

PERSONNEL MANUAL



AMENDED February 2023

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CITY OF SUNSET HILLS, MISSOURI PERSONNEL POLICIES

SECTION 1 INTRODUCTION

1.1 Authority

These policies, procedures, rules and regulations are established by the authority of Resolution No. 219 enacted by the Board of Aldermen on December 14, 1993 and Ordinance No. 2055 enacted on May 9th, 2017.

1.2 Purpose

The purpose of this document is to formulate sound policies that promote the effective delivery of services to the public in accordance with applicable law.

1.3 Intent

The City of Sunset Hills is a 4th Class City and as such reserves the right to remove employees at will subject to applicable law.

1.4 Reference to Gender

Any reference herein to gender shall be construed to mean any person.

SECTION 2 ADMINISTRATION OF RULES AND REGULATIONS

2.1 Responsibility

Administration of these rules and regulations shall be vested with the City Administrator.

2.2 Applicability

These rules and regulations shall be applicable to all employees and volunteers of the City of Sunset Hills. Elected officials, appointed members of Boards, Commissions, and Committees; City Attorneys, and Municipal Judge are not employees and are not subject to these policies.

2.3 Appointing Authority

The City Administrator shall appoint all employees of the City, except as otherwise provided by law, and the City Administrator shall have the authority to dismiss, reduce in pay, discipline, or suspend without pay, any employee appointed by him and under his supervisory direction as provided by law.

2.4 Management Rights

The Management of the City shall exclusively:

- a. Determine the nature, scope and definition of the city organization including: classification, pay plan, selection, number, retention, promotion, reorganization, transfer, deployment, assignment, layoff, recall and scheduling of employees.
- b. Determine the methods, means, tools and equipment, and personnel by which operations are to be conducted, including the right to contract and subcontract existing and future work.
- c. Direct employees.
- d. Discipline, suspend, demote and/or terminate employees.
- e. Require as a part of normal employee development that an employee fulfill the responsibility of the position and attain or maintain minimal skills of his classification.
- f. Take the necessary measures to attain and maintain optimum productivity in operations.
- g. Determine the necessity for and assignment of overtime.
- h. Determine the scope, priority, and amount of budget allocations.
- i. Determine eligibility for employee participation in bargaining unit activities.

2.5 Administrative Rules and Procedures

The City Administrator or designees shall promulgate and establish administrative rules and procedures based on the general policies outlined herein covering such areas as:

- a. Hours of work/work schedules;
- b. Pay plan and pay periods;
- c. Performance appraisal systems;
- d. Personnel records and reports;
- e. Temporary work assignments and transfers;
- f. Use of city vehicles and mileage reimbursement;
- g. Outside employment;
- h. Seniority and impact of seniority;

- i. Safety procedures;
- j. Job related injury procedures;
- k. Other related internal administrative personnel matters.

SECTION 3 EMPLOYMENT CATEGORIES AND CONDITIONS

3.1 Full-Time Employees

Full-time employees are those who work thirty (30) hours or more per week on average over a full calendar year period. Due to the nature of certain work assignments, departments such as Police and Parks may observe a schedule that does not conform to the hours when City Hall is open to serve the general public.

3.2 Part-Time Employees

Part-time employees work less than thirty (30) hours per week on average over a full calendar year period.

3.3 Temporary Employees

Temporary employees are hired as relief for vacation or for seasonal work.

3.4 Employees Exempt From Overtime

A salaried employee who supervises others and/or manages a department or office may be classified as overtime exempt pursuant to federal law. Currently the following City positions are exempt from overtime compensation: Chief of Police, City Administrator/City Clerk, Police Lieutenant, Police Manager of Support Services, Director of Public Works/City Engineer, Finance Director, and Parks Director.

SECTION 4 RECRUITMENT AND SELECTION

4.1 Employment Opportunities

The recruitment, selection, appointment, and promotion of employees shall be accomplished in such a manner as to promote equal employment opportunities for all persons without regard to race, age, color, religion, sex, sexual orientation, gender identity, genetic information, national origin, political affiliation, veteran status, or disability and shall be in compliance with all State and Federal guidelines.

4.2 Reemployment Of A Former City Employee

A former employee shall be required to compete for a position with any other qualified applicants and if selected will be considered a new employee.

Retirement benefits from past service, if any, shall be determined under the provision of the retirement plan currently in force for City employees.

4.3 Entrance Selection And Appointment

The department head shall make a selection from qualified applicants for a vacant position and shall recommend the appointment to the City Administrator for approval.

4.4 Recruitment For Vacant Positions

All full time or permanent part time City positions are required to be posted both internally and externally for a minimum of ten (10) days. The department head or his/her designee will prepare a job announcement and make it visible to all employees, as well as post it on the City's web site. Openings will be posted on the appropriate external web sites for the respective position. Any exceptions to the posting requirements require the written approval of the City Administrator. A vacancy may be filled by an eligible City employee if that employee meets all the requirements of the position without outside posting of the position. Appointments or promotions to the service of the City will be on the basis of merit and efficiency as determined by such factors as knowledge, skills and ability, training, education, and experience.

4.5 Employment Of Relatives

The hiring of persons who are immediate family members of current City Officials or employees is prohibited for permanent part-time or full time positions.

Immediate family member for purposes of this section is defined as: Spouse; children (including stepchildren); parents and siblings and the respective parents and siblings in-law; stepparent; and uncle, aunt, nephew and niece.

If two (2) employees become married to each other or become otherwise related as immediate family members, they may continue to be employed by the City, provided that neither position has direct or indirect supervision over the other position, there are no special scheduling requirements, and the relationship does not create any job performance problems. If any problems occur that are attributable to the relationship, appropriate action will be taken, possibly including disciplinary action and/or termination of one of the individuals.

If a supervisory relationship does exist or other potential work-related problems are identified prior to marriage between employees, transfer to other departments may be considered, if available. Employees must be qualified, and a vacancy must already exist to accommodate such a transfer. The transfer shall be made as soon as a change can be effected, but in no event shall such a situation exceed ninety (90) days. If such transfer of one (1) of the employees cannot be accomplished for whatever reason within ninety (90) days of the marriage, one (1) of the employees, as determined by the department head in consultation with the affected employees, must resign his employment, or shall be terminated from employment on the basis of such factors as criticality of position and past job performance.

SECTION 5 PROBATION

5.1 Objective

The probationary working period shall be regarded as an integral part of the employment screening process and shall be utilized for closely observing newly appointed or promoted employee's work, for securing the most effective adjustment of a new employee to their position, and for rejecting any employee whose performance does not meet the required work standards.

5.2 Duration

Employees - The probationary period for employees other than public safety employees, whether originally appointed or promoted, shall be a minimum period of six (6) months and may be extended at the discretion of the department head with the approval of the City Administrator. Such an employee who is transferred to a new position or is promoted shall begin a new six (6) month period of probation for that position upon assuming the new position. However, a transfer or promotion alone will not affect an employee's use of entitled leaves.

Public Safety Employees - The probationary period for public safety employees shall be a minimum period of twelve (12) months and may be extended at the discretion of the department head with the approval of the City Administrator. A public safety employee who is transferred to a new position or is promoted, shall begin a new twelve (12) month period of probation for that position upon assuming the new position. However, a transfer or promotion alone will not affect an employee's use of entitled leaves.

5.3 Removal From Probation

Only upon written recommendation by the department head and approval by the City Administrator shall an employee be removed from probation and granted regular full-time status.

5.4 Salary Increase During Probationary Period

Employees shall not be eligible for a merit salary increase until they have satisfactorily completed their respective probationary periods. Employees are eligible for cost-of-living adjustments during their probationary period.

5.5 Termination During Probationary Period

At any time prior to recommendation and approval for regular full-time status, an employee may be terminated by the department head with approval of the City Administrator. Notice of termination shall be in writing and shall be provided to the employee. A copy of such notice shall be filed in the employee's personnel file.

5.6 Rejection Following Promotion

Any employee who fails to qualify during a probationary period following a promotional appointment shall be reinstated to his/her former position if such position has not been filled. If the position has been filled and there does not exist a vacancy in a position for which they are qualified, the employee shall be terminated however put on an eligibility list for the position they previously held or for a new position for which they would qualify.

5.7 Paid Time Off During Probation

The use of PTO during a probationary period is discouraged and will only be allowed on an emergency basis with written consent from the employee's Department Head. Employees are eligible for Holiday pay while on probation.

SECTION 6 EMPLOYEE CONDUCT

6.1 Workplace Harassment

Purpose:

It is the policy of the City of Sunset Hills to provide all employees and volunteers with a workplace that is safe, comfortable and free of harassment. It is our policy to prohibit all forms of harassment at work, including harassment based on age, race, color, religion, sex, sexual orientation, gender identity, genetic information, national origin, political affiliation, disability or veteran status. All employees are responsible for complying with the policy against Workplace Harassment.

Policy:

Any employee who engages in harassment, who permits employees under his/her supervision to engage in harassment, or who retaliates or permits retaliation against an employee who reports such harassment: is guilty of misconduct and shall be subject to remedial action which may include the imposition of discipline or termination of employment.

Sexual harassment is prohibited and includes any sexual advance, requests for sexual favor and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made, either explicitly or implicitly, as a term or condition of employment; or
- Submission to or rejection of such conduct is used as a factor in any employment decision affecting any individual; or
- Such conduct has the purpose or effect of unreasonably interfering with any employee's work performance or creating an intimidating, hostile or offensive working environment.

Harassment, on the basis of protected classifications other than sexual harassment, includes slurs and other verbal or physical conduct relating to an individual's age, race, color, religion, sex, sexual orientation, gender identity, genetic information, national origin, political affiliation, disability or veteran status, or being a member of another

protected classification. Harassment is defined as behavior which has the purpose or effect of creating an intimidating, hostile, or offensive working environment, or has the purpose or effect of unreasonably interfering with an individual's work performance, or otherwise adversely affects an individual's employment opportunities.

1. This policy prohibits sexual advances, requests for sex (with or without related threats and promises of favors or other benefits), or other verbal or physical sexual conduct that could have a harmful effect on any employee's work performance or create a hostile or offensive work environment.

Examples of "sexual harassment" include:

- o Obscene or sexually suggestive comments about a person's body;
 - o "Off color" language or "dirty" jokes of a sexual nature;
 - o Slurs, threats, repeated commands or other offensive verbal or physical conduct relating to a person's sex or sexual orientation;
 - o Sexual flirtations, advances or propositions, communicated verbally, by touch, or in writing;
 - o Use of sexually degrading words to describe a person or a group of people;
 - o Any display of sexually explicit photographs, drawings, greeting cards, articles, books, magazines, or other printed items; or
 - o Unnecessary touching of any part of another's body.
2. Sexual and other forms of harassment at work are strictly prohibited, whether committed by employees (management or non-management), vendors, citizens, or volunteers. Under this policy, managers or supervisors cannot threaten or imply that giving into or rejecting sexual advances will influence any decision regarding your employment.
 3. Sexual and other forms of harassment by an employee will result in disciplinary action up to and including dismissal, and may lead to personal legal and financial liability. You are encouraged to report your complaint if you believe you have been subjected to any form of harassment at work or during a work related activity.
 4. Complaints of sexual and other forms of harassment at work will be promptly and carefully investigated. Under this policy, your manager or supervisor cannot retaliate or try to harm you in any way if you choose to file a harassment complaint.
 5. If you have concerns about harassment at work by anyone, including managers, supervisors, co-employees, guests, citizens, volunteers or visitors, you should immediately bring those concerns to your supervisor's attention or you may contact ANY manager or supervisor with whom you feel comfortable discussing the situation.
 6. If an employee is subjected to or witnesses harassment, it shall be the employee's responsibility to report such action to his/her department head, or to the City Administrator if the complaint is against the department head, or to the Mayor if the complaint is against the City Administrator. If such action is known by supervisory personnel, it is the responsibility and the obligation of the

supervisor to report such activity to the department head or the City Administrator immediately.

7. The investigation may include interviews with all persons having direct knowledge of the unwelcome behavior, including the person who made the complaint, the person accused of sexual or other harassment, and other potential witnesses.
8. Your privacy and the privacy of the person accused of sexual or other harassment will, to the extent possible, be kept confidential.
9. At the conclusion of the investigation, the investigator will review the findings with the person(s) who made the complaint. If the investigation reveals that the complaint is factual, appropriate corrective action will be taken to prevent the harassment from occurring again, up to and including discharge of any employees believed to be guilty of harassment. In any case, particularly in situations where the facts uncovered during the investigation are inconclusive or unclear, management will ensure that all parties are reacquainted with the policy prohibiting sexual or other harassment at work.

6.2 Outside Employment

For all regular, full-time employees, their job with the City shall be their primary employment. No employee of the city shall use his/her position to gain additional employment outside of the City service and no employee shall, in any way, allow such additional employment to interfere with or influence his/her obligations and duties to the City. No employee shall accept any additional employment which results in a conflict of interest, or apparent conflict of interest or the appearance of impropriety, or which adversely affects or impacts upon the functions, activities, or reputation of the City. When working with any other public or private organization, no employee shall wear uniforms or clothing purchased by the City or identified with City employment unless prior written approval is granted by his/her department head. Department heads shall be notified of any outside employment.

6.3 Gifts and Gratuities

City employees and officials are prohibited from directly or indirectly soliciting any gifts or gratuities from any persons doing or seeking to do business with the City. Further, employees and officials shall not accept or receive any gifts or gratuities, directly or indirectly, whether in the form of money, services, loans, travel, entertainment, hospitality, things or promises or in any other form under circumstances in which such could reasonably be expected to influence the performance of official duties, or where it could reasonably be presumed to be a reward for any official action.

6.4 Political Activity

A. Paid employees shall not be involved with political activities either in favor of or against any candidate, incumbent, ballot measure, or political party during working hours. An employee may not use City property, time or other personnel during their working hours on behalf of a political party, candidate or issue. No employee may make any contribution to the campaign of a candidate for City office. Employees engaged in

activities which are funded in whole or in part by Federal funds shall comply with the limitations of the Hatch Act as summarized herein.

B. Activities listed in this Section are permitted for City employees on their own time. These activities apply to County, State and national elections and to municipal elections outside the City. These activities are not permitted while the employee is on duty, on any City property or in a uniform normally identified with the City.

C. Each employee, including an employee engaged in an activity financed through Federal funds, may:

1. Register and vote in any election.
2. As an individual, privately and publicly express an opinion on political subjects and candidates except as modified in Subsection **(C)(8)** below.
3. Be a member of a political party and participate in its activities consistent with this regulation.
4. Sign a political nomination, initiative, referendum or recall petition as an individual, except for City elective positions or propositions.
5. Make a financial contribution to a political party, group or candidate except for elective positions or propositions in the City.
6. Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum or issue of a similar character not pertaining to the City.
7. Display bumper stickers, signs, posters or pamphlets on private property for the endorsement of candidates or issues, except for elective positions and propositions regarding the City.
8. In City municipal elections, register, vote and express privately an opinion on candidates and propositions.

D. In addition, an employee who is not engaged in an activity supported by Federal funds may:

1. Take an active part in the management of political campaigns, except for elective offices and propositions within the City.
2. Directly or indirectly solicit, receive or account for funds for a partisan political purpose except as prohibited by this regulation.
3. Solicit votes in support of, or in opposition to, a partisan or party office.
4. Initiate or circulate partisan nominating or recall petitions.
5. Serve as a delegate, alternate or proxy to a political party convention.
6. Drive voters to the polls on behalf of a political party or partisan candidate except for City municipal elections.
7. Endorse or oppose a partisan candidate for public office or political party office in a political advertisement, broadcast, campaign literature or similar material.

E. Prohibited Activities.

1. Employees covered by the Hatch Act are prohibited from engaging in those activities listed in Subsection **(D)** above.
2. No employee may use any official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office or directly

or indirectly coerce, attempt to coerce, command or advise another official or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes.

3. No employee shall engage in political activities involving City municipal elections except as expressly permitted in Subsections **(C)** and **(D)** above.

4. While bumper stickers, signs and posters may be displayed on private vehicles parked in a City employee parking area, such materials, as well as pamphlets and buttons, may not be displayed on City vehicles, City property or by an employee on a City work site.

5. Activities prohibited for an individual employee are also prohibited for groups or organizations of employees, even though the specific activities are being performed by a non-employee as a representative of the employee group.

6. Activities permitted in Subsections **(C)** and **(D)** above are prohibited when an employee is on duty, including break periods. They are also prohibited on City property and when an employee is in uniform normally identified with the City.

7. An employee shall not use an official City title or make reference to employment with the City in political advertisements, endorsements or speeches.

6.5 Employee Candidacy For Office

A City employee may seek election to a partisan political office. Such employee shall be placed on an unpaid leave of absence from the time a declaration of candidacy is made until the completion of the elective process. During this leave of absence, the employee shall not use an official City title in political campaigning other than in a biographical description of the employee's experience nor shall official authority be used to affect the result of the election. If elected to political office and such office is clearly inconsistent, incompatible, in conflict with or inimical to duties as a City employee, the employee shall terminate City employment prior to assuming the elected position.

An employee may be a candidate for a non-partisan board such as, but not limited to, a school board or a library board or fire district, while retaining active City employment and, if elected, may retain the City position.

An employee who declares an intent to become a candidate by circulating or authorizing the circulation of a nominating petition for elective office of the City shall be placed on immediate unpaid leave and shall not exercise any of the duties of their position. Such unpaid leave shall continue until the conclusion of the elective process. Should the employee win said election, the employment shall be terminated when they are sworn into office.

An employee subject to the provisions of the Hatch Act may not be a candidate for partisan elective office.

Pursuant to Section 67.145, RSMo., and notwithstanding the other provisions of this Section, a Police Officer employed by the City may engage in any otherwise lawful political activity while off duty and not in uniform, may be a candidate for elected or appointed public office if otherwise lawful without having to go on unpaid leave, and may hold elected or appointed office subject to termination of employment as required by the provisions hereof.

6.6 Conduct And Ethics

A. The actions of employees of the City reflect not only upon the employee but also on the whole organization. Pride in the community and the work performed is encouraged. Each employee should act in a respectful, professional and responsible fashion so as to be as much above criticism as is possible given the circumstances.

B. All requests on the part of City personnel for donations of money, goods or services for the benefit of the City, one (1) of its departments, boards or volunteer organizations shall be referred to the City Administrator prior to making any such requests. The City Administrator shall make a determination as to whether or not said solicitation shall proceed, and whether or not said solicitation should be approved by the Board of Aldermen.

C. All selling or soliciting of goods, services or money by City employees intended to benefit the City must be approved by the City Administrator in advance of such activity. All selling or soliciting of goods or services on behalf of anyone other than the City by City employees to members of the general public or other City employees during working hours is expressly prohibited.

D. Employees shall not engage in any conduct which impairs their ability to perform their official duties or causes the City to be brought into disrepute. However, this manual and City policies do not restrict employee discussions regarding the terms and conditions of employment.

E. Employees shall be neat not only in appearance but in their surroundings, and they shall keep their place of work as neat as possible and all subject to the requirements of tasks assigned to them.

F. City employees shall uphold the Constitution of the United States of America and of the State of Missouri and the ordinances of the City of Sunset Hills and all other State and City laws, including but not limited to state ethics laws set forth in Chapter 105 RSMo.

G. City employees shall make no unauthorized promises of any kind binding upon the duties of the office because a government employee has no such authority to bind a public entity.

H. City employees shall expose corruption wherever discovered.

I. A City employee in his/her official capacity shall not assist any person or entity in the sale of any goods or services by permitting his/her endorsement of said goods or services to be used for advertising purposes.

J. Employees shall be held financially responsible for damages or losses due to their negligence.

6.7 Courtesy

City employees shall be courteous to the public. Employees shall be tactful in the performance of their duties, shall control their tempers and exercise the utmost patience

and discretion, and shall not engage in argumentative discussion even in the face of extreme provocation. In the performance of their duties, employees shall not use coarse, violent, profane or insolent language and should not express any prejudice concerning race, religion, politics, national origin, lifestyle or other protected status.

Notwithstanding the above, no employee shall be expected to withstand abuse, discrimination or unreasonable provocation. In the event of such a situation, the employee is strongly urged to retreat and report the incident to his/her immediate supervisor for resolution.

6.8 Dress Code

Employees of the City of Sunset Hills are expected to present a neat and professional appearance appropriate for the position which they hold. Employees are expected to exercise mature discretion in appearance, dress and demeanor.

This applies, in general, not only to day-to-day business activity but also to circumstances outside the work place when the employee is functioning in a business context and representing the city. This policy is intended to provide a guideline for appropriate dress and is not intended to be comprehensive or definitive. It is not possible to list every article or piece of clothing that is appropriate or inappropriate. The city will take into account special occasions, medical, religious or other appropriate issues in making exceptions.

Appropriate attire depends to some extent on the nature of the individual's job and job duties. Suits, ties, skirts or dresses are not mandatory everyday attire but should be worn based on job responsibilities and when appropriate for the business activity in which the employee may be engaged on a day-to-day basis.

General attire for city hall employees is defined as "business casual". The only exception is that city hall employees may wear jeans on Fridays unless otherwise directed by their department head. The City Administrator may designate dress down days in certain circumstances.

Clothing should not be excessively tight or loose fitting and shall fit the individually reasonably well. Clothing shall not be revealing or suggestive. Clothing must be neat, clean and shall not be excessively wrinkled, faded, stained, dirty or torn. Denim and jeans of any color, whether worn as pants, skirts, jumpers, shirts, vests or jackets, are not considered suitable attire for any employee except on Fridays or designated dress down days. Athletic shoes or flip flops are not considered suitable attire for any employee except on designated dress down days.

Lettering or Logo's shall be permitted on shirts or blouses including "City of Sunset Hills", manufacturers logo's or similar appropriate lettering or symbols. Inappropriate symbols, advertisement for specific businesses or products, candidates or political causes are not acceptable.

All employees are expected to be neat and clean. Personal grooming shall be considered a part of the dress code. This includes general cleanliness, hair, hands, and visible body parts. Tattoos that are visible to the public and are deemed

offensive, immoral or present an unprofessional appearance shall be covered with clothing or a bandage type material to prevent visibility.

Any employee found to be in violation of this policy will be sent home to change and will not receive compensation for time at work while inappropriately dressed or while away from work to change. Repetitive violations may be cause for disciplinary action. Questions as to appropriateness should be addressed to the department head or City Administrator. Each department head will be held accountable for enforcement of the provisions of this code in his/her department.

6.9 Facilities And Equipment

City owned vehicles are generally available to employees to facilitate performing job related duties and shall be used for official business whenever possible and practical. City employees are expected to use City owned automobiles solely for that purpose. Use of Police Department vehicles and equipment is subject to department policies.

SECTION 7 MANAGEMENT RIGHTS AND RESPONSIBILITY

7.1 Personnel Records

All personnel records are kept by the City Clerk and are confidential except as otherwise provided by the Missouri Sunshine Law. Under certain circumstances, however, the City can and will release certain information, as a matter of public record, to third (3rd) parties without the specific approval or consent of the employee. Such disclosures will be limited to verification of periods of employment, compensation and eligibility for rehire by the City. Under all other circumstances, unless otherwise required by law, an employee or former employee must sign a release form provided by the City Clerk before information concerning the employee's work history or employment will be provided to anyone. Employees releasing personnel information about others without proper authorization may be subject to disciplinary action. Upon request, employees or former employees may inspect their personnel files during normal work hours. Employees should notify the City Clerk of any changes in address, name, phone number or other information concerning your employment.

7.2 Emergency Situations

In the event of catastrophe or extreme emergency, a department head or his/her designee may require employees to report for work for extended periods.

7.3 Departmental Procedures

Each department is authorized and encouraged to establish its own operational procedures to aid in the operation of that department. All departmental procedures shall be in harmony with the Ordinances and Resolutions adopted by the Board of Aldermen, and the City's Personnel Rules and Regulations. Such operational procedures may be revised at any time by the City Administrator or the Board of Aldermen.

7.4 Employee Evaluations

It is the policy of the City to evaluate each employee a minimum of once each year, after the successful completion of a probationary period. Performance evaluations shall be reviewed with the employee by the immediate supervisor, signed by the supervisor and the employee, and filed in the employee's personnel file. The employee's signature on the performance evaluation instrument is not to be construed as agreement with the supervisor's ratings. The signature merely signifies that the employee has reviewed the evaluation and discussed it with the supervisor.

SECTION 8 PAY PLAN AND PROVISIONS

8.1 Promotions

When an employee is promoted to a position in a higher pay grade, the employee's salary shall be increased to the minimum step of the higher pay grade in compliance with the City's pay plan, or 5%, whichever is higher.

8.2 Demotions

When an employee is demoted, he/she shall be paid at a rate, which is within the range of the lower position in compliance with the City's pay plan.

8.3 Transfer

A transfer is defined as a lateral reassignment of an employee to another department.

8.4 Merit Increases

Advancement to a higher pay rate within an established range shall be called a merit increase. All merit increases shall be based upon the performance of the individual in the position measured against established job performance criteria. Merit increases may be granted subject to approval by the City Administrator and budget approval, after documentation by the appropriate department head, including, but not limited to, the most recently completed performance evaluation for that individual.

8.5 Performance Evaluations

Performance evaluations for City employees shall be conducted annually. They may however, be conducted more frequently at the discretion of the department head or at the request of the City Administrator. Evaluations of department heads shall be conducted by the City Administrator. The Board of Aldermen shall conduct evaluations of the City Administrator. Job descriptions shall be used when conducting performance evaluations.

SECTION 9

EMPLOYEE BENEFITS

9.1 Health Insurance

Full-time employees working at least thirty (30) hours per week on average over a full calendar year period are eligible to participate in the City's contracted group health insurance program. From time to time, formal bids for health insurance are solicited in an effort to insure that the most cost effective and comprehensive coverage is provided to eligible employees. Single or family coverage is available. Costs for the employee's premium and optional family coverage are shared by the employee and the City.

Effective July 1st, 2019, retirees are no longer eligible to remain on the City's group health or dental plan upon separation. Retirees will remain eligible for COBRA continuation coverage per Section 9.4 and applicable law.

9.2 Life Insurance

All full-time employees are provided life insurance for the beneficiaries of their choice in an amount equal to their annual salary by an insurance company selected through a competitive bidding process. Total premiums are paid by the City of Sunset Hills.

9.3 Dental Insurance

Full-time employees are eligible for dental insurance selected by the City through a competitive bidding process. The City pays the employee's premium. Optional family coverage cost is borne by the employee on a payroll deduction basis.

9.4 Extension Of Benefits

Federal Law (COBRA) permits employees and covered dependents to choose to continue health and dental coverage, at group rates, in certain instances, where coverage under the plan would otherwise end. Any employee may continue this coverage for up to 18 months, under most circumstances. Dependents of employees may typically continue their coverage upon the employee's death, upon divorce, or upon legal separation. The City complies with applicable law on such matters. In all instances, the person continuing the coverage will pay the full premium with no contribution on the City's part.

9.5 Retirement Plan

The City of Sunset Hills participates in the Missouri Local Government Employees Retirement System (LAGERS) at benefit level L7. After six (6) full months of employment, the City contributes the full portion of the retirement program based on the wages of each full-time employee.

9.6 Deferred Compensation

The City contracts with authorized companies for a deferred compensation plan available to employees on an optional basis. Payroll deductions can be made for

employees who choose to participate. Participation information is available from the City Clerk.

9.7 Education Benefit

All full-time employees shall receive a benefit, paid quarterly, for having acquired education during employment as follows: For a two (2) year Associate Degree - \$250.00 per year. For a four (4) year degree - \$500.00 per year. For a Master's Degree - \$750.00 per year.

9.8 Social Security

All City employees shall participate in the Federal Old Age Survivors, Disability and Health Insurance Program. Employee's contributions are deducted each payday and are matched by the City pursuant to Federal Law.

9.9 Training And Conference Attendance

Training and conference attendance expenses incurred for an employee's professional development which are approved by their Department Head or the City Administrator as beneficial to the City of Sunset Hills, shall be paid by the City subject to the availability of funds as provided in the annual budget.

It is intended that all reasonable costs incurred as a result of authorized travel shall be reimbursed in accordance with the following guidelines:

1. Transportation. The least expensive but most direct mode of transportation shall be used when traveling out of the area for official business. City staff cars should be used whenever possible. Reimbursement for use of a personal vehicle, when authorized, shall be at the prevailing mileage permitted by the Internal Revenue Service. No reimbursement shall be granted for damage, repairs or towing of personal vehicles used for City business. When traveling by air, the coach fare shall apply except in extreme cases when other timely options are not available. Reimbursement may also be claimed for parking or tolls but receipts should be obtained, if possible. Auto rentals and/or use of taxicabs are permitted if alternate modes of local transportation are not available.

2. Lodging. When an overnight stay is required for authorized travel, the City will reimburse for the actual cost of such lodging for the employee. The employee must secure the lowest rate available when reservations are made at the selected hotel. Receipts are required for reimbursement.

3. Meal expenses. Reimbursement for meals, at a reasonable rate, will be permitted. Receipts should be obtained. Banquets and/or other meals that are included within the official program or agenda are fully reimbursable. No alcohol may be purchased or reimbursed with City funds.

4. Other expenses and non-City employees. Transportation, meals and lodging expenses for non-City employees, such as spouses or other such persons, should be deducted from all receipts submitted for reimbursement. Expenses incurred for personal entertainment are not reimbursable under any circumstances.

5. Registration fees. Expenses incurred for registration fees for conferences, seminars, conventions or special meals may be reimbursed. Attendance at such reimbursable functions must be for the public purpose, i.e. training, education, legislation or technology that can be directly or indirectly beneficial to the City of Sunset Hills.

6. Travel and expense claim. Any reimbursement due must be requested on a travel and expense claim form which are available in City Hall or from the Finance Director. All receipts should be attached to this claim form.

7. Travel advancement. The Finance Director shall approve all advancement for estimated reimbursable travel or expenses. These advancement requests shall be submitted in writing to the Finance Director, with the City Administrator's approval, on an approved form that is used for all official travel. These forms are available from the Finance Director. Upon returning, the remaining reimbursable travel will be approved and granted provided the proper expense receipts are produced.

8. Failure to attend. Any employee who is unable to attend a conference or function must make every effort to minimize the cost to the City. Failure to attempt to cancel any registration, lodging reservation or airline ticket may result in the City assessing these costs to the employee.

9.10 Uniforms And Clothing

Employees required to wear uniforms will be provided with such clothing allocations as deemed appropriate by the department head with approval by the Board of Aldermen. The employee may wear uniform clothing only in route to and from work, unless authorized by the department head.

9.11 Park And Recreation Benefit

All full-time employees (and dependents and spouses of all full time employees) shall receive City park and recreation facility memberships free of charge. Classes, services to all park programs and special events will be available at a 50% discount off of the resident rates. The city will sponsor the registration of teams whose roster is made up of employees (full time or part time) to play in leagues at SSH facilities.

Part time employees and elected officials (and dependents and spouses of all part time employees and elected officials) shall receive 50% discount off resident rates for all park programs, special events and facility memberships

9.12 Workers Compensation

An employee who suffers an injury or illness that is work related and covered by the Missouri State Division of Workers Compensation, is eligible to receive medical treatment and compensation benefits while absent from work.

9.13 Disability Insurance

All full-time employees are eligible for the City's long term disability income plan.

SECTION 10 ATTENDANCE AND LEAVE

10.1 Hours Of Work

The hours during which City offices will be kept open for business shall be determined by the City Administrator with approval from the Mayor and/or Board of Aldermen.

10.2 Scheduling Hours Of Work

All Departments shall observe and keep office and working hours necessary for the efficient transaction of services.

10.3 Attendance

Employees shall be on time and in attendance at their work in accordance with these rules and departmental regulations. All departments shall keep attendance records of employees, which shall be reported to the Finance Director or his/her designee on the form and on the dates specified.

10.4 Compensatory Time

Compensatory time off in lieu of paid overtime may be granted at the option of the employee's Department Head. Compensatory time shall be granted at the rate of one and one-half (1½) hour for each hour worked in lieu of overtime pay. Such compensatory time off may be taken at such time as the employee and Department Head may mutually agree. No employee will be allowed to carry more than eighty (80) hours of compensatory time. Compensatory time may be charged in increments not less than 15 minutes. Upon termination, an employee shall be paid for unused compensatory hours at his/her final rate of pay.

10.5 Overtime

It is the policy of the City to avoid the necessity for overtime work. When overtime work is necessary and consistent with protection of the lives and property of the citizens of Sunset Hills, and the efficient operation of the several departments, such overtime shall be authorized in advance by the department head but shall be kept at a minimum. The rate of overtime compensation for eligible employees shall be 1-1/2 times normal pay.

If a non-exempt employee is called to work outside of a normally scheduled workday, or is called back to work after having completed a regularly scheduled work day, the minimum time of which compensation will be made is two hours.

10.6 Holidays

All full-time employees will be granted the following holidays with pay:

- New Year's Day
- Martin Luther King Day
- Presidents Day
- Memorial Day

Independence Day
Labor Day
Thanksgiving Day
Friday following Thanksgiving Day
Christmas Eve
Christmas Day

In the event a holiday should occur on a Saturday, the Friday immediately preceding will be observed, and in the instance where a holiday falls on a Sunday, the following Monday will be observed as a holiday. Any employee who uses unscheduled leave the day before or after a holiday, will not be paid for the holiday, unless otherwise authorized by the department head.

All departments shall be staffed as directed by the City Administrator through the end of the scheduled work day or shift. If an employee wishes to take off early prior to a holiday, they must take PTO or compensatory time according to policies in place. This is a matter of Personnel Policy and is not at the City Administrator or department head's discretion.

10.7 Holiday Pay And Overtime

Employees required to work on a Holiday will receive a day of pay for the Holiday in addition to pay for time worked. Overtime (1 + ½ times the normal pay) will only be paid under overtime conditions, for time worked in excess of 40 hours per week or 8 hours per day. An employee may elect to earn compensatory time in lieu of monetary payment for holidays worked or holiday overtime earned pursuant to section 10.5.

10.8 Holidays For Part-Time Employees

Seasonal, part-time and temporary employees will not be entitled to any holiday pay.

10.9 Paid Time Off (PTO) Leave

Each full-time employee shall be entitled to annual PTO leave with pay in accordance with the following schedule.

128 hours upon hire and per year after each year of continuous service.

168 hours per year after five (5) years of continuous service.

208 hours per year after fifteen (15) years of continuous service.

Eligibility for this leave shall be effective on the anniversary of the employee's starting date.

Part-time, temporary, or seasonal employees shall not earn or be paid for any PTO time.

A maximum of sixty four (64) PTO hours may be accrued and carried over for use in the following anniversary year.

PTO leave requests for vacation must be submitted to the department head for approval. Department heads will take into consideration seasonal demand and acceptable staffing in their respective activities. Priority will be given in PTO scheduling based on a

combination of job responsibilities, needs of the community, tenure of the employee, and the timeliness of the request.

When the use of PTO becomes necessary due to illness, it is the responsibility of the employee to notify his/her immediate supervisor prior to normal starting time or as soon as possible thereafter that they will be using PTO. Unless proper notification is given, PTO will not be approved unless emergency conditions make it impossible to provide notification.

At termination of service, the City will provide pay for any unused PTO hours. There will be no PTO pay for an employee arbitrarily leaving the job without notice of resignation of at least ten (10) working days or that has not completed 12 consecutive months of employment with the City.

10.10 Sick Leave Accrual

Effective with their first anniversary date following June 1st, 2020, employees will no longer accrue sick leave. Existing sick leave hours can be used but not replaced.

When the use of sick leave becomes necessary due to illness, it is the responsibility of the employee to notify his/her immediate supervisor prior to normal starting time or as soon as possible thereafter that they will be using sick leave. Unless proper notification is given, sick leave will not be approved unless emergency conditions make it impossible to provide notification.

Sick leave may also be used for an employee to care for a sick family member (spouse, parent or child).

At termination of service, the City will not provide pay for any unused sick leave hours.

10.11 Extended Sick Leave (ESL)

Extended Sick Leave (ESL) is accrued at a rate of five (5) days per year beginning with the date of hire. ESL is accrued bi-weekly at the conclusion of each pay period. ESL shall accumulate to a maximum of one thousand and forty (1,040) hours and is transferable from year to year.

For both full-time and part-time employees, ESL can only be used starting with an employee's third consecutive day off work. PTO or sick leave must be used for the first two days of absence. If the employee does not have any PTO or sick leave available, any time between the exhausting of PTO and beginning of ESL will be unpaid. A day off is considered as one normal work shift, regardless of the number of hours in the shift. Any exceptions to this rule require the written authorization of the Department Head and the City Administrator.

Any time that an employee uses ESL, a doctor's certificate documenting an illness must be provided to the department head.

ESL leave may also be used for an employee to care for a sick family member (spouse, parent or child).

At termination of service, the City will not provide pay for any unused ESL hours.

10.12 Bereavement Leave

Full-time employees are entitled to bereavement leave according to the following schedule:

Four work days for spouse, child or parent and up to two work days for other family members. Other family members are defined as brother, sister, aunt, uncle, father-in-law, mother-in-law, sister-in-law, brother-in-law, grandparent, grandparent-in-law, grandchild, stepparent, stepbrother, stepsister, or relative permanently living in the same house as the employee.

10.13 Military Leave

Any full-time employee, who is a member of the National Guard or any Reserve Unit of the Armed Forces of the United States shall be granted, if such duty requires, fifteen (15) days leave in the same federal fiscal year to fulfill this duty. Such leaves shall be granted upon submission of verifiable military orders. Compensation for this period of leave shall be regular pay of the City; less any Military pay received for the period. This leave shall be in addition to vacation time otherwise earned during the year. In the event of emergency call up, an additional 30 days may be granted by the City Administrator with extensions to be considered by them on a case by case basis.

In addition, the City shall comply with all provisions of 38USC §4312 and RSMo. Section 41.730 for returning service members and employment thereof.

10.14 Jury Duty

An employee shall be granted leave with pay when required to be absent from work for jury duty. Any pay resulting from these conditions shall be submitted to the Finance Director. The employee must submit documentation of the absence from the appropriate source.

10.15 Leave Without Pay

An employee shall be granted leave without pay for just reason with the approval of his/her department head or the City Administrator for a maximum period of three (3) days. An extension may be given with the approval of the City Administrator.

10.16 Voting Leave

An employee eligible and registered to vote in any election held within this State or the State of Illinois or any primary election held in preparation for such election, on the day of such election, shall be entitled to leave from duty (if on duty) which would allow sufficient voting time between the time of opening and closing of the polls.

This section shall not apply to a voter on the day of election if there are sufficient hours while the polls are open in which the employee is not on duty. The authorized

supervisor shall specify the hours during which an employee may be granted voting leave.

SECTION 11 FAMILY AND MEDICAL LEAVE ACT "FMLA"

11.1 Covered Employees

All permanent employees who have worked for the City for at least twelve (12) months and have, in the previous twelve (12) months, rendered at least one thousand two hundred fifty (1,250) hours of service are eligible for FMLA leave.

11.2 Leave Entitlement

A. Military FMLA leave: eligible employees with spouse, son, daughter or parent on active duty or called to active duty in the National Guard or Reserves in support of a contingency operation may use their twelve (12) week entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered service member during a single twelve (12) month period. A covered service member 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 renders the service member medically unfit to perform his or her duties for which a service member is undergoing medical treatment, recuperation or therapy; or is in an outpatient status; or is on the temporary disability retired list. For purposes of this policy, a "rolling" twelve (12) month period will be used, measured backwards from the date an employee uses FMLA leave.

B. Basic FMLA leave may be approved for a maximum of twelve (12) weeks in a twelve (12) month period. For purposes of this policy, a "rolling" twelve (12) month period will be used, measured backward from the date an employee uses any FMLA leave. The City requires that the employee concurrently use any accrued, unused vacation or sick leave as part or all of the twelve (12) week period.

The FMLA guarantees the right to a leave without pay for all eligible employees. An eligible employee is entitled to a total of twelve (12) workweeks of leave during any twelve (12) month period for one (1) or more of the following reason(s).

1. The birth of a son or daughter of the employee in order to care for such son or daughter.
2. The placement of a son or daughter with the employee for adoption or foster care.
3. The need for the employee to care for the spouse, child or parent of the employee when such spouse, son, daughter or parent has a serious health condition.

4. An employee's serious health condition that makes the employee unable to perform the functions of his/her position.

C. A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves hospitalization or continuing treatment by a doctor. The term "serious health condition" is intended to cover conditions or illnesses affecting one's health to the extent that in-patient care is required, or absences are necessary on a recurring basis or for more than a few days for treatment or recovery. Examples include heart attacks, most cancers, strokes, severe respiratory conditions, spinal injuries, appendicitis, pneumonia, injuries caused by serious accidents on or off the job, pregnancy, the need for prenatal care, childbirth and recovery from childbirth.

D. When in-patient care is not involved, the regulations defining "serious health condition" require that the absence from work, or incapacity in performing other daily activities in the case of a family member, be for a period of more than three (3) days in addition to requiring the continuing treatment of a health care provider.

E The entitlement to leave for birth or child placement expires one (1) year after the date of childbirth or placement. Childbirth or placement leave is to be taken in one (1) block of time up to twelve (12) weeks, unless the employee and the City agree otherwise.

F. An employee's entitlement to leave for a serious health condition may be taken intermittently or on a reduced-time schedule that reduces the regular workday or workweek. If the employee requests intermittent leave or leave on a reduced-time schedule that is foreseeable because the employee has a planned medical treatment, then the department head, with approval from the City Administrator, may transfer the employee temporarily to another position for which the employee is qualified. The department head, with approval from the City Administrator, may place the employee in an alternate job that would better accommodate the recurring periods of leave than would the employee's regular job but the City may not reduce the pay and benefits of the employee in the alternate job.

G. In cases in which the need for leave is foreseeable, such as an expected birth or planned medical treatment, the employee is required to provide his/her department head or City Administrator with at least thirty (30) days' notice before the date the leave is to begin, along with a written declaration of intent to return to work after the leave. When circumstances prevent the employee from giving the thirty (30) days' notice, the employee is to provide notice as soon as practicable. In cases of leave for planned medical treatment, the employee is required to make a reasonable effort to schedule the treatment so as not to unduly disrupt the City's operations.

H. If a husband and wife both work for the City, they are limited to a total of twelve (12) weeks of leave in a twelve (12) month period for childbirth, adoption placement or caring for a sick parent.

11.3 Verifying Leave Requests.

A. Employees are required to verify the need for leave due to a serious medical condition of the employee or a member of the employee's family. In general, requests for leave will be granted based on a certification issued by a health-care provider. The employee is required to provide upon request and in a timely manner a copy of such

medical certification to his/her department head who shall forward it to the City Administrator for approval.

B. Section 103(b) of the Act describes sufficient certification. All certificates must contain three (3) statements:

1. The date when the serious health condition began.
2. The probable duration of the condition.
3. The appropriate medical facts known by the health-care provider regarding the condition.

C. If the leave request is to care for a family member, the certificate must contain a statement that the employee is needed to provide such care.

D. If the leave request is for the employee with a serious medical condition, the certificate must include a statement that the employee is unable to perform the functions of his/her position.

E. If the leave request is for planned medical treatment and the employee wants intermittent leave or leave on a reduced-time schedule, the certificate must state the dates when the treatment is to begin and the duration of the treatment. If the intermittent leave request is necessitated by a serious medical condition of the employee or a member of the employee's family, the certificate must state that there is a medical necessity for the intermittent leave and how long the leave will be needed.

11.4 Validity Of Leave Requests.

Should the City Administrator doubt the validity of the leave request it may require the employee to obtain a second (2nd) opinion from a second (2nd) health-care provider of the City's choice. The City bears the cost of obtaining the second (2nd) opinion. If the second (2nd) opinion conflicts with the original medical opinion, then the City Administrator may require, at the expense of the City, which the employee obtain a third (3rd) opinion from a health-care provider mutually agreed upon by the City and the employee. The opinion of the third (3rd) health-care provider will be final and binding on the City and the employee.

11.5 Employment And Benefits Protection.

A. The basic thrust of the FMLA is guaranteed leave; an essential element of that guarantee is the right of the employee to return either to the position he/she left when the leave began or to an equivalent position with the same benefits, pay, and other terms and conditions of employment. The FMLA specifies that right and requires the City to maintain coverage for the employee under any group health plan for the duration of the leave. The City may subsequently recover premiums paid if the employee fails to return to work (unless the employee suffers a continuation of the serious medical condition). The City may require the employee to furnish medical certification that the employee is able to resume work.

B. The FMLA provides for an exception to the general rule of full restoration of employment benefits. The City may deny reinstatement to a salaried employee who is among the highest-paid ten percent (10%) of the City's work force, but only if such denial

is necessary to prevent substantial and grievous economic injury to the operations of the City.

11.6 Prohibited Acts And Means Of Enforcement.

The FMLA makes it unlawful for the City to interfere with, restrain or deny the exercise of any right under the Act or to discharge or otherwise discriminate against an employee who opposes practices made unlawful by the Act. The Act further provides that it is unlawful to discharge or otherwise discriminate against an employee because the employee files a charge under the Act or otherwise participates in any inquiry or proceeding under the Act.

11.7 Maternity

An employee shall be allowed reasonable unpaid break time to express breast milk for her nursing child for one year after the child's birth each time such employee has need to do so, in a place other than a bathroom that is shielded from view and free from intrusion.

11.8 Other Parental Leave

Pursuant to Section 105.271 RSMo, a foster or adoptive parent employed by the City may use accrued sick leave or any leave granted without pay to biological parents to take time off for purposes of arranging for the foster or adopted child's placement or caring for the child after placement, and a stepparent as defined in 453.015 RSMo may use accrued sick leave or any leave granted without pay to biological parents to take time off to care for their stepchild.

SECTION 12 UNPAID LEAVE FOR VICTIMS OF DOMESTIC OR SEXUAL VIOLENCE

12.1 As used in this section, the following terms mean:

- (1) **"Abuse"**, the same meaning as in section 210.110 RSMo;
- (2) **"Domestic violence"**, the same meaning as in section 455.010 RSMo;
- (3) **"Employee benefit plan"** or **"plan"**, an employee welfare benefit plan or an employee pension benefit plan or a plan that is both an employee welfare benefit plan and an employee pension benefit plan;
- (4) **"Employment benefits"**, all benefits provided or made available to employees, including life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of the City or through an "employee benefit plan";
- (5) **"Family or household member"**, for employees with a family or household member who is a victim of domestic or sexual violence, a spouse, parent, son, daughter, other person related by blood or by present or prior marriage, other person who shares a relationship through a son or daughter, and persons jointly residing in the same household;

(6) **“Parent”**, the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter who is a victim of domestic or sexual violence;

(7) **“Qualified individual”**, an applicant or employee who, but for being a victim of domestic or sexual violence or with a family or household member who is a victim of domestic or sexual violence, can perform the essential functions of the employment position that such individual holds or desires;

(8) **“Reasonable safety accommodation”**, an adjustment to a job structure, workplace facility, or work requirement, including a transfer, reassignment, modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, implementation of a safety procedure, or assistance in documenting domestic violence that occurs at the workplace or in work-related settings, in response to actual or threatened domestic violence. Any exigent circumstances or danger facing the employee or his or her family or household member shall be considered in determining whether the accommodation is reasonable;

(9) **“Reduced work schedule”**, a work schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee;

(10) **“Sexual violence”**, a sexual assault, as defined in section 455.010 RSMo, and trafficking for the purposes of sexual exploitation as described in section 566.209 RSMo;

(11) **“Son or daughter”**, a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under eighteen years of age, or is eighteen years of age or older and incapable of self-care because of a mental or physical disability and is a victim of domestic or sexual violence;

(12) **“Undue hardship”**, significant difficulty or expense, when considered in light of the nature and cost of the reasonable safety accommodation;

(13) **“Victim of domestic or sexual violence”**, an individual who has been subjected to domestic violence, sexual violence, or abuse;

(14) **“Victim services organization”**, a nonprofit, nongovernmental organization that provides assistance to victims of domestic violence or to advocates for such victims, including a rape crisis center, a child advocacy center, an organization carrying out a domestic violence program, an organization operating a shelter or providing counseling services, or a legal services organization or other organization providing assistance through the legal process;

12.2. An employee who is a victim of domestic or sexual violence or who has a family or household member who is a victim of domestic or sexual violence whose interests are not

averse to the employee as it relates to the domestic or sexual violence may take unpaid leave from work to address such violence by:

- (1) Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;
- (2) Obtaining services from a victim services organization for the employee or the employee's family or household member;
- (3) Obtaining psychological or other counseling for the employee or the employee's family or household member;
- (4) Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or to ensure economic security; or
- (5) Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

12.3. Subject to subsection 6, an employee shall be entitled to a total of two workweeks of leave under subsection 2 during any twelve-month period. For purposes of this subsection “**workweek**” shall mean an individual employee's standard workweek. The total number of workweeks to which an employee is entitled shall not decrease during the relevant twelve-month period.

12.4. Leave described in subsections 2- 3 may be taken intermittently or on a reduced work schedule.

12.5. The employee shall provide at least forty-eight hours' advance notice of the employee's intention to take leave under subsection 2 to the City Administrator, unless providing such notice is not practicable. When an unscheduled absence occurs, the City will not take any action against the employee if the employee, upon request of the City Administrator and within a reasonable period after the absence, provides certification under subsection 6.

12.6. The City Administrator may require the employee to provide certification that the employee or the employee's family or household member is a victim of domestic or sexual violence and that the leave is for one of the purposes enumerated in subsection 2. The employee shall provide such certification to the City Administrator within a reasonable period after the City Administrator requests certification.

12.7. An employee may satisfy the certification requirement of subsection 6 by providing a sworn statement of the employee and the following:

- (1) Documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic violence or sexual violence and the effects of such violence;
- (2) A police or court record; or
- (3) Other corroborating evidence.

12.8. All information provided to the City pursuant to subsection 7 including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee has requested or obtained leave pursuant to this section, shall be retained in the strictest confidence by the City, except to the extent that disclosure is requested or consented to in writing by the employee or otherwise required by applicable federal or state law.

12.9. Any employee who takes leave under this section shall be entitled, on return from such leave, to be restored to the position of employment held by the employee when the leave commenced or an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

12.10. The taking of leave under this section shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced. Nothing in this section shall be construed to entitle any restored employee to the accrual of any seniority or employment benefits during any period of leave or any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave. Nothing in this section shall be construed to prohibit the City from requiring an employee on leave under this section to report periodically to the City Administrator on the status and intention of the employee to return to work.

12.11. Upon the request of the City Administrator, an employee requesting a reasonable safety accommodation pursuant to this section, shall provide a written statement signed by the employee or an individual acting on the employee's behalf, certifying that the reasonable safety accommodation is for a purpose authorized under this section.

12.12. During any period that an employee takes leave under this section, the City shall maintain coverage for the employee and any family or household member under any group health plan for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

12.13. The City may recover from the employee the premium that the City paid for maintaining coverage for the employee and the employee's family or household member under such group health plan during any period of leave under this section if the employee fails to return from leave after the period of leave to which the employee is entitled has expired for a reason other than the continuation, recurrence, or onset of domestic violence, sexual violence, abuse, a sexual assault, or human trafficking that entitled the employee to leave under this section, or other circumstances beyond the control of the employee.

12.14. The City may require an employee who claims that the employee is unable to return to work because of a reason described in subsection 13 to provide, within a reasonable period after making the claim, certification to the City that the employee is unable to return to work because of that reason by providing the City with:

- (1) A sworn statement of the employee;
- (2) Documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee has sought assistance in addressing domestic or sexual violence and the effects of such violence;
- (3) A police or court record; or
- (4) Other corroborating evidence.

12.15. All information provided to the City pursuant to subsection 14 including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee is not returning to work because of a reason described in subsection 13 shall be retained in the strictest confidence by the City, except to the extent that disclosure is requested or consented to in writing by the employee, or otherwise required by applicable federal or state law.

12.16. The City shall make reasonable safety accommodations, in a timely manner, to the known limitations resulting from circumstances relating to being a victim of domestic or sexual violence or a family or household member being a victim of domestic or sexual violence of an otherwise qualified individual:

- (1) Who is an employee of the City;
and
- (2) Who is:
 - (a) A victim of domestic or sexual violence; or

(b) With a family or household member who is a victim of domestic or sexual violence whose interests are not averse to the individual in this subdivision as it relates to the domestic violence, sexual violence, or abuse;

12.17. Subsection 16 shall not apply if the accommodation would impose an undue hardship on the operation of the City.

12.18. Nothing in this section shall be construed to supersede any provision of any federal, state, or local law, or employment benefits program or plan that provides:

(1) Greater leave benefits for victims of domestic or sexual violence than the rights established hereunder; or

(2) Leave benefits for a larger population of victims of domestic or sexual violence, as defined in such law, agreement, program, or plan, than the victims of domestic or sexual violence covered under this section.

State law reference: Sections 285.625 et seq RSMO

SECTION 13 AMERICANS WITH DISABILITY ACT “ADA”

13.1 Policy Statement

The City will provide reasonable accommodation for qualified persons with disabilities who are employees, or applicants for employment, and who can perform the essential functions of the job with or without accommodations, in compliance with the Americans With Disabilities Act (ADA) and all applicable Federal, State, and local laws.

13.2 General Provisions.

For any employee of the City who becomes permanently physically or mentally disabled and is rendered incapable of performing the duties assigned to his/her position, the City shall take all steps to reasonably accommodate the employee and help overcome the particular impediment involved, unless to do so would impose an undue hardship on the City.

SECTION 14 SAFETY

14.1 Employee Responsibility

It is the responsibility of all City of Sunset Hills employees to conduct themselves in a manner that is safe to the employee, fellow employees and the general public. It is an employee's duty to report to his/her supervisor or members of the Safety Committee any condition or practice which he/she thinks might be unsafe. Equipment which is felt to be unsafe should not be operated and the unsafe condition should be reported immediately.

14.2 Safety Committee

There shall be a Safety Committee established comprised of employees from all departments. The Committee shall from time to time make recommendations to improve safety to the City Administrator.

14.3 Personal Accidents

When an employee is injured on the job, he/she should report the injury immediately to his/her supervisor and obtain medical assistance. All employees of the City are covered under Worker's Compensation. These benefits usually consist of compensation and all medical expenses. As soon as possible, a report of the accident should be completed and furnished to the department head and/or Finance Director so as not to jeopardize the injured employee's rights to Worker's Compensation benefits or medical expenses. Even if the injury is slight and no lost time is involved, a report must be made. This is necessary to protect the employee in case a future disability results because of the injury. The Worker's Compensation report shall be completed by the injured employee and/or his/her supervisor and signed by the supervisor. The forms which are necessary to report accidents are available in each department's office or in the office of the Finance Director or his/her designee. It is the employee's responsibility to submit all bills received to the Finance Director or his/her designee as soon as possible.

The responsible department head will in all cases submit an accident report to the Safety Committee describing the accident, the probable causes, and any preventative action taken. The Safety Committee shall review the report and make recommendations to the City Administrator.

14.4 Vehicle and Equipment Accidents

Equipment and vehicle operators involved in accidents must notify the Sunset Hills Police Department immediately for investigation and report. He/she should also notify his/her supervisor and department head. The department head shall notify the Finance Director immediately so that the insurance carrier may be apprised of the accident.

An operator involved in an accident with a City vehicle outside the City limits must notify the appropriate law enforcement agency immediately for an investigation and report. He/she shall also notify his/her department head and request that a copy of the accident report be submitted to the Finance Director.

Any employee involved in an accident while using a City vehicle or equipment must submit to a drug and alcohol screen as soon as is reasonably possible.

The responsible department head will in all cases submit an accident report to the Finance Director and the Safety Committee describing the accident, the probable causes, and any preventative action taken. The Safety Committee shall review the report and make recommendations to the City Administrator.

14.5 Hazards

All employees will be alert to any conditions anywhere in the City which may cause accidents or injury and shall report such conditions immediately to their supervisors. The City will promptly investigate such conditions and if it finds the conditions unsafe, will take appropriate corrective action.

15.1 General Provisions

Except as otherwise justified by circumstances, the City shall generally follow the principles of progressive discipline and shall base such discipline on the type of misconduct involved and the total facts giving rise to the discipline, including, the employee's work record. Serious misconduct and/or substantial violation of law may result in substantial disciplinary action without prior progressive disciplinary action.

All employees are expected to comply with the provisions of the Personnel Manual of the City of Sunset Hills and with generally accepted norms of work behavior which will reflect favorably on the personnel system and the City. It is the City's philosophy that discipline is to be used to help correct behavior rather than to punish, when corrective action is sufficient to protect the interests of the City and other employees. Consistent action will be taken in similar circumstances so that all employees are treated with fairness and uniformity.

In conjunction with the personnel rules and regulations and the legal principles of affirmative action, no employee shall be reduced in pay or position, laid off, suspended, demoted or discharged or otherwise discriminated against for race, color, creed, national origin, religion, sex, sexual orientation, gender identity, age, disability, veteran status, or political affiliation.

15.2 Types of Discipline

Since violations of certain regulations are more serious than others and because each situation must be weighed individually, no specific disciplinary action is mandatory. Depending upon the severity and frequency of the infraction, one (1) of the following actions may be taken:

Verbal warning: When a minor infraction of conduct occurs, the department head will meet with the employee to discuss the infraction. An explanation of the unacceptable conduct will be made as well as recommendations for corrective measures. The employee will be advised that reoccurrence of the infraction will result in more serious disciplinary action. A written accounting of the verbal reprimand will be placed in the employee's personnel file.

Written reprimand: Moderate offenses or failure to respond to a verbal warning will result in the issuance of a written warning. The department head shall state in writing the nature of the infraction, prior record of similar misconduct and the date and time the incident occurred. One (1) copy shall be placed in the personnel file, and one (1) copy shall be given to the employee. A meeting, as described under "verbal warning", will be held with the employee to fully explain the action being taken.

Suspension: Suspension is a temporary relief from duty which may be imposed on an employee as a penalty for substandard performance, violation of departmental rules or regulations, administrative instructions or repeated lesser infractions. An employee may also be suspended for the duration of an investigation of alleged violations of City or departmental rules and regulations as well as criminal charges. A suspension from work (with or without pay) may be invoked by the City Administrator upon the

recommendation of an employee's department head. The length of the suspension will be determined by the City Administrator and will depend on the seriousness of the offense. A written statement shall be submitted to the employee specifying reasons for the suspension. This statement will be included in the employee's personnel file.

Demotion: Demotion shall be considered a change in job classification from one position to another with less responsibility and a lower maximum rate of pay. This action is normally taken because of inefficiency, or an employee's inability or lack of qualifications to perform the duties of the position in which the employee is presently working, or for disciplinary reasons. The demotion may only be authorized by the City Administrator, and written notice shall be given to an affected employee before the effective date.

Termination: Upon the recommendation of an employee's department head and with the prior approval of the City Administrator, an employee may be discharged at any time at the discretion of City management.

SECTION 16 SEPARATIONS

16.1 Resignation

To resign in good standing, an employee shall give written notice to their department head at least ten working days prior to the effective date of his/her resignation. Such resignation will become part of the employee's service record. Employee must resign in good standing in order to be considered for re-employment with the City.

16.2 Dismissal

The City of Sunset Hills is a 4th Class City under Missouri law and as such reserves the right to remove employees at will subject to applicable law.

16.3 Rights Of Employees

Employees who separate shall receive payment for all earned compensation and certified compensatory time, and those employees who have completed at least 12 months of service shall receive payment for all earned vacation days which have not been taken as vacation leave prior to the date of separation. Any monies owed the City by the employee for whatever reason or reasons will be deducted from the employee's final compensation.

SECTION 17 DRUGS AND ALCOHOL POLICIES AND PROCEDURES

17.1 Purpose

The governing body of the City has a legitimate governmental interest in enforcing a drug and alcohol free work place, to protect the public and public funds, to ensure that City vehicles are safely maneuvered on the streets of the City, to ensure that City employees are not under the influence of drugs or alcohol while on duty, to ensure the

safety of the employees of the City and to ensure the safety of participants and/or citizens utilizing our facilities.

17.2 Definitions

“Alcohol or Alcoholic Beverage” means any liquid that has an alcoholic content in excess of 3% by volume.

“Drug” means any substance (other than alcohol) capable of altering the mood, perception, pain level, or judgement of the individual consuming it.

“Prescribed Drug” means any drug or substance prescribed for the individual consuming it by a licensed medical practitioner.

“Illegal Drug” means any drug or controlled substance including, but not limited to, substances controlled or prohibited by Federal or State Law, except not including marijuana when used solely in compliance with Article XIV of the Missouri Constitution, the rules and regulations of the Department of Health and Human Services, and this Manual, the sale or possession of which is illegal without a prescription.

“Marijuana” means marijuana or marijuana products as defined by Article XIV of the Missouri Constitution.

“Positive Drug Test” means positive identification of a drug or metabolite or alcohol, which has been confirmed by scientific laboratory tests.

“Reasonable Suspicion” means any articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol.

“Random Drug Testing” means using an outside organization to conduct random drug or alcohol testing for positions required by State of Missouri (Commercial Driver's License), United States of America and/or employees in a first responder position (Police officer, lifeguard, etc.)

17.3 Alcoholic Beverages

No alcoholic beverage shall be brought into or consumed on City premises, except in connection with City events as authorized. In such cases, consumption shall be voluntary, in moderation, and responsible.

Drinking or being under the influence of alcoholic beverages while on duty is cause for discipline, up to and including termination.

17.4 Prescription Drugs

Prescription drugs shall be used on duty only in the manner, combination and quantity prescribed. Under no circumstances should such drugs impair an employee's ability to safely perform their duties.

Marijuana, even when used for medical purposes with an identification card for same, shall not be used while on duty nor shall an employee be under the influence of marijuana during work.

Any employee whose use of prescription drugs results in an act or acts to the detriment of the City, including, but not limited to, excessive absenteeism, tardiness, on-duty accidents, or poor work and the act does not warrant termination, may be referred for a screening examination, and/or back to their private physician. Appropriate disciplinary action may also be administered.

17.5 Illegal Drugs

The use of an illegal drug or marijuana while on duty, being under the influence of an illegal drug or marijuana while on duty, or the possession of an illegal drug or marijuana while on duty or on City premises, is cause for termination, or other appropriate discipline, and shall be referred to law enforcement.

The sale, trade or delivery of illegal drugs by an employee to another person is cause for termination and referral to law enforcement authorities.

17.6 Pre-Employment Testing

As a condition of employment, and after a conditional offer has been extended, an applicant for full-time or part-time employment shall be required to submit to a pre-employment drug and alcohol test. Refusing to sign a consent form, refusing to take a test, or obtaining a positive drug and alcohol test without a medical prescription for same will exclude an applicant from further consideration. If an applicant obtains a positive drug test but has a prescription for same, the City will analyze the possible effects of such prescription drug with the essential functions of the specific job and in communication with the applicant, determine whether such essential functions may be safely performed. Provided nothing herein shall allow an employee to use or be under the influence of marijuana at work nor may marijuana use affect in any manner the person's ability to perform job-related employment responsibilities or the safety of others, or conflict with a bona fide occupational qualification that is reasonably related to the person's employment.

17.7 Current Employee Testing

The City may require a current employee, at City expense, to undergo drug and alcohol testing if there is reasonable suspicion that the employee is under the influence of drugs or alcohol during working hours. Circumstances which constitute a basis for reasonable suspicion may include, but are not limited to, one or more of the following:

1. A pattern of abnormal or erratic behavior
2. Slurred speech or bloodshot eyes
3. A work related accident
4. Direct observation of drug or alcohol use

Reasonable suspicion shall be determined on a case by case basis and the totality of the circumstances, and when possible, shall be submitted to the Prosecuting Attorney or City Attorney prior to submitting an employee to testing.

The City of Sunset Hills has the right to conduct random drug and alcohol testing as required by the State of Missouri, the United States of America and for all of its employees who are first responders/safety sensitive positions or who are required to maintain a Commercial Driver's License (CDL).

1. The agency conducts random drug and alcohol testing on all employees mandated by the State of Missouri and any one in a first responder role/safety sensitive position or required to maintain a CDL. The refusal to take such a test will constitute grounds for immediate termination of employment.
2. Employees shall be selected for drug and alcohol testing on a random basis.
A separate agency will conduct the actual selection.
3. Where possible, testing shall be conducted at or near the employee's place of assignment.
4. Where the employee appears unable or unwilling to give a specimen at the time of the test, testing personnel shall document the circumstances on the drug and alcohol test report form.
 - a. Reasonable amounts of water may be given to the employee to encourage urination.
 - b. The employee shall be permitted a reasonable amount of time to give a sample, during which he/she shall remain in the testing area under supervision.
 - c. Failure to submit a sample shall be considered a refusal to submit to a drug and alcohol test.

17.8 Confirmation Of Test Results

An employee or job applicant whose drug and alcohol test yields a positive result shall be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee or applicant for use in the first test.

If the second test confirms the positive test result, the employee or applicant shall be notified of the results in writing by the appropriate Department Head or designee. The letter of notification shall identify the particular substance found and its concentration level.

17.9 Consequences Of A Confirmed Positive Test Result

Applicants

Job applicants will be denied employment with the City if their initial positive test results have been confirmed except as stated above in Section 17.6, Pre-Employment Testing Section. Applicants shall be informed in writing if they are rejected on the basis of a confirmed positive drug test result.

Employees

If an employee's positive test result has been confirmed, the employee is subject to disciplinary action up to and including immediate termination. For non-safety sensitive employees, the City will endeavor to cause a swab or other test to occur which determines whether a person has used marijuana in the previous twelve (12) hours. If

the employee tests positive, it will be taken as a rebuttable presumption that the employee was under the influence of marijuana at work in violation of the Missouri Constitution and this policy and is subject to discipline up to and including termination. For employees required to maintain a CDL and first responders/safety sensitive employees, employees will be provided a urine test to test for the presence of marijuana and a positive test will result in disciplinary action up to and including termination. Factors to be considered in determining the appropriate disciplinary response include the employee's work history, length of employment, current job performance, and the existence of past disciplinary actions.

17.10 Confidentiality Of Test Results

All information from an employee's or applicant's drug and alcohol test is confidential and only those with a need to know are to be informed of test results. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee or applicant, or otherwise required by law. The results of a positive drug and alcohol test of an employee shall not be released until the results are confirmed.

17.11 Self-Referral For Drug And Alcohol Treatment

An employee who has developed an addiction to, dependence upon or problem with alcohol or drugs is encouraged to voluntarily seek medical assistance.

Self-referral to a treatment program may not be used as a defense against a subsequent supervisory referral for a drug or alcohol test, positive test, or from disciplinary action resulting from unacceptable job performance.

17.12 Laboratory Testing Requirements

All drug and alcohol testing of employees and applicants shall be conducted at medical facilities or laboratories selected by the City. Factors to be considered by the City in selecting a testing facility include:

- a. Testing procedures which ensure privacy to employees and applicants consistent with prevention of tampering;
- b. Methods of analysis which ensure reliable test results;
- c. Chain-of-custody procedures which ensure proper identification, labeling, and handling of test samples; and
- d. Retention and storage procedures which ensure reliable results on confirmatory tests of original samples.

17.13 No Expectation Of Privacy

All City facilities and vehicles, and all containers therein, are subject to inspection by supervisory personnel at any time subject to the following guidelines:

Any personal items contained within City facilities or vehicles may be inspected by a supervisor if there exists a reasonable suspicion that they contain contraband items. Contraband items include the following:

- a. Alcohol;
- b. Marijuana
- c. Illegal drugs;
- d. Misappropriated City property;
- e. Evidence pertinent to law enforcement investigation;
- f. Prisoner's property;
- g. Stolen property;
- h. Weapons;
- i. Any other items that would substantiate an alleged violation of these Personnel Policies of the City or a violation of any law.

Separate rules apply to law enforcement personnel under Police Department policies.

The employee who has control over the area to be searched is to be notified prior to the time of the search and shall be given the opportunity to be present during the search if practicable.

The searching supervisor shall have as a witness at least one other supervisory employee.

Employees who obstruct or attempt to prevent a search for contraband or who refuse to allow an inspection as covered by this section shall be subject to disciplinary action, up to and including termination.

Employees may use personally owned locks and containers to secure private property under their control. However, the placement or use of such devices does not extend to the employee any expectation of privacy over the item or area if said item or area is within any City facility or vehicle.

SECTION 18 COMPUTER/INTERNET/EMAIL POLICY

18.1 Applicability

The computer system, and network, Internet and E-mail access is the backbone of City operations and as such is an expensive infrastructure that needs to be monitored and protected. This policy applies to all employees and any other individuals who are provided access to the City's computer system. Third parties should only be provided access to the computer system as necessary for their business purpose with the City and only if they abide by all applicable rules.

18.2 Computers

The hardware and software that make up the City's computer system and all data on the system are the property of the City of Sunset Hills. All data, including electronic messages within the system, are the property of the City and may be public records for the purpose of retention or accessible via Missouri's Sunshine Law and Public Records Law. The City purchases, owns, and administers the necessary software and licenses and employees may not rent, copy or loan the software, or its documentation.

Employees may not bring in any personal computer or other device including MP3 players to connect to the network without the permission of their department head.

Even the most innocuous games, screen savers, and popular software have the capability of unknowingly introducing spyware, malware, viruses, and backdoor access to our system. As a result, no software, applications, or modifications may be downloaded or made to City-owned equipment. Employees have no expectation of privacy in their use of any City-owned equipment or computer system. The City may at any time monitor, retrieve or recreate any files, calendars or computer communications of any employee. Employees' activities on computer devices or telephone devices can be reviewed at any time. Employees who leave employment with the City have no property rights to contents of their E-mail messages or computer files. Supervisors or managers may access an employee's computer system and Email at any time.

18.3 E-Mail/Texts

The E-mail system is provided by the City for the purpose of internal and external business related communication. The system and all electronic messages within the system are the property of the City of Sunset Hills. Texts sent through City provided cell phones are also the property of the City of Sunset Hills and employees have no expectation of privacy regarding such messages.

18.4 Prohibited Uses Of E-Mail

The following E-mail/text uses including sending or forwarding communications are expressly prohibited:

- Communications that are disruptive, offensive, abusive, threatening or exceed the bounds of generally accepted standards of good taste and ethics.
- Communications of sexually explicit images or messages.
- Communications that contain anything that might be reasonably construed as harassment or disparagement of others based on race, age, color, religion, sex, sexual orientation, gender identity, genetic information, national origin, political affiliation, or disability, (except as may be specifically required as part of police reporting procedures including the statements of other parties).
- Solicitation for commercial ventures, religious or political causes.
- Any other use that may harm or compromise the integrity of the City or be otherwise inappropriate to the city's organizational philosophy, except for discussions regarding the terms and conditions of employment.
- Intercepting, eavesdropping, recording, or altering another person's E-mail/text message without authority.
- Attempting to send E-mail/texts anonymously or adopting the identity of another person on any E-mail/text message, or using another person's login or password, other than with permission.

- Sending, downloading, or using information or software in violation of copyright law.
- Engaging in personal commercial activities including offering services or merchandise for sale.
- Engaging in any E-mail/text activity that would create liability for the City of Sunset Hills.

18.5 Retention

Depending on the content of an E-mail message, it may be considered a formal record and should be retained pursuant to a departmental, City, or Missouri record retention schedule. Accordingly, E-mail messages should be written with care with the understanding they may be public records. Employees should be aware that when they have deleted a message from their workstation mailbox it may not have been deleted from the server. The message may be residing in the recipient's mailbox or forwarded to other recipients. Unless there is a reason for archiving or retaining an E-mail, employees should delete sent and received messages regularly as accumulation of files will degrade system performance and response times. Employees and departments are responsible for retaining and archiving their own documents, E-mails and other records and should not rely on system back-ups as an appropriate retention method. Since space is limited and costly, employees should not be retaining personal E-mails, documents, spreadsheets, or photos on the system.

Upon notice of a "litigation hold", such retention instructions shall be followed, including discontinuation of otherwise routine disposal of records.

18.6 Internet

Access to the Internet is provided for work related information gathering and communication.

18.7 Prohibited Internet Usage

Accessing sites that are pornographic, commonly known as "hate" sites, promulgate violence or terrorism, or allow gambling are inappropriate and expressly prohibited using City-owned equipment (except in the course of law enforcement purposes).

18.8 Personal Use

The City recognizes that occasional personal use of computer equipment, cell phones, E-mail and Internet is desirable to employees and overly tight restrictions are detrimental to morale and unproductive to enforce. Such use should be limited and only occur if the equipment is not needed for City business. Prohibited uses of E-mail and Internet browsing are violations regardless of whether they occur during work time, non-work time or during occasional personal use and are subject to discipline up to and including termination. All uses of City equipment, whether business or occasional personal use, are subject to monitoring. Excessive personal use will be subject to discipline. Employees should address questions on what constitutes excessive personal use to their department heads.

18.9 Implementation and Administration of Policy

It is the responsibility of each individual employee to understand and comply with this policy. To ensure the safety and uncompromised integrity of the system employees have the responsibility for reporting inappropriate use or activities to their supervisor. Department heads are responsible for ensuring compliance with the policy within their departments. Operational issues and questions should be promptly addressed with IT support.

SECTION 19 ANTI-FRAUD AND CORRUPTION POLICY

19.1 Purpose

The purpose of this policy is to establish expectations, standards and procedures with the City of Sunset Hills to minimize the risk of internal and external fraud as well as theft of City assets or fraudulent financial reporting. This policy addresses the responsibility of employees for detecting and reporting fraud or suspected fraud, corruption, or dishonest activities, and provides a means for individuals outside of the City government organization to report improprieties to the City. The City is committed to protecting itself and the public from fraud, corruption, and dishonest activities through development and adherence to policies and procedures for the prevention and detection of fraud, corruption and dishonest activities. In order to set the proper tone and created and maintain a culture of honesty and high ethical standards, the City has adopted the following anti-fraud and corruption policy.

19.2 Policy

The Board of Aldermen and management are responsible for the prevention and detection of fraud, misappropriations and other inappropriate conduct. City officials also recognize that a key preventative measure in the fight against fraud and corruption is to employ individuals who have the highest standards in terms of propriety, honesty, and integrity. Further, all employees of the City government have a duty to the residents of the City to ensure that City resources are prudently used in accordance with the law and City policies. The Board of Aldermen and management is further committed to implementing sound financial management systems and procedures designed to safeguard the financial resources of the City through its own initiatives and by positive and prompt response to independent audit recommendations. It is, therefore, the intent of the Board of Alderman and management of the City to promote and ensure the highest standards of integrity and ethical organization behavior on the part of providing guidelines and assigning responsibility for the development of sound financial management controls, and engaging in such actions as necessary to prevent, detect, investigate and remedy instances of fraud and corruption against the City.

19.3 Fraud and Corruption

For purposes of this policy, fraud is defined as an intentional, false representation or concealment of a material fact that leads to a financial advantage to the perpetrator or another upon whose behalf he or she acts. Fraud shall include acts of theft, larceny, embezzlement, fraudulent conversion, false pretenses, forgery, corrupt practices and falsification of accounts. For purposes of this policy, corruption shall include the offering,

giving, soliciting, or acceptance of any inducement or reward that may influence the actions taken by an employee, and shall include other acts as described herein.

Fraud or other wrongful acts include:

- Any dishonest or fraudulent act.
- Forgery or alteration of a check, bank draft or other financial document or account.
- Falsifying time sheets, expense reports, or other report documents.
- Misappropriation of funds, securities, supplies or other assets.
- Impropriety in handling or reporting of money or financial transactions.
- Unauthorized disclosure of confidential, personal or proprietary information to others.
- Accepting or seeking anything of material value from contractors, vendors, or persons providing services/materials to the City.
- Destruction, removal, or inappropriate use of records, furniture, fixtures, equipment, and/or any similar or related irregularity.

19.4 Preventive Measures

The City recognizes that the implementation of preventive and deterrent measures guards against corruption and fraudulent activities occurring within the City government. In an effort to eliminate opportunities that serve as a catalyst for dishonest activities, management will continuously evaluate the effectiveness of internal control practices and procedures. Internal controls include documentation and consistent application of accounting procedures; careful adherence to City Code financial management requirements; maintenance of financial records in accordance with recognized governmental accounting standards; thorough documentation of financial transactions; segregation of financial duties among employees and officials to the extent practical for a small organization; securing financial records and documents including blank checks and access to credit cards; securing confidential personnel information; securing access to financial accounting systems through the use of password protection and limiting access; periodically modifying passwords; requiring multiple signatures for payment of funds; implementing purchasing procedures which ensure proper authorization for approval of purchases; cash handling policies refined to provide for enhanced financial control over receipting and recognition; conducting internal auditing of financial transactions from time to time, and cooperating fully with external auditors.

19.5 Reporting Suspicious Activities

City employees and others have an obligation to report criminal conduct and/or suspicious activity without fear of retaliation or reprisal. When suspected fraud, corruption or dishonest incidents or practices are observed by or made known to any employee, the incident or practice is to be reported in writing promptly and directly to the City Administrator. Employees may anonymously file complaints or concerns. If the employee believes the City Administrator is involved, then the employee would report to the Mayor or a member of the Board of Aldermen.

The confidentiality of employees or others who submit reports of wrongdoing or suspected wrongdoing will be protected. However, employees and others must clearly

understand that they have no absolute guarantees regarding confidentiality once the investigative report is turned over to the appropriate law enforcement agencies.

Reports should be presented with the following information: the date on which the criminal conduct and/or suspicious activity occurred if known, a description of the activity and the name(s) of anyone involved in the activity.

The reporting individual should refrain from further investigation of the incident, confrontation of the alleged violator, or further discussion of the incident with anyone unless requested to do so by management.

19.6 No Reprisals for Reporting Suspicious Activities

It is the policy of the City that no employee shall be subject to recrimination or any other form of punishment on the basis that they reported what was reasonably believed to be an act of wrongdoing, violation of policies, or violations of the City's Code. However, an employee will be subject to disciplinary action if the City reasonably concludes that the report of wrongdoing was knowingly fabricated by the employee or was knowingly distorted, exaggerated or minimized to either injure someone else or to protect the reporting party or others. An employee whose report of misconduct contains admissions of personal wrongdoing will not, however, be guaranteed protection from the disciplinary action. The weight to be given to the confession will depend on all the facts known to the City at the time it makes its disciplinary decisions. In determining what, if any, disciplinary action may be taken against an employee, the City will take into account an employee's own admission of wrongdoing; provided, however, that the reporting employee's conduct was not previously known to the City or its discovery was not imminent and that the admission was complete and truthful.

19.7 Investigation

The City will promptly and thoroughly investigate situations involving possible fraud, corruption, or related dishonest activity utilizing such internal and external resources, including law enforcement officials and agencies, as may be indicated by the nature of the reported suspicious activity. The investigation requires the full cooperation of all City personnel. If this investigation uncovers evidence showing fraud, corruption or dishonest activities, the City Administrator (if not directly involved in the allegations) will recommend what disciplinary or legal actions may be taken to the Board of Aldermen who will determine that disciplinary or legal actions should be taken. If the City Administrator is directly involved in the allegations, the Board of Aldermen will determine what disciplinary or legal actions should be taken.

19.8 Conclusion

The City shall constantly seek to improve its financial management, internal controls and monitoring systems in order to deter, detect, investigate and remedy fraud and corruption. The City will ensure that these policies and procedures are fairly administered, widely publicized and provided to all employees. The policies and procedures will be monitored and updated to keep pace with future developments in prevention, deterrence, and detection of fraud and corruption.