acts of aggression or violence made toward or by any employee will not be tolerated. A threat may include any verbal or physical harassment or abuse, attempts to intimidate others, menacing gestures, stalking, or any other hostile, aggressive, and/or destructive actions taken for the purposes of intimidation. This policy covers any violent or potentially violent behavior that occurs in the workplace or at **City of Boonville**-sponsored functions.

All **City of Boonville** employees bear the responsibility of keeping our work environment free from violence or potential violence. Any employee who witnesses or is the recipient of violent behavior should promptly inform their supervisor, department head, or the City Administrator. All threats will be promptly investigated. No employee will be subject to retaliation, intimidation, or discipline as a result of reporting a threat in good faith under this guideline.

Any individual engaging in violence against the **City of Boonville**, its employees, or its property will be prosecuted to the full extent of the law. All acts will be investigated, and the appropriate action will be taken. Any such act or threatening behavior may result in disciplinary action up to and including termination.

**City of Boonville** prohibits the possession of weapons on its property at all times, including our parking lots or **City of Boonville** vehicles. Additionally, while on duty, employees may not carry a weapon of any type unless he/she is a member of the police department. Weapons include,

but are not limited to, handguns, rifles, automatic weapons, and knives that can be used as weapons (excluding pocketknives, utility knives, and other instruments that are used to open packages, cut string, and for other miscellaneous tasks), martial arts paraphernalia, stun guns, and tear gas. Any employee violating this policy is subject to discipline up to and including dismissal for the first offense.

The **City of Boonville** reserves the right to inspect all belongings of employees on its premises, including packages, briefcases, purses and handbags, gym bags, and personal vehicles on **City of Boonville** property. In addition, **City of Boonville** may inspect the contents of lockers, storage areas, file cabinets, desks, and workstations at any time and may remove all **City of Boonville** property and other items that are in violation of **City of Boonville** rules and policies.

### Emergency Closings

**City of Boonville** will always make every attempt to be open for business. In situations in which some employees are concerned about their safety, the City Administrator may advise supervisors to notify their departments that the office is not officially closed, but anyone may choose to leave the office if he or she feels uncomfortable.

If the office is officially closed during the course of the day to permit employees to leave early, nonexempt employees who are working on-site as of the time of the closing will be paid for a full day. If you leave earlier than the official closing time, you will be paid only for actual hours worked, or you can take vacation time. Exempt employees will be paid for a normal full day but are expected to complete their work at another time.

### Motor Vehicle Operations

The appropriate class driver's license is required to operate a **City of Boonville** vehicle. Employees are expected to operate such vehicles in a safe and courteous manner and to abide by all state and local driving laws and regulations. All employees will review, and sign City vehicle use policies.

### Safety Equipment

The **City of Boonville** has purchased safety equipment for use by employees for their various roles and will receive training on when/how to use each item as needed. There will be no exceptions to mandatory use of such safety equipment in the performance of the duties for which each piece of equipment is designed. The **City of Boonville** has equipped several of its work sites with Automatic External Defibrillators (AEDs). It is the sole responsibility of each employee to know the location of these devices nearest his/her workspace. Failure of employee not utilizing safety equipment, could result in employee being financially responsible for any type of losses.

### Workers' Compensation

Workers' compensation is a "no-fault" system that provides compensation for medical expenses and wage losses to employees who are injured or who become ill because of employment.

**City of Boonville** pays the entire cost of workers' compensation insurance. The insurance provides coverage for related medical and rehabilitation expenses and a portion of lost wages to employees who sustain an injury on the job.

The **City of Boonville** abides by all applicable state workers' compensation laws and regulations.

If an employee sustains a job-related injury or illness, it is important to notify the supervisor and City Clerk or their designee immediately. The supervisor will complete an injury report with input from the employee and return the form to the City Clerk or their designee. Then the claim will be filed with the **City of Boonville's** insurance carrier. In cases of true medical emergencies, report to the nearest emergency room.

The employee may choose his/her own physician/dentist but the Workers' Compensation insurance company has the right to require the employee to see another physician/dentist, at which time they may refuse to make any further payments to the employees' physician/dentist.

An employee may request a hearing by the State of Missouri Division of Workers' Compensation if he/she is dissatisfied with the way the claim is being handled

Workers' compensation benefits (paid or unpaid) will run concurrently with FMLA leave, if applicable, where permitted by state and federal law. In addition, employees will not be paid vacation or sick leave for approved absences covered by the **City of Boonville's** workers' compensation program, except to supplement the workers' compensation benefits such as when the plan only covers a portion of the employee's salary as allowed by state law.

### **Check-In Requirement, Return to Work, and Limited/Transitional Duty**

Any employee being treated under Workers' Compensation, and who cannot work, must discuss the progress of his/her medical treatment with his/her supervisor each week and must notify the supervisor within 24 hours of any changes in his/her condition, prognosis or treatment plan. The City Administrator, Department Head or supervisor may request a written progress report from the individual's Workers' Compensation treating physician at any time during the treatment process. The employee shall execute a HIPAA-compliant release to allow the supervisor or Department Head to discuss what options for medically appropriate transitional duty assignments exist so the employee can begin a smooth transition back to work. If an individual will be placed on transitional duty, the employee and supervisor shall see that written approval by the individual's physician is on file with the Department Head.

Transitional duty assignments are dependent upon the physical limitations and capabilities of the employee and the City's availability and need for work that is suitable for the patient's limitations. Transitional work may be full- or part-time and may be in another department of the City than the one to which the employee is permanently assigned. Failure of the employee to report for medically appropriate transitional work, when offered, may result in reduction or termination of wage replacement benefits and/or could jeopardize reinstatement.

### **Other Mandated Accident/Incident Reports**

Regardless of whether or not any injury is sustained, any employee who is involved in a motor vehicle accident during a work shift and/or in a City vehicle must report it immediately to his/her supervisor so that an Accident/Incident Report can be filed.

## Workplace Guidelines

### Attendance

All employees are expected to arrive on time, ready to work, every day they are scheduled to work.

If unable to arrive at work on time, or if an employee will be absent for an entire day, the employee must contact the supervisor as soon as possible. Voice mail and e-mail messages are not acceptable except in certain emergency circumstances. Excessive absenteeism or tardiness will result in discipline up to and including termination. Failure to show up or call in for a scheduled shift without prior approval may result in termination. If an employee fails to report to work or call in to inform the supervisor of the absence for three (3) consecutive days or more, the employee will be considered to have voluntarily resigned employment.

### Reporting Unscheduled Absence (All Employees):

An employee must notify his/her supervisor (or the on-duty supervisor, in his/her absence) prior to the start of a scheduled work shift when an absence from work is required due to an unforeseen illness, accident or other circumstance. An employee must notify his/her supervisor at least one (1) day before an absence when the absence is for a pre-arranged treatment or appointment.

For absences due to illness or injury which require more than one (1) day of leave from the workplace, the employee must keep his/her supervisor reasonably informed of the associated medical condition and progress each day so that coverage of regular duties may be arranged through scheduling other employees, if necessary. Employees out on Sick Leave must complete a leave request form promptly upon returning to work. Department Heads shall request a doctor/dentist's excuse before approving Sick Leave pay, with the absence lasting over three (3) consecutive works day or at the Department Heads discretion, for an absence less than three (3) days.

### Job Performance

Communication between employees and supervisors or department heads is very important. Discussions regarding job performance are ongoing and often informal. Employees should initiate conversations with their supervisors if they feel additional ongoing feedback is needed.

Formal performance reviews may be conducted annually. These reviews may include a written performance appraisal and discussion between the employee and the supervisor about job performance and expectations for the coming year.

### Outside Employment

The primary work obligation of all full-time City employees is to the **City of Boonville**. The **City of Boonville** does not limit a person's activities during non-working hours unless those activities interfere, or are in conflict, with performance of City work duties or they create a conflict of interest.

Employees seeking or accepting outside employment must notify the appropriate Department Head, in writing, of their intent and receive approval from the appropriate Department Head.

Employees are permitted to work a second job as long as it does not interfere with their job performance with **City of Boonville**.

All employees with a second job are expected to work their assigned schedules. A second job will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours.

If outside work activity causes or contributes to job-related problems, it must be discontinued, or the employee may be subject to disciplinary action, up to and including termination.

A potential conflict of interest exists when a City worker is a director, president, general manager or similar executive officer of, or owns or controls directly or indirectly a financial interest in, any non-governmental entity participating in contracts, purchases, or any other business transactions with the **City of Boonville**.

The City Council of Boonville requires all personnel who have a potential conflict of interest, which is related to the carrying out of their official duties, to give seventy-two (72) hours' actual written notice to the City Administrator, of the existence of a known potential conflicting interest.

If in doubt whether a particular activity would cause a possible conflict of interest, please discuss it with the City Administrator or Department Head.

### Political Activity

Employees may not participate in any political activities as representatives of the **City of Boonville**. Employees may not participate in the campaigns of candidates running for City office, but may assist in voter education initiatives that are supported or sponsored by the City for City issues which are included on the ballot. They may express their opinions while not on duty, provided they are clear that the opinions expressed are their own. Employees may not wear political pins, buttons or any other campaign clothing or accessories during work hours.

### Dress and Grooming

**City of Boonville** feels it is important to project a professional and businesslike image to our customers, visitors, and coworkers. All employees are expected to dress in a manner consistent with good hygiene, safety, and good taste. For those employees that have visible tattoos and/or piercings, the city holds the right to ask the employee to cover or remove any item(s) that may be deemed offensive or inappropriate for their role. Please use common sense.

### Departmental Dress Codes:

**Employees not provided with uniforms will follow these guidelines:**

- 1) Employees should wear suitable professional attire for an office environment.
- 2) Provocative clothing is not appropriate.
- 3) Clothing must not constitute a safety hazard.
- 4) Strong perfume, cologne or after shave should not be used.

**Uniforms will be provided for Animal Control, Fire, Health (non-office staff), Police (non-exempt staff), Public Works (non-office staff), Parks and Recreation (non-office staff), and**

**Aquatic Center employees. Uniforms shall be worn in accordance with departmental policies and guidelines.**

### Equipment Use

All Employees must maintain his or her work environment in an orderly fashion and follow all policies and rules to ensure its proper use and maintenance. Equipment may be used for City business only.

Any employee who is found to have neglected or misused property will be subject to disciplinary action up to and including termination. If an employee's misuse of **City of Boonville** property causes damage, the City reserves the right to require the employee to pay all or part of the cost to repair or replace the property. Misappropriation of property is grounds for immediate termination and possible criminal action.

The City encourages employees to use city vehicles when conducting City business during working hours and when traveling to classes, seminars, conferences, or meetings.

### Social Media Acceptable Use

**City of Boonville** encourages employees to share information with co-workers and with those outside the **City of Boonville** for the purposes of gathering information, generating new ideas, and learning from the work of others. Social media provide inexpensive, informal, and timely ways to participate in an exchange of ideas and information. However, information posted on a website is available to the public and, therefore, the **City of Boonville** has established the following guidelines for employee participation in social media.

**Note:** As used in this policy, "social media" refers to blogs, forums, and social networking sites, such as Twitter, Facebook, LinkedIn, MySpace, YouTube, Instagram, and Snap Chat, among others.

**Off-duty use of social media.** Employees may maintain personal websites or weblogs on their own time using their own facilities. Employees must ensure that social media activity does not interfere with their work. In general, the **City of Boonville** considers social media activities to be personal endeavors, and employees may use them to express their thoughts or promote their ideas.

**On-duty use of social media.** Employees may engage in social media activity during work time provided it is directly related to their work, approved by their department head, and does not identify or reference **City of Boonville** clients, customers, or vendors without express permission. The **City of Boonville** monitors employee use of **City of Boonville** computers and the Internet, including employee blogging and social networking activity.

**Respect.** Demonstrate respect for the dignity of the **City of Boonville**, its officials, its customers, its vendors, and its employees. A social media site is a public place, and employees should avoid inappropriate comments. For example, employees should not divulge **City of Boonville** confidential information that is restricted from disclosure by law on social media sites. Similarly, employees should not engage in harassing or discriminatory behavior that targets other employees or individuals because of their protected class status or make

defamatory comments. Even if a message is posted anonymously, it may be possible to trace it back to the sender.

**Post disclaimers.** If an employee identifies himself or herself as a **City of Boonville** employee or discusses matters related to the **City of Boonville** on a social media site, the site must include a disclaimer on the front page stating that it does not express the views of the **City of Boonville** and that the employee is expressing only his or her personal views. For example: “The views expressed on this website/weblog are mine alone and do not necessarily reflect the views of my employer.” Place the disclaimer in a prominent position and repeat it for each posting expressing an opinion related to the **City of Boonville**. Employees must keep in mind that if they post information on a social media site that is in violation of **City of Boonville** policy and/or federal, state, or local law, the disclaimer will not shield them from disciplinary action.

**Confidentiality.** Do not identify or reference **City of Boonville** clients, customers, or vendors without express permission. Such information may be considered closed records under the Missouri Sunshine Law. Employees may write about their jobs in general but may not disclose any confidential or proprietary information. For examples of confidential information, please refer to the confidentiality policy or Missouri Sunshine Law. When in doubt, ask before publishing.

**Trademarks and copyrights.** Do not use the **City of Boonville’s** or others’ trademarks and logos on a social media site or reproduce the **City of Boonville’s** or others’ material without first obtaining permission.

**Legal.** Employees are expected to comply with all applicable laws, including but not limited to, Federal Trade Commission (FTC) guidelines, copyright, trademark, and harassment laws.

**Discipline.** Violations of this policy may result in discipline up to and including immediate termination of employment.

*Note:* Nothing in this policy is meant to, nor should it be interpreted to, in any way limit your rights under any applicable federal, state, or local laws, including your rights under the National Labor Relations Act to engage in protected concerted activities with other employees to improve or discuss terms and conditions of employment, such as wages, working conditions, and benefits.

### Bulletin Boards

All required governmental postings are posted on the boards located in designated areas. City bulletin boards are for **City of Boonville** business only. No other information may be posted on the bulletin boards or any other City facility wall or window surface, without the approval of the City Administrator or Department Head.

### Solicitation

Employees should be able to work in an environment that is free from unnecessary annoyances and interference with their work. In order to protect our employees, citizens, residents, customers, visitors, and guests to the **City of Boonville**, solicitation by employees is strictly prohibited while either the employee being solicited or the employee doing the soliciting is on “working time.” “Working time” is defined as time during which an employee is not at a meal, on break, or on the premises immediately before or after his or her shift.

Employees are also prohibited from distributing written materials, handbills, or any other type of literature on working time and, at all times, in “working areas,” which includes all office areas. “Working areas” do not include break rooms, parking lots, or common areas shared by employees during nonworking time.

Nonemployees may not trespass or solicit or distribute materials anywhere on **City of Boonville** property at any time.

### Computers, Internet, Email, and Other Resources

The **City of Boonville** provides a wide variety of communication tools and resources to employees for use in running day-to-day activities. Whether it is the telephone, voice mail, fax, scanner, Internet, intranet, e-mail, text messaging, or any other **City of Boonville**-provided technology, use should be reserved for business-related matters during working hours. All communication using these tools should be handled in a professional and respectful manner. These records are subject to the Missouri Sunshine Law.

Employees should not have any expectation of privacy in their use of **City of Boonville** computer, phone, or other communication tools. All communications made using **City of Boonville**-provided equipment or services including email and internet activity, are subject to inspection by the **City of Boonville**. Employees should keep in mind that even if they delete an email, voicemail or other communication, a copy may be archived on the **City of Boonville’s** systems.

Employee use of **City of Boonville**-provided communication systems, including personal e-mail and internet use that are not job-related have the potential to drain, rather than enhance, productivity and system performance. You should also be aware that information transmitted through e-mail and the internet is not completely secure or may contain viruses or malware, and information you transmit and receive could damage the **City of Boonville’s** systems as well as the reputation of the **City of Boonville**. To protect against possible problems, delete any e-mail messages prior to opening that are received from unknown senders and advertisers. It also is against **City of Boonville** policy to turn off antivirus protection software or make unauthorized changes to system configurations installed on **City of Boonville** computers. Violations of this policy may result in termination for a first offense.

The **City of Boonville** encourages employees to use e-mail only to communicate with fellow employees, suppliers, customers, potential customers or citizens regarding the **City of Boonville**. Internal and external e-mails are considered governmental records and may be subject to federal and state recordkeeping requirements as well as to discovery in the event of litigation. Be aware of this possibility when sending e-mails within and outside the **City of Boonville**.

All use of **City of Boonville**-provided communications systems, including e-mail and internet use, should conform to our City of Boonville guidelines/policies, including but not limited to the Equal Opportunity, Harassment, Confidential Information, and Conflicts of Interest. So, for example, employees should not engage in harassing or discriminatory behavior that targets other employees or individuals because of their protected class status or make defamatory comments. Similarly, employees should not divulge confidential information, customer or

potential customer information, or information restricted from disclosure by law on social media sites.

Because e-mail, telephone and voice mail, and internet communication equipment are provided for **City of Boonville** purposes and are critical to the **City of Boonville**, your communications may be accessed without further notice by Information Technology department administrators and **City of Boonville** management to ensure compliance with this guideline.

The electronic communication systems are not secure and may allow inadvertent disclosure, accidental transmission to third parties, etc. Sensitive information should not be sent via unsecured electronic means.

Office telephones are for City business purposes. While the **City of Boonville** recognizes that some personal calls are necessary, these should be kept as brief as possible and to a minimum. Personal use of the **City of Boonville's** cell phones and long-distance account is strictly prohibited. Abuse of these privileges is subject to corrective action up to and including termination.

Nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment as protected under the National Labor Relations Act. Employees have the right to engage in or refrain from such activities.

### Disciplinary Procedure

The **City of Boonville** expects employees to comply with the **City of Boonville's** standards of behavior and performance and to correct any noncompliance with these standards.

Under normal circumstances, the **City of Boonville** endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right to administer discipline in any manner it sees fit. This policy does not modify the status of employees as employees-at-will or in any way restrict the **City of Boonville's** right to bypass the disciplinary procedures suggested.

The following steps are suggested in the discipline procedure. All steps should be documented in the employee's personnel file.

**Step 1: Informal Discussion.** When a performance problem is first identified, the nature of the problem and the action necessary to correct it should be thoroughly discussed with the employee.

**Step 2: Counseling.** If a private informal discussion with the employee has not resulted in corrective action, following a thorough investigation, the supervisor should meet with the employee and (a) review the problem, (b) permit the employee to present his or her views on the problem, (c) advise the employee that the problem must be corrected, (d) inform the employee that failure to correct the problem will result in further disciplinary action which may include discharge, and (e) issue a counseling notice to the employee.

Step 3: Reprimand. If satisfactory performance and corrective action are not achieved under Steps 1 and 2, the supervisor and his or her superior should meet with the employee in private and proceed via (a) through (d) above in Step 2, and issue a reprimand notice to the employee.

Step 4: Suspension. Supervisors have the authority to temporarily remove employees from the workplace, with or without pay, if approved in advance by the department head, City Clerk and the City Administrator. An exempt employee generally may not be suspended without pay for less than a full day, and the suspension must be related to written workplace conduct rules applicable to all employees, e.g., such as a written policy prohibiting sexual harassment or workplace violence.

Step 5: Failure to improve. Failure to improve performance or behavior after the written warning or suspension can result in termination.

The progressive disciplinary procedures described above also may be applied to an employee who is experiencing a series of unrelated problems involving job performance or behavior.

In cases involving serious misconduct, or any time the supervisor determines it is necessary, such as a major breach of policy or violation of law, the procedures contained above may be disregarded. Typically, the supervisor should suspend the employee immediately (with or without pay) and an investigation of the incidents leading up to the suspension should be conducted to determine if any further action, such as termination, should be taken.

## Time Off and Leaves of Absence

### Holidays

The **City of Boonville** observes and allows time off with pay for the following holidays:

- New Year's Day
- Martin Luther King Jr.'s Birthday (for Fire Department, floating holiday)
- Presidents' Day (for Fire Department, floating holiday)
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day
- Employee's Birthday (to be used within 30 days of the employee's date of birth)
- Floating Holiday (one per calendar year)

Any additional holidays will be designated by the **City of Boonville** at start of each calendar year.

If one of these holidays falls on a Sunday, it will be observed on the following Monday. If the holiday falls on a Saturday, the **City of Boonville** will select the preceding Friday as a substitute holiday. The **City of Boonville** reserves the right to pay eligible employees in lieu of time off if the holiday falls on Saturday or Sunday.

**Holiday pay.** Full-time regular employees are eligible for holiday pay. Part-time, temporary, and seasonal employees may observe the holiday if they are not scheduled to work. Such observance is without pay. If required to work on an official holiday, they will receive their regular rate of pay.

Full-time employees who work on an official holiday shall be given an alternative day off or shall be paid for the time worked at a two and a half (2 ½) times the person's hourly rate. The alternative day off must be taken within thirty (30) days of the holiday, and it must be approved by the Department Head. The Department Head will give an alternative day off when the holiday falls on a regular day off. A holiday shall be considered as 8 hours and does not count toward the computing of overtime unless the employee is responsible for inmate transportation detail, or care for the K-9 unit.

To receive holiday pay, an eligible nonexempt employee must be at work or taking an approved absence on the workdays immediately preceding and immediately following the day on which the holiday is observed. If an employee is absent on one or both of these days because of an illness or injury, the **City of Boonville** may require verification of the reason for the absence before approving holiday pay.

**Religious observances.** Employees who need time off to observe religious practices or holidays not already scheduled by the **City of Boonville** should speak with their supervisor. Depending upon the needs of the **City of Boonville**, the employee may be able to work on a day that is normally observed as a holiday and then take time off for another religious day. Employees

may also be able to switch a scheduled day with another employee, or take vacation time, or take off unpaid days. The **City of Boonville** will seek to reasonably accommodate individuals' religious observances.

### Vacation

**City of Boonville** recognizes the importance of time off from work to relax, spend time with family, and enjoy leisure activities. The **City of Boonville** provides paid vacation time to full-time employees for this purpose and employees are encouraged to take vacation during the year.

Part time, temporary, or seasonal employees are not eligible for vacation time.

Full-time employees (except for the Fire Department Engineers) will accrue paid vacation according to the following schedule and any increases in accrual rate will take place on a pay period of the month to be determined by the City Clerk:

<u>Service Period</u>	<u>Monthly Vacation Accrual</u>	<u>Maximum Accrual*</u>
0 to 2 Years	3.34 hours per month (40 hours per year)	80 hours
2 – 7 Years	6.67 hours per month (80 hours per year)	160 hours
7-12 Years	10 hours per month (120 hours per year)	240 hours
Years 12-20 Years	13.34 hours per month (160 hours per year)	320 hours
20 years +	16.67 hours per month (200 hours per year)	400 hours

The Fire Department Engineers on staff as of January 1, 2020 (grandfather clause), will accrue paid vacation according to the following schedule and any increases in accrual rate will take place on a pay period of the month to be determined by the City Clerk:

<u>Service Period</u>	<u>Monthly Vacation Accrual</u>	<u>Maximum Accrual*</u>
0 to 2 Years	6.00 hours per month (72 hours per year)	144 hours
2 – 7 Years	12.00 hours per month (144 hours per year)	288 hours
7-12 Years	18.00 hours per month (216 hours per year)	432 hours
Years 12-20 Years	24.00 hours per month (288 hours per year)	576 hours
20 years +	30.00 hours per month (360 hours per year)	720 hours

All Fire Department Engineers hired *after* January 1, 2020 will accrue paid vacation according to the following schedule and any increases in accrual rate will take place on a pay period of the month to be determined by the City Clerk:

<u>Service Period</u>	<u>Monthly Vacation Accrual</u>	<u>Maximum Accrual*</u>
0 to 2 Years	6.00 hours per month (72 hours per year)	144 hours
2 – 7 Years	10.00 hours per month (120 hours per year)	240 hours
7-12 Years	14.00 hours per month (168 hours per year)	336 hours

Years 12-20 Years	20.00 hours per month (240 hours per year)	480 hours
20 years +	24.00 hours per month (288 hours per year)	576 hours

**\* Maximum Accrual enforcement becomes effective January 1, 2023 for all current employees.**

Employees may not take paid vacation until they actually have earned or accrued the vacation time. New employees accrue paid vacation at the start of employment but may not take any vacation until they have completed at least 6 months of employment.

Vacation may be scheduled in increments of four (4) hours up to a maximum of two (2) weeks in a row. Vacation leave greater than two (2) weeks can be used at discretion of Department Head and City Administrator. Department Heads have the right to designate when some or all of vacations must be taken. Vacation leave must be requested on a Leave Request Form, filled out and submitted to the requestor’s supervisor or Department Head. Employees are directed to make requests for Vacation leave, no fewer than seven (7) days prior to the requested leave period, unless exigent circumstances make such an advance request impossible. Supervisors, Department Heads and the City Administrator must approve paid Vacation leave. Full coverage of departmental duties and necessities of the **City of Boonville** (such as special assignments or public office hours) may be taken into consideration when approving Vacation leave.

Maximum Vacation leave accruals will be enforced. Any Vacation time which exceeds the maximum accrual will not added to the payroll record and will not be available to the employee for any purpose whatsoever. At the department head’s request and City Administrator’s approval, maximum vacation accrual may be extended to accommodate for exigent circumstances.

### Sick Leave

**City of Boonville** provides regular, full-time employees with paid sick leave. All full-time employees (except for the Fire Department) may accrue 8 hours per month (96 hours annually). The Fire Department may accrue 12 hours per month (144 hours annually). Monthly accrual will take place on a pay period of the month to be determined by the City Clerk. Employees become eligible for sick leave after completing 6 months of employment. Employees may carry accrued sick leave over from one year to the next. There will be no maximum accrual for full-time employees. The City Administrator may extend Sick Leave at his/her discretion.

Sick leave is not intended to be used as a substitute for vacation leave, but sick leave may be used if an employee needs to provide care for a family member who is ill. Sick leave may also be used if an employee needs time off for scheduled medical procedures. Sick leave may not be taken in increments of less than 1 hour.

If the need for sick leave is foreseeable, employees are required to give at least 30 days’ advance notice (e.g., a planned medical treatment) whenever possible. If the need for sick leave is not foreseeable, employees are asked to notify their supervisor as soon as is practical.

If an employee misses 3 or more consecutive days because of illness, **City of Boonville** may require the employee to provide a physician’s written permission to return to work.

Unused sick leave is forfeited when an employee’s employment ends for any reason.

## Family and Medical Leave

**City of Boonville** complies with the federal Family and Medical Leave Act (FMLA), which requires employers to grant unpaid leaves of absence to qualified workers for certain medical and family-related reasons. The **City of Boonville** also abides by any state and local leave laws. The more generous of the laws will apply to the employee if the employee is eligible under both federal and state laws.

Please note there are many requirements, qualifications, and exceptions under these laws, and each employee's situation is different. Contact the City Clerk to discuss options for leave.

The FMLA requires private employers with 50 or more employees and all public agencies, including state, local, and federal employers, and local education agencies (schools), to provide eligible employees up to 12 weeks of unpaid, job-protected leave in any 12-month period for certain family and medical reasons. The 12-month period is a rolling period measured backward from the date an employee uses any FMLA leave, except for leaves to care for a covered servicemember with a serious illness or injury. For those leaves, the leave entitlement is 26 weeks in a single 12-month period, measured forward from the date an employee first takes that type of leave.

**Basic Leave Entitlement.** The FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons: (1) for incapacity due to pregnancy, prenatal medical care, or child birth; (2) to care for the employee's child after birth or placement for adoption or foster care; (3) to care for the employee's spouse, son or daughter, or parent who has a serious health condition; or (4) for a serious health condition that makes the employee unable to work. Eligible spouses who work for the same employer are limited to a combined total of leave in a 12-month period for specific qualifying reasons.

**Military Family Leave Entitlements.** Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include addressing issues that arise from (1) short notice of deployment (limited to up to seven days of leave); (2) attending certain military events and related activity; (3) arranging childcare and school activities; (4) addressing certain financial and legal arrangements; (5) attending certain counseling sessions; (6) spending time with covered military family members on short-term temporary rest and recuperation leave (limited to up to five days of leave); (7) attending post-deployment reintegration briefings; (8) arranging care for or providing care to a parent who is incapable of self-care; and (9) any additional activities agreed upon by the employer and employee that arise out of the military member's active duty or call to active duty.

The FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties and

for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

**Benefits and Protections During FMLA Leave.** During FMLA leave, the **City of Boonville** will maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. If family member coverage is provided to the employee, family member coverage must be maintained during the FMLA leave. The employee must continue to make any normal contributions to the **City of Boonville** for the cost of the health insurance premiums. An employee on unpaid FMLA leave must make arrangements to pay the normal employee portion of the insurance premiums in order to maintain insurance coverage. If the employee's premium payment is more than 30 days late, the employee's coverage may be dropped. The **City of Boonville** will provide a written notice to the employee that the payment has not been received and will allow 15 days after the date of the letter before coverage stops. Upon return from FMLA leave, most employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. However, an employee on FMLA leave does not have any greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

Certain highly compensated key employees also may be denied reinstatement when necessary to prevent "substantial and grievous economic injury" to the **City of Boonville's** operations. A "key" employee is an eligible salaried employee who is among the highest paid ten percent of the **City of Boonville's** employees within 75 miles of the worksite. Employees will be notified of their status as a key employee, when applicable, after they request FMLA leave.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

**Employee Eligibility.** The FMLA defines eligible employees as employees who: (1) have worked for the **City of Boonville** for at least 12 months; (2) have worked for the **City of Boonville** for at least 1,250 hours in the previous 12 months; and (3) work at or report to a worksite which has 50 or more employees or is within 75 miles of **City of Boonville** worksites that taken together have a total of 50 or more employees.

**Definition of Serious Health Condition.** A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school, work, or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

**Use of Leave.** An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced work schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies also may be taken on an intermittent or reduced work schedule basis.

**Substitution of Paid Leave for Unpaid Leave.** Employees may choose or the City of Boonville may require the use of accrued paid leave while taking FMLA leave. Accordingly, the **City of Boonville** requires employees to use any accrued paid vacation, personal, and sick days during an unpaid FMLA leave taken because of the employee's own serious health condition or the serious health condition of a family member or to care for a seriously ill or injured family member in the military. In addition, the employee must use any accrued paid vacation or personal days (but not sick days) during FMLA leave taken to care for a newborn or newly placed child or for a qualifying exigency arising out of a family member's active duty or call to active duty status in support of a contingency operation. In order to use paid leave for FMLA leave, employees must comply with the **City of Boonville's** normal paid leave procedures found in its Vacation and Sick Leave policies.

**Employee Responsibilities.** Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the **City of Boonville's** normal call-in procedures. The **City of Boonville** may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave, absent unusual circumstances preventing the notice.

Employees must provide sufficient information for the **City of Boonville** to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the **City of Boonville** if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also are required to provide a certification and periodic recertification supporting the need for leave. The **City of Boonville** also may require a second, and if necessary, a third opinion (at the **City of Boonville's** expense) and, when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work. The **City of Boonville** also may delay or deny approval of leave for lack of proper medical certification.

**City of Boonville Responsibilities.** The **City of Boonville** will inform employees requesting leave whether they are eligible under the FMLA. If they are, the notice will specify any additional information required as well as the employees' rights and responsibilities. If employees are not eligible, the **City of Boonville** will provide a reason for the ineligibility.

The **City of Boonville** will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's FMLA leave entitlement. If the **City of**

**Boonville** determines that the leave is not FMLA-protected, the **City of Boonville** will notify the employee.

**Other Provisions.** Under an exception to the Fair Labor Standards Act (FLSA) in the FMLA regulations, hourly amounts may be deducted for unpaid leave from the salary of executive, administrative, and professional employees; certain highly-skilled computer professionals; and certain highly compensated employees who are exempt from the minimum wage and overtime requirements of the FLSA, without affecting the employee's exempt status. This special exception to the "salary basis" requirements for the FLSA's exemptions extends only to eligible employees' use of FMLA leave.

Employees may not perform work for self-employment or for any other employer during an approved leave of absence, except when the leave is for military or public service or when the **City of Boonville** has approved the employment under its Outside Employment policy and the employee's reason for FMLA leave does not preclude the outside employment.

**Unlawful Acts by Employers.** The FMLA makes it unlawful for any employer (1) to interfere with, restrain, or deny the exercise of any right provided under the FMLA; or (2) to discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

**Enforcement.** An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

### **Military Leave**

**City of Boonville** supports the military obligations of all employees and grants leaves for uniformed service in accordance with applicable federal and state laws. Any employee who needs time off for uniformed service should immediately notify the City Clerk and his or her supervisor, who will provide details regarding the leave. If an employee is unable to provide notice before leaving for uniformed service, a family member should notify the supervisor as soon as possible.

Upon return from military leave, employees will be granted the same seniority, pay, and benefits as if they had worked continuously. Failure to report for work within the prescribed time after completion of military service will be considered a voluntary termination.

All employees who enter military service may accumulate a total absence of 5 years and still retain employment rights.

### **Bereavement Leave**

Employees may take up to twenty-four (24) hours of paid bereavement leave upon the death of a member of their immediate family. "Immediate family members" are defined as an employee's spouse, domestic partner, parents, stepparents, siblings, stepsiblings, children, stepchildren, grandparent, grandparent-in-law, father-in-law, mother-in-law, brother-in-law,

sister-in-law, son-in-law, daughter-in-law, or grandchild. All regular, full-time employees may take up to eight (8) hours off with pay to attend the funeral of a friend or an extended family member (aunts, uncles, and cousins).

The **City of Boonville** may require verification of the need for the leave. The employee's department head, and City Administrator will consider this time off on a case-by-case basis.

Payment for bereavement leave is computed at the regular hourly rate to a maximum of 8 hours for 1 day. Time off granted in accordance with this policy shall not be credited as time worked for the purpose of computing overtime.

### Jury Duty/Court Appearance

The **City of Boonville** supports employees in their civic duty to serve on a jury. Employees must present any summons to jury duty to their supervisor as soon as possible after receiving the notice to allow advance planning for an employee's absence.

Nonexempt employees will be paid for up to 2 weeks of jury duty service at their regular rate of pay minus any compensation received from the court for the period of service. Exempt employees are subject to the same 2-week limitation except that they will also receive pay for any days they serve as a juror or witness in a workweek in which they actually perform work. All employees may use any accrued time off if required to serve more than 2 weeks on a jury.

If an employee is released from jury duty after 4 hours or less of service, he or she must report to work for the remainder of that workday.

Time for appearance in court for personal business will be the individual employee's responsibility. Normally, personal days or vacation days will be used for this purpose.

### Time Off for Voting

**City of Boonville** recognizes that voting is a right and privilege of being a citizen of the United States and encourages employees to exercise their right to vote. In almost all cases, you will have sufficient time outside working hours to vote. If for any reason you think this won't be the case, contact your supervisor to discuss scheduling accommodations.

## Employee Benefits

**City of Boonville** recognizes the value of benefits to employees and their families. The **City of Boonville** supports employees by offering a comprehensive and competitive benefits program. For more information regarding benefit programs, please refer to the **City of Boonville** Summary Plan Descriptions (SPD), or contact the City Clerk. To the extent of the information provided here conflicts with the SPD or full plan document, the full plan document will control.

### Medical, Dental, and Vision Insurance

Full-time employees working 30 hours or more per week are eligible for medical insurance on the first of the month following 30 days of service. Dental and Vision Insurance are an optional benefit, at the cost of the employee. To keep coverage in force, every insured employee must work a minimum of 30 hours per week.

### Group Life Insurance

**City of Boonville** provides life insurance for full-time employees who work a minimum of 30 hours per week. Employees are eligible for this benefit on the first of the month following their first day of service. The life benefit is equal to an employee's annualized base rate. The cost of this coverage is paid for in full by the **City of Boonville**. This coverage coincides with the medical insurance.

### LAGERS Retirement

All eligible employees are automatically enrolled in the Missouri Local Government Employees Retirements System following the first six months of employment. Contributions to this plan are paid in full by the City. An employee is eligible to receive these benefits after 5 years of service.

## EMPLOYEE HANDBOOK ACKNOWLEDGMENT AND RECEIPT

I hereby acknowledge receipt of the employee handbook of **City of Boonville**. I understand and agree that it is my responsibility to read and comply with the policies in the handbook.

I understand that the handbook and all other written and oral materials provided to me are intended for informational purposes only. Neither it, **City of Boonville** practices, nor other communications create an employment contract or term. I understand that the policies and benefits, both in the handbook and those communicated to me in any other fashion, are subject to interpretation, review, removal, and change by management at any time without notice.

I further understand that I am an at-will employee and that neither this document nor any other communication shall bind the **City of Boonville** to employ me now or hereafter and that my employment may be terminated by me or the **City of Boonville** without reason at any time. I understand that no representative of the **City of Boonville** has any authority to enter into any agreement for employment for any specified period of time or to assure any other personnel action or to assure any benefits or terms or conditions of employment, or make any agreement contrary to the foregoing.

I also understand and agree that this agreement may not be modified orally and that only the City Council and/or City Administrator of the **City of Boonville** may make a commitment for employment. I also understand that if such an agreement is made, it must be in writing and signed by the City Council and/or City Administrator of the **City of Boonville**.

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Employee's Name in Print

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Signature of Employee

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Date Signed by Employee

**TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE**