



City of Moberly
Personnel Policies & Procedures Manual
2024 Revision

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SECTION I: PERSONNEL POLICIES

A. PURPOSE AND OBJECTIVES

The purpose of these policies is to establish a high degree of understanding, cooperation, efficiency, and unity among City employees which comes from a systematic application of good procedures in Human Resources administration, and to provide uniform policies for all employees, with all the benefits such a program insures and free of any unlawful discrimination. It is not the purpose of this handbook to be or to create a contract of employment for any employee. City employees are employees at will and serve at the pleasure of the City Manager. This handbook may be changed unilaterally by the City as circumstances warrant.

The objectives of good Human Resources administration to be achieved by these policies are:

1. To promote and increase efficiency and economy among employees of the City of Moberly.
2. To provide fair and equal opportunity to all qualified citizens based on demonstrated merit and fitness as ascertained through fair and practical methods of selection.
3. To develop a program of recruitment, advancement, and tenure which will make City employment attractive as a career and encourage each employee to render the best service.
4. To establish and maintain a uniform plan of evaluation and compensation.
5. To establish and promote high morale among the employees by providing good working relationships, a uniform personnel policy, opportunity for advancement, and consideration for employee needs and desires.

B. NONDISCRIMINATION POLICY STATEMENT

It is the general policy of the City to not exclude, deny benefits to, or otherwise discriminate against any person on the grounds of race, color, national origin, disability, age, sex, religion, or political affiliation in admission to, participation in, or receipt of the services and benefits under any of its programs and activities, or in employment.

This statement is to be construed in a manner consistent with civil rights laws, including without limitation the following:

- Title VI of the Civil Rights Act of 1964 (prohibiting discrimination on the basis of race, color, national origin under any program or activity receiving federal financial assistance);
- Title VII of the Civil Rights Act of 1964 (prohibiting discrimination in employment on the basis of race, color, religion, sex, or national origin);
- Section 504 of the Rehabilitation Act of 1973 and Title I of the Americans with Disabilities Act of 1990 (prohibiting discrimination on the basis of disability);
- Title IX of the Education Amendments Act of 1972 (prohibiting discrimination on the basis of sex under any education program or activity receiving Federal financial assistance);
- The Age Discrimination in Employment Act of 1967 and the Age Discrimination Act of 1975 (prohibiting discrimination on the basis of age); and
- U.S. Department of Homeland Security regulation 6 C.F.R. Part 19 (prohibiting discrimination based on religion in social service programs).

C. HUMAN RESOURCES POLICY STATEMENT

It is the policy of the City of Moberly to apply and foster a sound program of Human Resources management. The policies of this municipal government are as follows:

1. Employment and Placement
 - a) To fill all positions without undue delay, in accordance with job qualifications and requirements, and in a nondiscriminatory manner consistent with the City's policies.
 - b) To establish fair and equitable programs for the promotion, transfer, demotion, dismissal, and reassignment of personnel.
2. Job Description and Pay Administration
 - a) To establish and maintain job descriptions for every position with the descriptions maintained on file with the Human Resources Department.
 - b) To review position descriptions periodically and systematically with the employee to ensure currency and accuracy.
 - c) To establish appropriate position standards and pay for each position.
 - d) To conduct area wage and salary surveys periodically to provide competitive wage and salary scales.
3. Employee Relations and Services
 - a) To develop a system of job performance standards and evaluations and inform each employee periodically and systematically of the status of his/her performance on the job.
 - b) To establish rules and standards governing employee conduct.
 - c) To administer a uniform leave program.
 - d) To provide employee grievance procedures.
 - e) To develop a handbook to inform employees of their responsibilities, rights, and privileges.
 - f) To provide and maintain a safe and healthy work environment.
4. Employee Development Training
 - a) To establish training standards and requirements for all positions.
 - b) To motivate and stimulate employees to achieve their highest potential usefulness.
5. Records
 - a) To establish and maintain comprehensive and uniform personnel records.
 - b) Medical records shall be kept in a confidential file separate from the employee's general personnel files.

D. COVERAGE

These Policies and Procedures shall cover all employees in the City service unless specifically exempt by this document, the City Code and/or the ordinances of the City.

E. ADMINISTRATION

These policies shall be administered by the City Manager, or his designee, under the direction of the City Council and in conformity with City Code provisions and the ordinance establishing a personnel system.

F. ORGANIZATION

The City Manager or his designee shall maintain an organizational chart, which shall be the basis for the assignment of positions within the City. Each department of the City shall develop an organizational chart which shall be presented to the City Manager for approval.

G. CHAIN OF COMMAND

Section 78.610, RSMo., provides that the City Manager shall be the administrative head of the City and shall exercise control over all departments and divisions and make all appointments other than for City Clerk, City Assessor, and City Treasurer. Therefore, all inquiries concerning the policies set forth herein shall be directed to the City Manager or his designee through an employee's immediate supervisor. This manual includes a grievance procedure designed to respond to employees regarding City policies and directives.

SECTION II: CODE OF ETIDCS

A. PURPOSE

The City of Moberly finds that the proper operation of democratic representative government requires that public officers and employees be independent, impartial, and responsible to the people; that government decisions be made in the proper channels of the government's structure; that public office not be used for private gain; and that the public have confidence in the integrity of its government.

B. ETHICAL STANDARDS AND PROHIBITED PRACTICES

To avoid becoming involved or implicated in a conflict of interest or impropriety or, just as important, an appearance of conflict of interest or impropriety, all City employees and all persons having business with the City shall obey the following prohibitions or be subject to disciplinary action up to termination:

1. An employee of the City shall not, except for compensation provided by the City, use his or her office or confidential information received in an official capacity for any private purpose, including, without limitation: commercial purposes, financial gain, present or future employment or gain for himself or herself, an immediate family member, or business with which he or she is associated.
2. An employee may not receive anything of value based on any agreement, understanding, or implication that the official action of any City employee would be influenced or determined by it.
3. A person may not offer or give anything of value to City employees, members of their immediate families, or businesses with which they are associated, based on any understanding, agreement, or implication that the official action of any employee would be influenced or determined by it.
4. A City employee or public official, in his/her relationships with any person, may not use the power or authority of his/her office or position in a manner intended to induce or coerce another person to provide, directly or indirectly, anything of value that will accrue to the private advantage, benefit, or economic gain of the official, employee, or any other person. As used in this subsection, the term "private advantage, benefit, or economic gain" means advantage, benefit, or economic gain distinct from that of the public or not resulting naturally from lawful and proper performance of duties.
5. No employee may use his/her official influence to assist any person for compensation, other than as done during assigned duties and responsibilities, before a governmental body, public official, or public employee.
6. No City employee or official may render or agree to render any personal, non-official services in connection with the acquisition by any governmental body of an interest in real or personal property.
7. No City employee or public official may:
 - a) share in any way in the compensation or in anything of value received by another person with respect to any transaction in which City employees and public officials are prohibited from engaging.
 - b) accept anything of value, other than compensation provided by law, for rendering services for which he or she is compensated.

8. No former City employee or public official may:
 - a) Within two years after his or her employment has ceased, or term ended, knowingly act as agent, consultant, or attorney for anyone other than the City in connection with any particular matter in which the City is a party, if the employee participated personally and substantially in that particular matter while so employed.
 - b) The term "particular matter" as used above is restricted to mean any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, or arrest involving a specific party or parties and which has a substantial impact upon the parities and/or the City.
 - c) The term "participated personally and substantially" as used above is restricted to mean a greater than minimal involvement by way of participation as a public official, City employee or public official through decision, approval, disapproval, recommendation, investigation, or rendering advice, and by any related reason thereof, acquired information, special knowledge, or other specific advantages not generally available to the general public or experts **in** the field.
9. No person nor any City employee or public official may engage in or aid and abet any act of reprisal against any person because of that person having made a report of violation. This does not prohibit the lawful remedies available to a person to redress wrongs.
10. No person, City employee, or public official may knowingly or intentionally induce or coerce or attempt to induce or coerce anyone to violate any provision of this personnel manual.
11. No person, City employee, or public official may knowingly file a false charge or report of violation of these personnel Policies and Procedures with the City Manager or the City Council. Each unqualified statement that one does not know to be true is equivalent to a false statement.
12. No City employee may intentionally engage in any act, in addition to those listed above, which conflicts with the performance of his or her official duties.

C. ENFORCEMENT OF ETHICAL STANDARDS

In all instances of complaints or reports of violations of impropriety involving City employees, the reports shall be referred to the City Manager or Human Resources Department for a proper investigation and appropriate disciplinary action consistent with the provisions of the Missouri Revised Statutes, City Code, and these Policies and Procedures.

D. OATH OF OFFICE

Before taking office in the City government, employees may be required to subscribe to and file with the City Clerk the following oath as required by relevant City Code and City Manager or his/her designee:

"I do solemnly swear or affirm that I possess all the qualifications prescribed by law for the office of _____, that I will support the Constitution of the United States and of the State of Missouri, the provisions of all laws of this State affecting cities of the class to which the City of Moberly belongs, and the ordinances of the city, and faithfully perform the duties of my office.

SECTION III: DEFINITIONS

For the purposes of this manual, the following words and phrases have the following definitions:
Actual Service - The time engaged in the performance of the duties of a position or positions including absences with pay.

Annual Leave - Paid leave that is granted to each eligible employee for religious holiday leave, vacation, or other personal uses.

Anniversary Date - Effective date of hiring.

Anything of Value - Includes, without limitation, a gift, loan, political contribution, award, or promise of future employment or personal benefit.

Appeal - An application for review of a disciplinary action submitted by an employee to a higher authority.

Applicant - An individual who has completed and applied for employment.

Appointing Authority - The City Manager is responsible for the appointment of qualified applicants to full-time, part-time, seasonal, temporary, or emergency positions in the City. The City Council is responsible for appointing the City Manager, City Clerk, City Assessor and City Treasurer.

Appointment - The offer to, and acceptance by, a person of a position on a regular or temporary basis.

Break-in-Service - Any separation from the service of the City, whether by resignation, layoff, dismissal, unsatisfactory service, disability, retirement, or absences without leave of three days or more. Authorized leaves are not considered as constituting a "break-in-service."

Business - Any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, consultant, holding company, joint stock company, receivership, trust, or any legal entity organized for profit.

Business with Which he/she is Associated - Means the following:

1. Any business in which the person or a member of the person's immediate family (as defined below) is a director, officer, employee, or holder of stock worth one percent or more at a fair market value; or
2. Any business, which is a client or customer of the person.

Compensation - The standard rates of pay that have been established for the respective positions as determined by the City Manager and his/her designee.

Compensatory Leave - Time off from work in lieu of monetary payment for overtime worked in accordance with the rules of the Fair Labor Standards Act, and in recognition of additional hours worked by those employees not covered by the Fair Labor Standards Act.

Continuous Service - Employment without interruption, except for absences on approved leaves or absences to serve in the Armed Forces of the United States.

Day or Workday - The number of work hours required by the Department to which an employee is assigned. Example: A day for the Police Department may be 12 hours, Fire Department 24 hours, Water and Wastewater Plant 10, 12, or 14 hours, all other departments have 8-hour work days.

Demotion - Assignment of an employee by the City Manager to a position which has a lower rate of pay and/or rank.

De minimis - Small, slight, or trifling.

Department - The primary organizational unit under the immediate charge of a department head.

Disability Leave - Leave that may be granted to an eligible employee who is unable to pursue the duties of his/her position because of physical or mental impairment. (See Special Leave)

Dismissal - Disciplinary action resulting in the separation from employment from the City for cause.

Elective Office - The office of City Council Members for the City of Moberly.

Emergency Appointment - An appointment made when an emergency arises, and time will not permit compliance with personnel appointment procedures. No emergency appointment shall continue for a period exceeding four months and no such emergency employee shall be entitled to benefits unless determined by the City Manager.

Employee - (Synonymous with "incumbent") The person employed to perform the work of a position. An individual who is legally employed by the City and is compensated through the City payroll for services. Individuals or groups compensated on a fee basis are not included.

Employee Review Board - This Board hears employee appeals from disciplinary actions and other matters as provided for in the personnel ordinance such as: establish policies, procedures and guidelines to promote fairness and efficiency in the administration of corrective action for inappropriate behavior or substandard performance by employees.

Examination - The process of testing, evaluating, or investigating the fitness and qualifications of applicants and employees.

Exempt Employee - An employee determined by review of Fair Labor Standards Act regulations to be exempt from payment of overtime compensation. These employees are usually those involved in the administration of the City's services, and determination must be made based upon an analysis of job duties and functions.

Full-time Active Employee - Any employee that works 40 or more hours a week in a regular position and is on active employment status; i.e. not on extended sick leave, worker's compensation, etc.

Full-time Employee - An individual who works in a budgeted position within the City.

Gift - A voluntary transfer of real or personal property of any kind without consideration of equal or greater value, but not including:

1. Any informational material transferred for informing the recipient about matters pertaining to official City business, the nature of which is not to benefit the recipient;
2. Any symbolic presentation, the nature of which is not to financially benefit the recipient;
3. Any reasonable hosting, including travel expenses, entertainment, meals, or refreshments furnished in connection with appearances, ceremonies, and occasions reasonably relating to official City business, where otherwise permitted by law;
4. Any honorarium; or,
5. Relatively inexpensive items of personal property, such as a box of candy or a bouquet of flowers, which are given as a simple act of kindness, thoughtfulness, and appreciation.

Grievance - An employee's feeling of dissatisfaction; any differences or disagreements or disputes arising between an employee and his/her supervisor and/or other employees with some aspect of employment, application, or interpretation of regulations and policies; or some management decision affecting the employee. A grievance can be something real, alleged, or a misunderstanding concerning the Policies and Procedures or an administrative order involving the employee's health, safety, physical facilities, equipment or material used, employee evaluation, promotion, transfer, position description, layoff, recall and any other related item. These misunderstandings, complaints, points of view and opinions will be considered a grievance except in cases where they relate to personnel action arising out of pay, demotion, suspension, dismissal, or the way a job is to be performed.

Honorarium - Reimbursement for expenses in connection with speeches, lectures, etc., that could not reasonably be construed as given to influence the conduct of the official with relation to official matters.

Immediate Family - Includes spouse, mother, or step-mother, father, or step-father, children, sister, brother, grandparents, current mother-in-law, current father-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, step-grandparents, step-children, grandparents-in-law, grandchildren, aunt, uncle, nephew & niece. Proof of these relationships may be required.

Introductory Period - A minimum of a six-month period of time after an applicant is appointed, or an employee is promoted or transferred, in which the employee is required to demonstrate fitness for the position by actual performance.

Layoff - The involuntary, non-disciplinary, separation of an employee from a position for reasons of shortage of funds or work, the abolition of a position, or other material changes in the duties or organization, or for related reasons that are outside the employee's control and that do not reflect discredit upon service of the employee.

Leave - An authorized absence during regularly scheduled work hours that has been approved by proper authority. Leave may be authorized with or without pay as provided for by these rules.

Nepotism - Favoritism shown to relatives by reason of relationship rather than merit.

Non-exempt Employee - An employee as defined by the Fair Labor Standards Act and its accompanying regulations and who is eligible for overtime compensation.

Occupational Disability or Injury Leave - An excused absence from duty because of an injury or illness sustained during employment and determined to be compensable under the provisions of the Workers' Compensation Law.

Overtime - Authorized time worked by an employee more than 40 hours during the work week. Overtime for firefighters occurs after exceeding 212 hours in a 28-day pay period. Overtime for police officers occurs after 80 hours in a pay period. Overtime pay is defined by the Fair Labor Standards Act and provisions in this personnel manual.

Overtime Pay - Compensation paid to an employee for overtime work performed in accordance with the Fair Labor Standards Act.

Part-time Employee - An individual appointed to fill a position involving less than 40 hours per week.

Pay Period - Pay periods are bi-weekly. The pay period begins on Sunday of the first week and is for a two-week period ending on the second Saturday. Pay is processed on the Friday of week three.

Pay Rate - A specific dollar amount, expressed as either an annual, monthly, weekly, or hourly rate.

Position - A group of duties and responsibilities assigned to one employee. A position can be vacant or occupied.

Promotion - Assignment of an employee to a position with a higher rate of pay and/or rank.

Provisional Appointment - An appointment made by the City Manager to temporarily fill a vacant position due to an insufficient number of applicants or lack of qualified applicants received.

Public Official - Any elected or appointed official in the City government of the City of Moberly.

Qualifications - The minimum educational, experience, and personal requirements that must be fulfilled by a person prior to an appointment, transfer or promotion.

Reprimand - A type of disciplinary action, oral or written, detailing a violation of personnel or departmental regulations, which becomes part of the employee's personnel record.

Review Date - The date on which a regular employee is evaluated or is eligible to receive a merit pay increase, normally six months and twelve months after employment, and each twelve months thereafter. This date may be changed only by securing a new position within the organization requiring a new introductory period.

Separation - The removal of an individual from a position either through resignation, dismissal, layoff, disability, retirement, or death.

Special Leave - Time off from regular work that can be granted with or without pay at the discretion of the City Manager.

Stand-by Time - The time an assigned employee is required to be available for emergency calls during off- duty hours. An employee is to be accessible by mobile phone, telephone, or beeper so as to be available for work within a reasonable period of time. Special pay provisions for employees on stand-by time is presented in Section V.

Suspension - An enforced leave of absence for disciplinary purposes or pending investigation of charges made against an employee.

Seasonal/Temporary Position - A position which, due to the nature of the work and the anticipated term of employment, is on a week to week basis with no rights to benefits.

Transfer - The assignment of an employee from one position to another position. Transfers can take place within a department or between departments Transfers are subject to an introductory period.

Work Day - The scheduled number of hours an employee is required to work within a twenty-four-hour period.

Work Week-The work week commences on Sunday at 12:01 AM and ends on Saturday at midnight except for Fire Department and Police Department which starts at 7:00am on Sunday.

Unpaid Leave - Any approved leave without pay.

SECTION IV: JOB DESCRIPTION

A. PURPOSE

Job descriptions inclusive of job title and related responsibilities and duties should be used to accurately describe each position throughout the City service. Job descriptions allow the City Manager to structure and align positions, to the best of his/her ability, in a standard, consistent, and reasonable manner while maintaining enough flexibility to design an effective and efficient organization.

B. DETERMINATION OF JOB DESCRIPTION

The City Manager or his/her designee shall determine job description for all employees. Due diligence should be exercised in matching the description for each employee as well as maintaining consistency in these throughout the City Service.

C. USE OF JOB DESCRIPTIONS

Descriptions are to be interpreted in their entirety and **in** relation to others. Phrases or examples are not to be isolated or treated as a full description. Descriptions are deemed to be descriptive and explanatory of the kind of work performed and not necessarily inclusive of all duties performed.

D. ADMINISTRATION OF THE JOB DESCRIPTIONS

The City Manager, or his/her designee, is charged with maintaining the job descriptions of the City government so that it will reflect the title, responsibilities, and duties performed by each employee in the service of the City. It is the duty of the City Manager or his/her designee, to periodically review all job descriptions and make appropriate changes to ensure the title and description are accurate, standardized, consistent, and reasonable.

E. ALLOCATION OF POSITIONS

When a new position is established or duties of an old position change, department heads shall submit, in writing, a comprehensive job description describing in detail the duties of such position. The City Manager shall investigate the actual or suggested duties and if in agreement approve the job description.

F. REQUEST FOR DESCRIPTION REVISION

Any employee who considers his/her job description to be inaccurate, non-standard, inconsistent or unreasonable shall first submit his/her request to the immediate supervisor who shall review the justification for the request. If the department head and supervisor find that there is merit in the request, he/she shall immediately transmit his/her recommendation to the City Manager. If the department head/supervisor finds the request is not justified, he/she shall advise the employee of his/her decision.

SECTION V: COMPENSATION

A. PURPOSE

The goal of a compensation system that provides the City Manager discretion in determining compensation levels is to ensure fair compensation for all positions in the City service - with discretion strictly guided by consideration of ranges of pay for other positions, general rates of pay for similar employment in private establishments and other public jurisdictions in the area, cost of living data, the financial condition of the City and other reasonable factors - while also providing sufficient flexibility to appropriately maintain the organization.

B. COMPENSATION

The compensation levels assigned to each position by the City Manager should provide fair compensation for all positions in the City service.

C. MAINTENANCE OF COMPENSATION LEVELS

The City Manager, or designee, will from time to time make comparative studies of all factors affecting the levels of compensation ranges and will recommend to the City Council appropriate adjustments.

D. HOURLY RATES

[n accordance with the Fair Labor Standards Act (FLSA), no employee, whether permanent, part-time, or trial, shall be paid less than the Federal minimum wage unless they are expressly exempt from the minimum wage requirement as determined by FLSA regulations. Employees paid on an hourly rate basis are paid for all time worked.

E. OVERTIME

When it becomes necessary for an employee to work overtime hours, non-exempt employees, part-time employees, and temporary/seasonal employees shall be paid according to the prevailing salary schedule. Overtime work for non-exempt employment will be compensated in accordance with the provisions of the Fair Labor Standards Act at a rate of one-and-one half the employee's regular rate for each hour worked over 40 hours in any seven day pay period; EXCEPT, firefighters and police officers as defined by the Fair Labor Standards Act. Generally, overtime will not be authorized except by prior approval of the department head except in cases of emergency.

Employees who are considered exempt under FLSA regulations who are required to work overtime may be given compensatory time off at the discretion of the City Manager, or designee. Compensatory time for non-exempt employees may be provided at the rate of one and one-half hours for each hour of overtime, up to an accumulated amount of 80 hours, if the employee and the supervisor agree to the use of compensatory time prior to overtime being worked.

Compensatory time must be granted within a reasonable period after its accumulation and an employee cannot be denied use of compensatory time unless operational necessity prohibits use of compensatory time as requested. If possible, alternative dates for the use of compensatory time must be set at the time of denial. Compensatory time shall not accumulate over 80 hours at any given point. Department Heads and/or Supervisors may schedule use of compensatory time. Accrued compensatory time, which has not

been used by the end of the budget year, shall be paid out on the last pay period in June, before the new fiscal year begins July 15¹.

F. COST OF LIVING ADJUSTMENTS AND PERFORMANCE PAY

If the Council chooses to implement a Cost of Living Adjustment (COLA) in the City's budget for a given year, it will be applied to all employees regardless of their evaluation if they remain employed by the City of Moberly when the COLA is implemented. City staff may use the Bureau of Labor Statistics' March-to-March Employment Cost Index for state and local government workers as well as budget constraints in developing their COLA proposal to Council.

If the Council chooses to implement an additional or stand-alone performance-based merit increase, the increase will not be guaranteed and instead will be based on an employee's performance.

G. STAND-BY (ON-CALL)

On-call status will only be used to meet the needs of each department, but in most normal cases will not be necessary except in emergencies. Employees' on-call will be paid one hour's straight-time pay for each sixteen hour on-call shift. The hours paid for on-call will be credited toward hours worked in a day or the week for overtime purposes. The following rules shall apply:

1. Assignment of on-call status will follow each department's overtime roster accordingly.
2. Employees who are on on-call and who are called in will be paid on-call pay plus pay for all hours worked on a call-in.
3. Employees scheduled for on-call work will be given as much notice as practical, but not less than three calendar days advance notice so that the employees may make their personal plans accordingly; however, in cases of emergency it may be necessary for the City to schedule employees for on-call work with less than three days notice.
4. Employees may not refuse on-call assignments unless for good and enough reasons as determined by the Department Head.
5. Employees who are on on-call, but not available on a call-in, are subject to disciplinary action.
6. Employees will not be paid overtime or premium pay twice for the same hours worked nor is there to be pyramiding of pay for call-ins while on call.

H. CALL-IN

Employees called in to perform work on a day when they are not scheduled, or on-call and employees called back after leaving their work station for the day will be given a minimum of two hours work or a minimum of two hours pay if they are not given two hours work. The hours paid for call-in/call back will be credited toward hours worked in the week for overtime purposes. The following rules shall apply:

1. Call-in and call back of employees will follow each department's overtime roster accordingly.
2. Each individual is expected to work when called unless excused for good and sufficient reason as determined by the Department Head or face possible disciplinary action.
3. Employees called in may be expected to do whatever work is necessary even though not part of their regular duties, providing they have the necessary knowledge to perform the work safely and efficiently and without risk to the equipment or operation.
4. Employees will not be paid overtime or premium pay twice for the same hours worked nor is there to be pyramiding of pay for call-in or call back time.

SECTION VI: RECRUITMENT AND EMPLOYMENT

A. ELIGIBILITY

Individuals shall be recruited from a geographic area as wide as is necessary to assure obtaining well-qualified applicants for the various types of employment positions. Recruitment, therefore, shall not be limited to residents of the City of Moberly or Randolph County. In cases where residents and non-residents are equally qualified for positions presently vacant, the resident shall receive first consideration in filling the vacancies.

All applicants hired for positions that require the potential for call-out to respond to emergency situations, shall be required to live within 30 minutes of the city limits of Moberly. If an employee lives outside this area, he/she must relocate to within the area before the completion of the Introductory Period. All Directors shall reside within the city limits of the City of Moberly. **However, when a Director position remains open or unfilled for a period exceeding six months without any qualified applicant(s) residing within the city limits or willing to locate within the city limits, the City Manager may with the consent of the city council to hire an applicant who does not reside within the city limits.** All applicants for full-time positions with the City shall have, at a minimum, a high school diploma or equivalent to be considered for employment.

B. NOTIFICATION/ADVERTISING

The City Manager, or designee, shall prepare recruiting notices to publicize vacancies and to secure applicants for vacant positions. Such various media of publicity shall be used as might be expected to bring notice of vacancies to as many qualified persons as possible. Minimum qualifications, as required by the nature of the work to be performed, will be included in all notices. Vacancies or new positions shall be advertised utilizing one or more of the following methods in the order listed:

1. Advertise internally for 5 business days. Promotion from within the organization is encouraged.
2. Advertise outside the organization utilizing local news media and the City of Moberly Web Site.
3. Regional or national advertising may be conducted as appropriate for the position.

C. ACCEPTANCE OF APPLICANTS

Applications for employment shall be accepted through the Human Resource Department of the City, unless otherwise specified. Specific information may be required, as deemed necessary, to judge the applicant's fitness.

D. REJECTION OF APPLICANTS

The Human Resources Department shall reject any application or applicant when they have determined:

1. that the application was not filed within the period specified in the vacancy announcement or was not filed on the prescribed form.
 2. that the applicant does not possess the minimum qualifications.
 3. that the applicant has established an unsatisfactory employment or personnel record (as evidenced by reference checks) of such nature as to demonstrate unsuitability for employment.
 4. that the applicant made false statement of material fact or practiced deception in his/her application.
 5. that the applicant is addicted to the habitual use of drugs or intoxicants or has been convicted of a misdemeanor involving moral turpitude or of a felony.
 6. that the applicant does not reply to a mail inquiry within 10 days or does not return a telephone inquiry within two days and fails to accept appointment within the time prescribed in the offer.
- that the applicant was previously in the City's service and was removed for cause or resigned not in good standing. All disqualified applicants shall be notified to that effect immediately.

E. RECRUITMENT BY EXAMINATION

All appointments in the City service shall be made according to merit and fitness and may be subject to competitive examination. All such examinations shall fairly and impartially test those matters that are job related and essential to the duties of the position to be filled. The examinations held to establish eligibility and fitness for a position may consist of one or more of the following types as determined by the Human Resources Department and Department Head. The Human Resources Department Director or his/her designee will make reasonable accommodations in the examination process to applicants with disabilities requesting accommodations.

Types of Examinations

Written Test - This test, when required by job specifications, shall include a written demonstration designed to show the familiarity of applicants with the knowledge necessary for the position for which they are applying.

Oral Test - This test, when required by job specifications, shall include a personal interview where the ability to deal with others, to meet the public, and/or other personal qualifications are evaluated. An oral interview may also be used in examinations where a written test is unnecessary, impractical, or as a reasonable accommodation to someone unable to take a written test due to a disability.

Performance Test - This test, when required by job specifications, shall involve a test of performance that aid in determining the ability and manual skills of applicants to perform the work involved. The performance test may be given a weight in the examination process or may be used to exclude from further consideration applicants who are unable to perform the essential functions of a specific position even with reasonable accommodation when it is determined.

Physical Agility Test - When required by job specifications, this test consists of job-related tests of bodily conditioning, muscular strength, agility, and physical fitness of job applicants for a specific position. This test may be given weight in the examination process or may be used to exclude from further consideration applicants who do not meet the minimum required standards.

Mental Test - When required by job specifications, the mental test shall include any test to determine mental alertness, general capacity of the applicant to adjust his/her thinking to new problems, or to ascertain special character traits and attitudes.

Notification and Inspection of Examination Results

For entry-level positions within the fire and police service, an eligible list may be established and maintained for a period not to exceed two years. Eligibility for this list may require successfully passing one or more of the examinations identified in Section VI-E (1). These examinations shall be administered under the supervision of the respective fire or police department. The eligibility list shall be maintained by the respective department chief.

Examinations for access to the eligibility list shall be offered every two years or as needed upon the discretion of the respective department head. Eligible applicants obtaining the same score or composite score in the case of a multiple examination eligibility list shall be considered to have the same rank on the eligibility list. Individual names appearing on the eligible list shall remain in force for no longer than two years. Those individuals whose tenure on the eligible list has reached two years shall be allowed to participate in the next examination following the expiration from the eligible list and may or may not be reinstated on the list depending upon the results of their examinations(s).

Medical Examination of Essential Functions and General Physicals

Pre-employment - Following a conditional offer of employment, each prospective employee, shall be given a medical examination for the essential functions for the position they have been offered and a general physical exam. The cost of the medical examination shall be borne by the City. Any prospective employee who is unable to successfully perform the essential functions tested for in the medical examination shall have their offer of City employment withdrawn only:

1. if they cannot perform the essential functions due to a disability that cannot reasonably be accommodated.
2. they pose a direct threat to themselves or others.
3. they are unable to perform the essential functions due to a temporary condition or disability not protected by the Americans with Disabilities Act.

Post-employment - All employees of the City may, during their employment, be required by their Department Head and the Human Resources Department to undergo periodic examinations to determine their physical and mental fitness to perform the work of the position in which they are employed. This periodic examination shall be at no expense to the employee. Physical or mental fitness will be determined by a physician designated by Human Resources.

When an employee of the City is reported by the examining physician to be physically or mentally unfit to perform work in the position for which he/she is employed, the employee may, within five business days from the date of his/her notification of this determination, indicate in writing to the City Manager his/her intention to submit the question of his/her physical or mental unfitness to a physician of his/her own choice.

If there is a difference of opinion between the examining physician and the physician chosen by the employee, a physician shall be mutually agreed upon and designated by the examining physician and the physician chosen by the employee. The third physician's decision shall be final and binding as to the physical or mental fitness of the employee. The municipal government shall pay its physician. The employee shall pay his/her physician. The third physician shall be paid by the municipality.

An employee determined to be physically or mentally unfit to continue in the position in which he/she is employed may be demoted in accordance with these rules or separated from City service only after it has been determined that:

1. They cannot perform the essential functions due to a disability that cannot reasonably be accommodated.
2. They pose a direct threat to themselves or others.
3. They are unable to perform the essential functions due to a temporary condition or disability not protected by the Americans with Disabilities Act and they have exhausted all applicable leave.

F. MINIMUM AGE

The Fair Labor Standards Act requires that employees of State and local governments be at least 16 years of age for most non-farm jobs, and at least 18 years of age to work in nonfarm jobs declared hazardous by the Federal Secretary of Labor. Minors 14 and 15 years of age may work outside school hours as defined by the FLSA. Police Officers must be 21 years of age, and Firemen must be 18 years of age.

G. TYPE SOF EMPLOYEES

Full-time Employee - A regular full-time employee is an employee who regularly works a minimum of 40 hours per week (or 80 hours per pay period for commissioned police officers; or two shifts, 24 hours on duty, in the case of fire fighters). A regular full-time employee is paid an annual rate and is subject to all conditions of employment and receiving all benefits.

Part-time Employee - An individual appointed to a position who will work less than 40 hours per week.

Temporary/Seasonal Employee - An employee who is paid on a per day or per hour basis. Temporary/Seasonal employees are not subject to all the conditions of employment but shall be fully capable of performing the assigned duties, although they receive no benefits except coverage under Worker's Compensation. Temporaly/seasonal employees hired to fill a regular full-time position shall begin to accrue benefits on the effective date of regular full-time employment.

H. APPOINTMENT

Pursuant to the City Code, the City Manager or his/her designee has the authority to appoint, promote, demote, transfer, suspend, and remove all employees of the City of Moberly. All vacancies in the City shall be filled by original appointment, re-employment, promotional appointment, provisional appointment, emergency appointment, transfer, or demotion. Whenever a department head wishes to fill a vacancy, a request for appointment must be submitted to the City Manager or his/her designee on the forms prescribed (Status Form). The City Manager will advise the City Council of all appointments.

Appointments to positions with the city government fall into four categories. They are:

Original Appointment - When a non-employee passes all the tests of employability and is offered employment.

Provisional Appointment - When the City is unable to fill a vacancy because of an insufficient number of applicants or lack of qualified applicants, the City Manager may fill the vacancy by a provisional appointment.

Emergency Appointment - The City Manager may authorize the appointment of a qualified person to a position to prevent the stoppage of public business or loss/serious inconvenience to the public. Emergency appointments are limited to a period not to exceed 120 days in any 12-month period.

Re-employment - The re-employment of an employee who previously left the employment of the City of Moberly in good standing (i.e. military duty).

I. PROMOTION

A promotion is the assignment of an employee from one position to another which has a higher maximum rate of pay, rank, and responsibility. Vacancies in positions above the lowest rank in any category shall be filled as far as practical by the promotion of employees. Promotions in every case must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of affecting an increase in compensation. If the promotion does not work out satisfactorily for the employee and/or the employer, then a demotion without prejudice can be made.

J. TRANSFER

Management reserves the right to transfer employees at any time it is in the best interest of the City. When an employee desires to transfer from one department to another, it must be reviewed by both

department heads involved and approved by the City Manager. The transfer of an employee from one position to another, without significant change in level of responsibility may be made:

1. When the employee meets the qualification requirements for the new position.
2. If it is in the best interest of the city.
3. If it meets the personal needs of the employee as consistent with the other requirements of this rule.
4. As a reasonable accommodation when an employee is unable, due to a disability, to continue to perform the essential functions of his/her present job.
5. An employee who transfers from one City department to another will retain and carry forward all benefits earned or accrued or both as of the date of transfer. As a rule, lateral transfers require no increase or decrease in compensation.

K. REINSTATEMENT

To treat all employees fairly, the City of Moberly has adopted a policy governing the reinstatement of benefits for individuals who have been rehired. For the purpose of accrual of vacation, sick leave, and seniority, an employee who was previously employed by the City of Moberly will resume the accrual of these benefits at the same rate of accrual that had been attained prior to the termination of their employment with the City if the following conditions are met:

1. The employee must have voluntarily resigned and must have been given at least two weeks' prior notice of leaving the City of Moberly (four weeks for exempt employees).
2. The previous length of employment must have been longer than the break in service.
3. During the previous length of employment, the six-month Introductory Period must have been satisfactorily completed. All rehires will be subject to a six-month Introductory Period as if they were a new hire.
4. The break in service must have been less than one year.
5. There will be no credit for a lapse in service relative to pension or retirement programs.
6. Exceptions to this policy may be recommended by the City Manager on a case by case basis.

L. INTRODUCTORY PERIOD

The introductory period is an integral part of the examination process, and shall be utilized for the following reasons:

1. To closely observe the employee's work.
2. To secure the most effective adjustment of a new or promoted employee to his/her position; and,
3. To dismiss any employee whose performance does not meet work standards at any time during the introductory period.

The introductory period for all regular appointments shall be for a period of six months, except for police and firefighters which shall be 12 months or until police or fire academy graduation, whichever occurs last. The City Manager may approve a three-month extension of an employee's introductory period upon the request of the Department Head. The introductory period shall not exceed 12 months except in cases where certifications may require additional time. In no case should the Introductory Period be less than six months.

During the introductory period, the Department Head shall require the supervisor to report the observations of the employee's work and his/her judgment of the employee's willingness and ability to

perform the duties assigned. During the Introductory Period, the supervisor will inform the employee when his/her performance is unsatisfactory and not meeting the trial test requirements.

Before the introductory period is complete, employees shall complete the required NIMS 100 and 700 training as well as the required MIRMA training. For employees in active service on the date of the adoption of this manual, this requirement must be completed within 12 months.

A performance evaluation shall be completed at least one month prior to the expiration of an employee's Introductory Period. At this time, the Department Head shall notify the Human Resources Department if the service of the employee has been satisfactory, recommend a pay adjustment of up to five percent, and decide whether he/she will continue to employ the individual.

M. SIGN-UP AND BEGINNING WORK REQUIREMENTS

After an applicant has been chosen to fill a job vacancy by the Department Head and City Manager, the new employee shall comply with the following requirements before beginning work:

1. Signed acknowledgment form from employee handbook.
2. Immigration Control and Reform Act (1-9) form.
3. W-4 form.
4. Emergency Contact form.
5. Copy of driver's license if position requires driving a city vehicle, or government issued identification.
6. Insurance Group Enrollment form. (health, life, and salary redirection)
7. Direct Deposit check (VOIDED).
8. Signed Job Description
9. Appropriate Drug Screening and Pre-Employment Physical
10. Signed acknowledgment form from Loss Prevention Manual.

N. OUTSIDE EMPLOYMENT

Department heads may not grant authorization for outside employment if the work is likely to interfere with the satisfactory performance of the employee's duties, is incompatible with his/her City employment, or is likely to cast discredit upon or create embarrassment for the City. Employees must notify the department head of all outside work activities.

O. HOURS OF WORK

The department head, with the approval of the City Manager or designee, shall establish hours of work per week for each position in the classified service, which shall be determined in accordance with the needs of service, and which shall consider the reasonable needs of the public doing business with various City departments. The department head shall consult with Human Resources to consider FLSA regulations when establishing hours of work.

Punctual and regular attendance is necessary for the efficient operation of the city. Employees late or absent from work due to illness or other cause must notify their supervisor prior to starting time (unless unusual circumstances prevent the employee from making proper notification), explaining the reason for

the absence and, if possible, an anticipated time and/or date of return to work. Failure to notify one's supervisor of absences may result in disciplinary action. See Section VII, part D, for notification obligation under the Family and Medical Leave Act.

O. DRIVING RECORDS

Any employee who is required as a condition of employment to possess and maintain a valid Missouri driver's or commercial driver's license, must immediately, upon his/her knowledge of same (prior to reporting for duty the next work day) inform his/her supervisor should his/her license become denied, expired, restricted, suspended, or revoked at any time during his/her employment with the City. Failure to report any of these violations may result in disciplinary action up to and including termination. The City of Moberly shall conduct a driver's license check of an employee's driving record after an offer of employment has been made as a condition of employment.

P. PERSONNEL RECORDS

It is the responsibility of each employee to keep personnel information in his/her personnel file up-to-date by notifying the Human Resources Department of any information changes, such as name, address, telephone number, beneficiary, marital status, training or course work completed, and to provide copies of diplomas or certificates acquired.

The City is not liable when incorrect withholding, wrong beneficiaries, marital status, or loss of employee benefits results from the failure of any employee to keep personnel records current. The Human Resources Department also maintains the life insurance, pension, retirement, vacation, sick leave records, and health insurance records for each employee. The Human Resources Department will advise employees, through their supervisors, of their eligibility so that they may take full advantage of all benefits available.

All personnel files are confidential and may only be accessed by authorized City employees. Under no conditions shall personnel records be removed from the Human Resources Department. All medical records shall be kept in a separate confidential file in the Human Resources Department for each employee.

R. BUSINESS INTERESTS

No officer or employee of the City may have any financial interest in the profits of any contract, service, or other work performed by the City; or personally profit directly or indirectly from any contract, purchase, sale, or service between the City and any person or company; or personally, or as an agent, provide any surety, bail, or bond required by law or subject to approval by the City Manager. No officer or employee may accept any free or preferred services, benefits, or concessions from any person or company. Any official or employee who violates the provisions of this section is guilty of misconduct.

No City employee shall enter into a contract with the City, or perform any work or function under any contract with the City, if he has a direct or indirect financial interest in the contract, unless; (1) the contract is awarded through a process that is in compliance with the City's purchasing requirements; or (2) the City Council waives the requirements of this section after making a formal finding that it is in the best financial interest of the City to do so, after full disclosure on the part of the City employee of his

direct or indirect financial interest in the contract, the City Council's finding and waiver, and the employee's full financial disclosure, is recorded in the minutes of the City Council in open session. The city cannot waive the State of Missouri's conflict of interest laws (see Missouri Revised Statutes). Direct conflicts are absolutely prohibited in most cases. Indirect conflicts can be allowed generally after disclosure.

S. NEPOTISM

To avoid possible problems of favoritism, or perceived favoritism, regarding employment, promotion, pay increases, work assignment, or disciplinary action, the City of Moberly will exercise caution in the consideration of applicants who have immediate family working in specific areas of requested employment. The nepotism policy applies to any person who is employed as a full-time, part-time, or temporary/seasonal employee.

Individuals applying for employment and current employees are under an ongoing duty to inform their department head of any relationship that might be in violation of the nepotism policy.

Immediate Family as defined may be considered for employment by the City of Moberly if the individual possesses all the qualifications for the position. Immediate family may not be hired under the situations listed below:

1. To work in the same department and reporting to the same immediate supervisor (for the purposes of this policy, immediate supervisor means the individual responsible for the employee's evaluations).
2. Creates either a direct or indirect supervisor/subordinate relationship with a close relative.
3. Employees who marry or otherwise enter a close relative situation as defined above may continue employment at the City Manager's discretion if he/she determines the situation poses no conflict of interest.
4. Hiring of close relatives to work in the Human Resources Department or Payroll department due to the confidential and sensitive nature of these departments.

In the situation that occurs as outlined in number 3, the city may attempt to find a suitable position to which one of the affected employees may transfer at no loss in pay or benefits. If accommodation is not accepted, the employees will be permitted to determine which employee will resign. Such resignation shall be made effective within 90 days. If no decision is made one of the employees shall be terminated by the City Manager.

SECTION VII: BENEFITS

A. HOLIDAYS

All offices of the City of Moberly, except emergency and necessary operations, will be closed and employees excused on the following legal state holidays:

Typical State Schedule:

New Year's Day
Martin Luther King Day
Presidents' Day
Memorial Day
Juneteenth
Independence Day

Labor Day
 Veterans' Day
 Thanksgiving Day
 Friday following Thanksgiving Day
 Christmas Eve
 Christmas Day

When a legal holiday falls on a Saturday, the preceding Friday will be observed. When a holiday falls on Sunday, the following Monday will be observed.

When an employee, except the police and fire departments and water plant operators, must work on the day the City observes as a holiday, he or she will receive eight hours holiday pay plus straight or overtime pay (depending on total compensated hours for the work week) for time worked. Any employee whose regular schedule falls on a holiday shall receive straight time for his regular shift, plus eight hours holiday pay at straight time. When a holiday falls during an officer's or operator's days off he/she will receive eight hours at straight time holiday pay. Fire Department employees shall receive four 24 hour shifts off with pay as holiday compensation for the year.

Employees eligible for any holiday benefits must be in an active pay status (not away on sick leave, leave without pay, or worker's compensation) on his/her last regular shift scheduled before a holiday and his/her first regularly scheduled shift after a holiday in order to receive compensation for the holiday. The department head shall report to the Human Resources Department the names, hours, and dates of employees who work holidays. This reporting shall be done on the time sheets.

VACATION LEAVE

All full-time employees will be credited with earned vacation leave at the following rates:

Full-time employees (except Fire Department)

1 - 5 years	3.08 hours per pay period	10 days per year
6- 10 years	4.62hours per pay period	15 days per year
11 - 20 years	6.15hours per pay period	20 days per year
21 years+	7.70 hours per pay period	25 days per year

Maximum accumulation= 240 hours.

Fire Department employees

1 - 5 years	3.91 hours per pay period	4 shifts per year
6-10 years	7.38 hours per pay period	8 shifts per year
11 -20 years	10.15 hours per pay period	11 shifts per year
21 years+	11.08 hours per pay period	12 shifts per year

Maximum accumulation= 318 hours.

No employee shall accrue earned vacation leave for all or any part of a pay period in which the employee is absent from work for more than three days or shifts for any reason other than taking time off for a holiday or vacation.

The City Manager, with the recommendation of the Department Head, shall have the authority to exceed the maximum number of vacation hours that can be accumulated. Department heads may assign time off for employees who have not requested vacation time if the employee has accumulated more than 220 hours (294 for fire personnel).

To take vacation time, all employees shall submit the vacation request in advance to his/her supervisor for approval.

The above schedule and credits are for uninterrupted service computed from the most recent date of continuous employment. An employee may not take vacation until he/she has completed 6 months of service. Employees are required to take at least one continuous 40-hour vacation (48 hours for firefighters) each calendar year. Vacation time may not be taken unless 40 hours (48 hours for firefighters) have been taken or accrued for the required continuous 40-hour vacation (48 hours for firefighters). No employee may take more than six weeks of vacation in any calendar year (January to December), regardless of the amount of vacation leave accrued.

Vacation leave may be taken as earned in increments of one hour, subject to the approval of the department head who shall schedule vacations so as to meet the operational requirements of the department. Employees leaving the City's employment for any reason will receive pay for any vacation credit earned as of the last day of employment not to exceed 240 hours or six weeks of vacation (318 hours for firefighters). Part-time/temporary/seasonal employees shall not be entitled to vacation or sick leave benefits. Departments should consult the Human Resources Department for questions regarding vacation leave. Vacation time is a pool of hours earned by employees to be used, when approved by their supervisor for appropriate reasons. Vacation hours may be used to bring an employee's pay period total hours up to their full-time base pay period hours (i.e. 40 hours, 80 hours for commissioned police officers and 212 hours for firefighters). Employees may exceed, their full-time base pay if overtime was required during that pay period and approved by their supervisor.

C. SICK LEAVE

Each full-time employee will accrue Sick Leave at the rate of (3.69) hours per pay period, except for members of the Fire Department, who will accrue Sick Leave at the rate of (5.54) hours per pay period. There is no limit to the amount of Sick Leave that may be accumulated. Sick Leave is accrued in an amount proportional to regular hours worked during a pay period. Employees cannot use Sick Leave until the Introductory period has been completed unless approved by the Department Head.

Sick Leave is provided as wage or salary security for employees to assure that employees do not suffer a reduction in regular pay for hours not worked due to illness. Sick Leave will be deducted in a manner to assure full pay for any pay period. Time off on Sick Leave is not considered "time worked" when computing overtime pay. This is how Sick Leave will be handled:

- For regular employees scheduled to work 40 hours per week: if the employee works less than 40 hours in a week due to illness and has available Sick Leave, Sick Leave will be deducted from accrued Sick Leave to increase pay to 40 hours. However, Sick Leave will not be utilized to increase straight time pay for more than 40 hours in a week. For example, if an employee is absent from work due to illness for one day [8 hours] but works 36 hours in the remaining days during that week, the employee will be paid for 40 hours if they choose to use Sick Leave, and 4 hours of accrued Sick Leave will be deducted.
- For Police Department employees scheduled to work 80 hours in 14 days: if the employee works less than 80 hours in a two-week period due to illness and has available Sick Leave, Sick Leave will be deducted from accrued Sick Leave to increase pay to 80 hours. However, Sick Leave will not be utilized to increase straight time pay for more than 80 hours in a two-week period. For example, if an employee is absent from work due to illness for one day [8 hours] but works 76 hours in the remaining days during that two- week period, the employee will be paid for 80 hours if they choose to use sick leave, and 4 hours of accrued Sick Leave will be deducted.
- For Fire Department employees scheduled to work 212 hours in a 28-day period: if the employee one 24 hour Shift due to illness and has available Sick Leave, Sick Leave will be deducted from accrued Sick Leave to increase pay to 212 hours. However, Sick Leave will not be utilized to increase straight time pay for more than 212 hours in a 28-day period. For example, if an employee is absent from work for 1 shift (24 hours) due to illness but works 200 hours in the remaining 28 day pay period, the employee will be paid for 212 hours if they choose to use sick leave, and 12 hours of accrued Sick Leave will be deducted.

No employee shall accrue earned Sick Leave for all or any part of a pay period in which the employee is absent from work for more than 3 days or 3 shifts for any reason other than taking time off for a holiday or vacation.

Sick Leave benefits will commence on the first day of absence for sickness and continue for as long as Sick Leave credit remains. Sick Leave will be charged in one-hour increments. Sick Leave for an employee's illness will run concurrently with FMLA leave beginning with the sixth day of an absence. Generally, employees become eligible to use Sick Leave as follows:

1. Employees are incapacitated by sickness or non-job-related injury, for medical, dental, or optical diagnosis and treatment.
2. For necessary care and attendance of a member of the employee's immediate family (see definition in Section III) when this care is unavailable from other sources and when approved by the Department Head. The necessity for this care may require substantiation from a physician. Also, this section provides that an employee may use Sick Leave when assisting a member of the employee's immediate family with doctor or dentist visits.

3. After exposure to a contagious disease, when certified by a qualified doctor's certificate, so that the employee does not jeopardize the health of others.

To prevent abuse of the Sick Leave privilege, Department Heads are required to satisfy themselves that the employee is genuinely ill before approving Sick Leave. Any absence may require a doctor's certificate. Any absence more than 24 work hours shall require a doctor's certificate, at the discretion of the Department Head or Human Relations, to return to work if, in the opinion of the Department Head, this action is deemed appropriate to ensure fitness for work. When any employee visits the doctor, he/she should obtain a doctor's certificate. If unpaid Sick Leave is used during the introductory Period, a doctor's certificate is required.

Each hour deducted from an employee's Sick Leave accumulation shall be for a regular work hour and shall not include holidays and scheduled off days. After an employee has used all available Sick Leave, he/she may be placed on special leave without pay (see definitions), or he/she be terminated if they remain unable to work after all available FMLA leave has been exhausted. Should he/she be able later to return to work (within one year of termination), upon presentation of certification by a doctor, he/she may be given preference for employment to a position for which he/she is qualified, with the recommendation of the Department Head. The Department Head should consult the Human Resources Department regarding reinstatement of the employee in the desired position. An employee, upon exhausting all earned Sick Leave, may also use earned annual leave or compensatory time or take leave without pay if FMLA leave is available.

Employees cannot transfer earned Sick Leave to another employee. Employees who resign or are dismissed from City employment shall not be paid for any accrued Sick Leave.

D. FAMILY AND MEDICAL LEAVE ACT OF 1993 (OVERVIEW)

1. **Purpose:** To provide a family medical leave policy in compliance with Public Law 103-3, titled Family and Medical leave Act of 1993. For a full version of legislation, contact Human Resource.
2. **Definitions:**
 - a) **Eligible Employee:** Eligible employees are those who have been employed for at least 12 months, who have provided at least 1,250 hours of service during the 12 months before leave is requested, and who work at a work site where at least 50 employees are on the payroll (either at that site or within a 75-mile radius).
 - b) **Parent:** Mother or Father of an employee, or an adult who had day to day responsibility for caring for the employee during his or her childhood years in place of the natural parents.
 - c) **Son or Daughter/Child:** Biological, adopted, or foster child, a stepchild, legal ward, or child of a person standing in as parents, who are under the age of 18 years. Children who are 18 years or older qualify if they are incapable of self-care because of mental or physical disability.
 - d) **Serious Health Condition:** An illness, injury, impairment, or physical or mental condition involving either inpatient care or continuing treatment by a health care provider. Examples of serious health conditions include but are not limited to heart attacks, heart conditions requiring

heart bypass or valve operations, most cancers, back conditions requiring extensive therapy or surgical procedures, strokes, severe respiratory conditions, spinal injuries, severe arthritis, etc.

3. Leave Provisions:

- a) An eligible employee may take up to 12 weeks of unpaid leave in a 12-month period for the birth of a child or the placement of a child for adoption or foster care. Under the Missouri Maternity Leave Act, a female employee may take an additional four weeks of unpaid leave if the 3 months' notice has been complied with. Leave may also be taken to care of a child, spouse, or a parent who has a serious health condition.
- b) The right to take leave applies equally to male and female employees who are eligible.
- c) Unpaid leave for the purposes of care for a newborn child or a newly placed adopted or foster care child must be taken before the end of the first 12 months following the date of birth or placement.
- d) An expectant mother may take unpaid medical leave upon the birth of the child, or prior to the birth of her child for necessary medical care and if her condition renders her unable to work. Similarly, for adoption or foster care, leave may be taken upon the placement of the child or leave may begin prior to the placement if absence from work is required for the placement to proceed.
- e) An employee may take unpaid leave to care for a parent or spouse of any age who, because of a serious mental or physical condition, is in the hospital or other health care facility. An employee may also take leave to care for a spouse or parent of any age who is unable to care for his or her own basic hygiene, nutritional needs, or safety. Examples include a parent or spouse whose daily living activities are impaired by such conditions as Alzheimer's disease, stroke, or who is recovering from major surgery, or who is in the final stages of terminal illness.
- f) Eligible employees, who are unable to perform the functions of the position held because of a serious health condition, may request up to 12 weeks unpaid leave. The term serious health condition is intended to cover conditions or illnesses that affect an employee's health to the extent that he or she must be absent from work on a recurring basis or for more than a few days for treatment or recovery.
- g) Employees requesting medical leave due to their own illness or injury must use any balance of sick leave, annual leave, floating holidays prior to unpaid leave beginning. The combination of sick leave, annual leave, and unpaid leave may not exceed 12 weeks. Employees requesting family leave must use any balance of accrued paid leave prior to unpaid leave beginning.
- h) During periods of leave, an employee will not accrue any additional seniority or similar employment benefits.
- i) If spouses are employed by the city and wish to take leave for the care of a new child or a sick parent, their aggregate leave is limited to 12 weeks. For example, if the father takes eight weeks of leave to care for a child, the mother would be entitled to four weeks leave, for a total of 12 weeks of leave.

4. Notification and Scheduling:

- a) An eligible employee must provide the City at least 30 days' advance notice of the need for leave for birth, adoption or planned medical treatment, or when the need for leave is foreseeable. This 30-day notice is not required in cases of medical emergency or other unforeseen events, such as premature birth, or sudden changes in a patient's condition that require a change in scheduled medical treatment.

- b) Parents who are awaiting the adoption of a child and are given little notice of the availability of the child may also be exempt from this 30-day notice.

5. Certification:

- a) The City reserves the right to verify an employee's request for family/medical leave.
- b) If employee requests leave because of a serious health condition or to care for a family member with a serious health condition, the City requires that the request be supported by certification issued by the health care provider of the eligible employee or the family member as appropriate. If the City has reason to question the original certification, the city may, at their expense, require a second opinion from a different health care provider chosen by the city. That health care provider may not be employed by the city on a regular basis. If a resolution of the conflict cannot be obtained by a second opinion, a third opinion may be obtained from another provider and that opinion will be final and binding.
- c) This certification must contain the date on which the serious health condition began, its probable duration, and appropriate medical facts within the knowledge of the health care provider regarding the condition. The certification must also state the employee's need to care for the son, daughter, spouse, or parent and must include an estimate of the amount of time that the employee is needed to care for the family member.
- d) Medical certifications given will be treated as confidential and privileged information.
- e) An employee will be required to report periodically to the city the status and the intention of the employee to return to work.
- f) Employees who have taken unpaid leave under this policy must furnish the City with a medical certification from the employee's health care provider that the employee is able to resume work before return is granted.

6. Maintenance of Health and COBRA Benefits During Unpaid Leave:

- a) The City will maintain health insurance benefits, paid by the City for the employee, during periods of unpaid leave without interruption. Any payment for family coverage/s premiums, or other payroll deductible insurance policies, must be paid by the employee or the benefits may not be continued.
- b) The City may recover from the employee all health insurance premiums paid during the unpaid leave period if the employee fails to return to work after leave. Employees who fail to return to work because they are unable to perform the functions of their job, because of their own serious health condition, or because of the continued necessity of caring for a seriously ill family member may be exempt from the recapture provision.
- c) Leave taken under this policy does not constitute a qualifying event that entitles an employee to COBRA insurance coverage. However, the qualifying event triggering COBRA coverage may occur when it becomes clearly known that an employee will not be returning to work, and therefore ceases to be entitled to leave under this policy.

7. Reduced and Intermittent Leave:

- a) Leave taken under this policy can be taken intermittently or on a reduced leave schedule when medically necessary as certified by the health care provider. Intermittent or reduced leave schedules for routine care of a new child can be taken only with approval of the City. The schedule must be mutually agreed upon by the employee and the City.

- b) Employees on intermittent or reduced leave schedules may be temporarily transferred by the City to an equivalent alternate position that may better accommodate the intermittent or reduced leave schedule.
- c) Intermittent or reduced leave may be spread over a period of time longer than 12 weeks but will not exceed the equivalent of 12 workweeks total leave in one 12-month period.

8. Restoration:

- a) Employees who are granted leave under this policy will be reinstated to an equivalent or the same position held prior to the commencement of their leave.
- b) Certain highly compensated key employees, who are salaried and among the 10% highest paid employees, may be denied restoration. Restoration may be denied if (A) the city shows that such denial is necessary to prevent substantial and grievous economic injury to the City's operations, (B) the city notifies the employee that it intends to deny restoration on such basis at the time the employer determines that such injury would occur, and (C) in any case in which the leave has commenced, the employee elects not to return to work within a reasonable period of time after receiving such notice.

9. The 12-month FMLA Period

The 12-month period during which an employee is entitled to 12 workweeks of FMLA leave is measured forward from the date the employee's first FMLA leave begins. An employee is entitled to 12 weeks of leave during the 12-month period after the leave begins. The next 12-month period will begin the first time the employee requests FMLA leave after the completion of the previous 12-month period. All employees should consult the Human Resources Department with questions regarding FMLA leave prior to the effective leave of absence date. Request for leave and determinations regarding same under FMLA shall be done on forms established, as amended from time to time, by the United States Department of Labor.

E. FUNERAL LEAVE

Up to a maximum of three consecutive paid days off will be granted to an employee to attend the funeral of an immediate family member (see definition in Section III). This is an allowance as opposed to a guarantee to be used only for the funeral and necessary and reasonable travel to and from the funeral if it occurs during scheduled workdays. Fire Department personnel shall receive one shift off to attend a funeral. Additional time taken will be charged to vacation leave or, in the absence of vacation leave, sick leave can be taken. Given the details above, funeral leave is subject to the reasonable discretion of the Department Head.

F. JURYDUTY

The city urges employees to perform jury duty service whenever requested. Employees will receive regular pay during the period of jury duty absence. While on jury duty, if an employee is dismissed after serving less than three hours on any given day the employee is expected to report back to work for the rest of the day. Leave with pay shall be authorized in order that a covered employee may serve required jury duty, provided, that such leave is reported in advance to the department supervisor. Assignment paper from the court must be submitted with timesheet.

G. COURT WITNESS

If an employee is subpoenaed to court as a witness on a City matter, no leave time will be charged. If subpoenaed as a witness in a personal matter, the employee must use his/her vacation time, or take the time off without pay, or take compensatory time. However, the City Manager may approve payment for leave under special or unusual circumstances.

H. MILITARY LEAVE

The City is committed to protecting the job rights of employees absent on military leave. In accordance with R.S.Mo. §105.270 and the Uniformed Services Employment and Reemployment Rights Act ("USERRA"), it is the City's policy that no employee or prospective employee will be subjected to any form of discrimination based on that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment based on such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under applicable law or this policy.

Reinstatement following Military Service

Employees who leave the City for performing military service or undergoing military training for a branch of the Armed Forces of the United States are eligible for full employment restoration provided they make proper application for re-employment and meet other eligibility criteria as established by State and Federal statutes. Veterans and reservists who are eligible for full employment restoration shall be considered as having been on military leave of absence during their period of service for purposes of employment rights and privileges and shall be eligible to have their employment with the City restored.

Procedure for Reinstatement:

1. The Employee must notify the City of the intent to serve: An employee who has received written or verbal military orders should notify their direct supervisor immediately. Copies of the orders (if available) should be given to the Human Resources Department. If the military leave of absence is to extend beyond 30 days, the City will require copies of the military orders to establish the employee's basic eligibility for protection under USERRA and Missouri Law.
2. Eligibility for Employment Restoration: A veteran or reservist shall be required to meet the following criteria to be eligible for full employment restoration with the City:
 - a) The employee must have left his or her position with the city for the purpose of performing military service, undergoing training or to be examined for such service or training.
 - b) There is a 5-year cumulative service limit on the amount of voluntary/involuntary military leave an employee can use and still retain re-employment rights. This 5-year total does not include: inactive duty training (drills); annual training; involuntary recalls to or retention on active duty; voluntary or involuntary active duty in support of war, national emergency, or certain operational missions; or additional training requirements determined and certified in writing by the Service Secretary and considered to be necessary for professional development or for completion of skill training or retraining.
 - c) The employee must have satisfactorily completed active-duty service, and their release/discharge was "honorable", "general" or "under honorable conditions".
 - d) The employee must contact the city and request re-employment as soon as possible. Time limits for returning to work depend on the duration of the orders. The time-limits for such a request are as follows:

Service of 1 to 30 days: the beginning of the next regular scheduled work period on the first full day following completion of service and expiration of an eight-hour rest period following safe transportation

home. Service of 31 to 180 days: application for reinstatement must be submitted not later than 14 days after completion of military duty. Service of 181 or more days: application for reinstatement must be submitted not later than 90 days after completion of military duty. (Extension for up to two years may be applicable to employees who are convalescing due to a disability incurred or aggravated during military service.)

3. Benefits:

- a) Medical and Dental Coverage: For absences of less than 30 days, medical and dental benefits continue as if the employee has not been absent. For absences of 31 days or more, coverage stops unless the employee elects to pay for COBRA coverage. Health insurance will be reinstated on the day the employee is reinstated to work with no waiting period.
- b) Accrue Vacation/Sick Leave: No vacation or sick leave will accrue while the employee is on military leave. Any accrued vacation leave on record will be paid out to the employee if their leave is to extend beyond 30 days.
- c) Retirement Benefits: The period of military service or military training shall be counted in the years of service requirements for the Missouri Local Government Employees Retirement System ("LAGERS").
- d) Employees who are members of the National Guard or any of the reserve components of the armed forces of the United States are entitled to leaves of absence from their respective duties without loss of pay or leave, impairment of performance appraisal, or loss of any rights or benefits to which otherwise entitled, for all periods of military service during which they are engaged in the performance of duty under competent orders for a period not to exceed 120 work hours in any federal fiscal year

4. Reinstatement: Upon termination of the military leave, the employee is generally entitled to reemployment in the position he or she would have been in (or attained) had no military leave been taken. The specific reemployment rights under USERRA are as follows:

- a) If the employee was absent from employment for less than 90 days, the employer must return the employee to:
 - 1) The position the employee would have attained if he or she had continued in employment and had not been absent for military service, if he or she can perform the job duties; or
 - 2) If the employee is not qualified to perform the duties in the position in 1(A) above after the employer has made reasonable efforts to qualify the employee, the employer must reinstate the employee to the position the employee was employed in on the date he or she began military service, if he or she can perform the job duties of that position.
- b) If the employee was absent from employment for more than 90 days, the employer must return the employee to:
 - 1) The position the employee would have been employed in if his or her employment had not been interrupted by military leave service, or in a position of like seniority, status and pay, if he or she can perform those job duties; or
 - 2) If the employee is not qualified to perform the duties in the position in 2(A) above after the employer has made reasonable efforts to qualify the employee, the employer must reinstate the employee to the position the employee was employed in on the date he or she began military service, or in a position of like seniority, status and pay, if he or she can perform the job duties of that position.

- c) If the employee suffers from a disability caused or aggravated by military service, and is not qualified to perform his or her job duties of the position described I(A) above, the employer must return the employee to:
 - 1) A position of equivalent seniority, status and pay to a position described in I(A) above; or
 - 2) If the position in 3(A) is not possible, a position that is the nearest approximation to that in 3(A).

Exceptions to Reemployment Responsibilities The employer is not required to reemploy the employee if such reemployment is impossible or unreasonable, such as where a reduction in force occurred that would have included the employee or where the employer would have to create a useless job in order to reemploy the employee. However, an employee's position is not unavailable simply because it is occupied by another employee. The employer is also relieved of reemployment responsibilities where the employee has become disabled during leave and reemployment would cause the employer undue hardship. Finally, the employer is not required to reemploy an employee who had been employed in a temporary position.

I. MILITARY FAMILY LEAVE

The City has adopted this Military Leave Policy pursuant to Section 585(a) of the National Defense Authorization Act of 2008 to afford additional leave benefits to employees with these additional unpaid leave rights:

1. **Military Caregiver Leave (also known as Covered Service member Leave):** Eligible employees who are family members of covered service members will be able to take up to 26 workweeks of leave in a "single 12-month period" to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty. This 26-workweek entitlement is a special provision that extends FMLA job-protected leave beyond the normal 12 weeks of FMLA leave. This provision also extends FMLA protection to additional family members beyond those who may take FMLA leave for other qualifying reasons. An eligible employee must be the spouse, son, daughter, or parent, or next of kin of a covered service member.
2. **Qualifying Exigency Leave:** This provision makes the normal 12 workweeks of FMLA job-protected leave available to eligible employees with a covered military family member serving in the National Guard or Reserves to use for "any qualifying exigency" arising out of the fact that a covered military member is on active duty or called to active-duty status in support of a contingency operation. The Department's final rule defines qualifying exigency by referring to a number of broad categories for which employees can use FMLA leave: (1) Short-notice deployment; (2) Military events and related activities; (3) Childcare and school activities; (4) Financial and legal arrangements. (5) Counseling; (6) Rest and recuperation; (7) post-deployment activities; and (8) Additional activities not encompassed **in** the other categories but agreed to by the employer and employee. An eligible employee is one whose spouse, son, daughter or parent either has been notified of an impending call or order to cover active military duty or who is already on covered active duty.

Employee Status and Benefits During Leave

While an employee is on leave, the City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

Employee Status After Leave

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider. This requirement will be included in the employer's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a

position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. The City may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

Use of Paid and Unpaid Leave

An employee who is taking Military FMLA leave must use all paid vacation, personal or sick leave prior to being eligible for unpaid leave. Sick leave may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

Certification of Qualifying Exigency for Military Family Leave

The City will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave (<http://www.dol.gov/esa/whd/forms/WH-384.pdf>).

Certification for Serious Injury or Illness of Covered Service member for Military Family Leave

The City will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service member (<http://www.dol.gov/esa/whd/forms/WH-385.pdf>).

Recertification

The City may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the City may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The City may provide the employee's health care provider with the employee's attendance records and ask whether the need for leave is consistent with the employee's serious health condition.

Procedure for Requesting FMLA Leave

All employees requesting Military FMLA leave must provide verbal or written notice of the need for the leave to the HR manager. Within five business days after the employee has provided this notice, the HR manager will complete and provide the employee with the DOL Notice of Eligibility and Rights (<http://www.dol.gov/esa/whd/forms/fmla/finalrule/WH381.pdf>).

When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the City's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

Designation of FMLA Leave

Within five business days after the employee has submitted the appropriate certification form, the HR manager will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice (<http://www.dol.gov/esa/whd/forms/WH-382.pdf>).

Intent to Return to Work from FMLA Leave

On a basis that does not discriminate against employees on Military FMLA leave, the city may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

J. CAREER DEVELOPMENT AND TRAINING

Employees are encouraged to take advantage of education and training benefits to improve their job skills and to qualify for promotions. These benefits are limited to training and education relevant to the employee's current position or "reasonable" transfer and/or promotional opportunities. "Reasonable" is defined as attaining the minimum qualifications for promotion or transfer with no more than two years of additional training or education. These benefits will be available to all employees on first come, first served basis, subject to the availability of budgeted funds.

Requests for education and training may be initiated by either the employee or department head. Reference to training requests and training received should be made on performance appraisal forms. Final decisions on requests for education and training will be made by the department head. Department Heads, with approval of the City Manager or his/her designee, may authorize or require employee attendance at conferences, seminars, workshops, or other functions of a similar nature that are intended to improve or upgrade the employee's job skills.

Requests to attend training sessions should be made at least 15 days prior to the deadline for registration. The City Manager, or his/her designee, based upon the Department Head's recommendation, shall determine who shall attend conferences based upon availability of resources.

When a request for training is approved, the employee's cost for registration, tuition and publications, transportation, lodging, and other reasonable expenses will be covered by the city.

K. PERSONAL EDUCATION AND TRAINING

Employees who desire to further themselves through education or training not related to their work for the city are encouraged to do so. The City may be able to provide financial assistance for this type of education (See Appendix B). Employees may be granted, upon written request, permission to take time away from their job for training when such time is taken without pay, as compensatory time, or as vacation time, and only so long as their absence will not cause hardship for their department.

L. MATERNITY LEAVE

A female employee who has been employed full-time for at least one year with the City of Moberly and who gives at least three months advance notice of her anticipated date of departure, length of maternity leave, and intentions to return to full employment, may be granted maternity leave for a period not to exceed 12 weeks for the purpose of pregnancy, childbirth, adoption, or the nursing of an infant. Return to duty must be accompanied by a release statement from the employee's attending physician. Accrued sick leave and vacation time may be used if additional time is needed. Maternity leave will run concurrently with Family Medical Leave and any accrued sick or vacation time.

Upon return to full-time employment, the employee will be restored to her previous, or similar, position with the same status, pay, length of service credit, seniority, vacation time, sick leave, bonuses, advancement, or other benefits, if any, for which she was eligible on the date of her leave.

As the purpose of this provision is to promote and encourage bonding between a female employee and her newly-born baby or adopted infant, if the City finds that the female employee has utilized maternity leave to actively pursue other employment opportunities, or if the City finds that the employee has worked part-time or full-time for another employer during the maternity leave period not covered by FMLA, then the City will not be liable under these provisions for failure to reinstate the employee at the end of her maternity leave.

Maternity leave is without pay. The employee may, at her discretion, use all or none of her accrued sick and/or vacation leave prior to taking maternity leave. Subject to the provision of Section VII D., the City is not required to provide for the cost of any benefits, plans, or programs during the period of maternity leave unless it provides the cost of these benefits to all employees on leaves of absence without pay.

A female employee who is prevented from giving three months advanced notice because of medical emergency that requires that maternity leave begins earlier than originally anticipated, does not forfeit her rights and benefits under these provisions solely because of her failure to give three months' notice.

M. RETIREMENT (LAGERS)

The City of Moberly participates in the Local Government Employees Retirement System. Every full-time employee is a member of the retirement plan. All employees are fully vested once they have completed five years of continuous employment with the city. Employees should contact the Human Resource Department for current information on their retirement account.

N. HOSPITALIZATION/LIFE INSURANCE

Full-time employees have the option of hospitalization insurance with the plan administrator currently under contract with the City at the time of their employment. All full-time employees receive life, dental and vision insurance with the premium paid in full by the City. Both employee and family coverage is offered with the City paying one hundred percent (100%) of the monthly premium for employee coverage. Family coverage is offered at a subsidized rate that is subject to change each year. This cost and coverage is subject to change each year.

O. DEATH

Upon the death of a full-time regular employee, his/her beneficiary shall receive his/her next due payroll check, pay for all accrued vacation and compensatory leave, and complete assistance in settling retirement, life, and hospital insurance benefits.

P. OCCUPATIONAL DISABILITY/WORKER'S COMPENSATION

Employees who are injured on the job are covered by Worker's Compensation Insurance. It is the responsibility of the employee to immediately notify their immediate supervisor, or in the absence of the supervisor the next available supervisor, of any injuries sustained while on the job. This supervisor will notify the Human Resources Department. The city encourages injured employees to seek immediate medical attention. All medical expenses related to the treatment of an injury sustained on the job are paid in full directly to the medical providers. After a specified waiting period, employees are also eligible for disability payments set forth by state law where necessary. No vacation or sick leave will accrue while the employee is out on worker compensation.

A separate insurance provider will be notified by the Human Resources representative who administers the Worker's Compensation plan. The employee will be contacted by a representative of the administering company. Information on the current company administering this plan will be provided to you by your personnel representative and is available on posters displayed in your work area. Additional information on Worker's Compensation Insurance is available through the Human Resources Office.

Q. TEMPORARY TRANSITIONAL DUTY

Purpose: It is the purpose of this policy to establish the authority for temporary transitional duty assignments and procedures for granting temporary transitional duty to eligible employees.

Policy: Temporary transitional duty assignments, when available, are for employees who, because of injury, illness, or disability, are temporarily unable to perform their regular assignments but who can perform alternative assignments. Use of temporary transitional duty can provide employees with an opportunity to remain productive and return to work before they have reached maximum medical improvement. This provides a work option for employees who may otherwise risk their health and safety or the safety of others by remaining on duty when physically or mentally unfit for their regular assignment. Therefore, it is the policy of this City that eligible personnel are given a reasonable opportunity to work in temporary transitional duty assignments where available and consistent with this policy.

Definitions:

Eligible Personnel

For purposes of this policy, any employee suffering from medically certified illness, injury, or disability requiring the treatment of a licensed health-care provider and who, because of injury, illness, or disability, is temporarily unable to perform the regular assignment but can perform temporary alternative assignments.

Maximum Medical Improvement

The point at which an injured employee has received the maximum therapeutic benefit from medical treatment.

General Provisions

1. Temporary transitional duty positions are limited in number and variety. Therefore:
 - a. personnel injured or otherwise disabled in the course and scope of employment shall be given preference in initial assignment to transitional duty, and
 - b. assignments may be changed at any time if deemed in the best interest of the employee or the City while keeping within the medical restrictions, and
 - c. eligibility to participate in the program will cease when the employee has reached maximum medical improvement.
2. This policy in no way affects the privileges of employees under provisions of the Family and Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act, or other Federal or State laws.
3. No specific position within this City shall be established for use as a temporary transitional duty assignment, nor shall any existing position be designated or utilized exclusively for personnel on temporary transitional duty.
4. Transitional duty assignments are strictly temporary and normally should not exceed 90 days in duration. After 90 days, personnel on temporary transitional duty who are not capable of returning to their original duty assignment shall:

- a. present a request for extension of temporary transitional duty (not to exceed an additional 90 days), with supporting documentation, to the Human Resources Department; or
 - b. pursue other options as provided by employment provisions of this City, Federal, or State law.
5. Law enforcement personnel on temporary transitional duty are prohibited from engaging in outside employment in which they may reasonably be expected to perform law enforcement functions for which they have been determined physically or mentally unable to perform on behalf of this City and that forms the basis for their temporary transitional duty assignment.
 6. Depending upon the nature and extent of the disability, law enforcement personnel on temporary transitional duty may be prohibited or restricted from wearing the departmental uniform, carrying the service weapon or otherwise limited in employing police powers as determined by the Police Chief.
 7. Transitional duty assignments shall not be made for disciplinary purposes.
 8. Employees may not refuse temporary transitional duty assignments that are supported by the recommendations of a city selected physician. The City may interpret failure to accept and perform transitional duty work as a resignation, unless the employee has pursued other options as provided by the employment provision of this City, Federal, or State laws.

When an employee has reached maximum medical improvement as determined by a city selected physician, an assessment by the Human Resources Department will be made regarding the employee's ability to perform regular job duties or the duties of a different job with or without a reasonable accommodation.

Temporary Transitional Duty Assignment

1. Temporary Transitional Duty Assignments may be drawn from a range of areas that include but are not limited to the following:
 - a. administrative projects (review reports, special projects, etc).
 - b. clerical functions (filing, answering phones, etc.)
 - c. desk assignments (booking officer, bookkeeping, etc.)
 - d. communications (complaint taker, etc.)
 - e. inspections (sidewalks, street signs, buildings, equipment, etc.)
 - f. updating (MSDS sheet at various locations)
 - g. painting (fire hydrants, park benches, equipment, etc.)
 - h. community relations (police and fire community awareness visits, etc.)
 - i. volunteer work at city supported charities (United Way, senior centers etc.)
2. The Human Resources Department shall maintain an inventory of available job assignments that may be used for temporary transitional duty.
3. In addition to considerations included in this policy, decisions on temporary transitional duty assignments shall be made based upon the availability of an appropriate assignment given the employee's knowledge, skills and abilities, availability of transitional duty assignments, and the physical limitations imposed on the employee by the City selected physician.
4. Every effort shall be made to assign employees to positions consistent with their position and job description. However, where deemed appropriate, personnel may be assigned to positions within other departments and positions designated for personnel of lower rank or pay or job description. Employees thus assigned shall:

- a. retain the privileges of their rank but shall answer to the supervisor of the department to which they are assigned with regard to work responsibilities and performance; and
- b. retain the job description and related benefits of the position held prior to their assignment to temporary transitional duty as controlled by the employment provisions of the City.
- c. for work related accidents, if the employee is not retained at the same job descriptions of the position held prior to their assignment to transitional duty, workers-compensation temporary partial disability benefits may be available.

For work related accidents in which the employee is not immediately released to return to normal duty the following shall apply:

1. Immediately following treatment, the employee should report to his/her supervisor their condition and return to work status.
2. At the earliest possible opportunity, the Human Resources Department will discuss the case with the physician concerning the course and scope of the treatment and the ability of the employee to perform transitional duty. The Human Resources Department will then discuss with the supervisor the employee's transitional duty assignment.
 1. Within the first three days following an accident the supervisor shall contact the employee and inquire into the employee's ability to return to work.
 2. If the employee has not returned to work after three days, then the Human Resources Department shall call the doctor and the employee to check the employee's transitional duty status.
 3. If the employee is not able to return to work after three days, then the employee shall call the Human Resources Department to discuss the employee's transitional duty status and present the work status report provided by the treating physician immediately following each doctor's appointment.
 4. If it is determined that the employee may be medically able to perform transitional duty, the essential functions of the transitional duty shall be identified by the supervisor and reviewed with the employee.

Requests for and Assignment to Temporary transitional duty for non-work conditions:

1. Requests for temporary transitional duty assignments shall be submitted to the employee's immediate supervisor. Requests must be accompanied by a statement of medical certification to support a requested reassignment, which must be signed by treating physician. The certificate must include an assessment of the nature and probable duration of the disability, prognosis for recovery, nature of work restrictions and an acknowledgment by the health-care provider of familiarity with the transitional duty assignment and the fact that the employee can physically assume the duties involved.
2. The request for temporary transitional duty and the physician's statement shall be forwarded to the Human Resources Department, who shall make a recommendation regarding the assignment to the City Manager or his/her designee.

The city may require the employee to submit to an independent medical examination by a physician of the City's choosing. In the event the opinion of this City selected physician differs from the foregoing health provider, the employee may request a third opinion at the employer's expense. The employee and representatives of the City shall cooperate and act in good faith in selecting any third health care provider, and both parties shall be bound by that medical decision.

An employee who has not requested temporary transitional duty may be recommended for such assignment by submission of a request from the employee's immediate supervisor. Such a request must be accompanied by an evaluation of the employee conducted by a competent medical authority expressing the need for temporary transitional duty or by a request/order for a medical or psychological fitness-for-duty examination.

Notice shall be provided to the employee of the proposed temporary transitional duty assignment together with justification for the recommendation. The employee may challenge the proposed reassignment using established City grievance procedures. Pending results of a grievance procedure, an employee may be reassigned if, in the opinion of the City Manager, failure to reassign may jeopardize the safety or health of the employee, other employees, or the public. As a condition of continued assignment to temporary transition duty, employees shall be required to submit to periodic physical assessments of their condition specified as by the personnel department.

R. Parental Leave

1. **Purpose.** Parental leave is for the birth of a child or placement of a child with the employee for adoption.

2. **Eligibility.** Regular Full-Time employees are qualified to receive parental leave. Every parent shall receive parental leave following the birth or adoption of a child less than seven (7) years of age. If both parents are city employees, each parent shall receive parental leave, which may be taken concurrently, consecutively, or at different times. Leave shall be taken within twelve (12) weeks following the birth or adoption of a child. Parental leave may not be donated or carried over to future years.

3. **Leave Benefit.** The leave provided for this benefit shall be two weeks (80 hours) of paid leave on the employee's regular salary. Parental leave shall not be counted against vacation leave or sick leave, which shall continue to accrue during the period of parental leave. Holidays shall not be counted against parental leave. Parental leave shall run concurrently with FMLA leave if the employee is eligible.

4. **Effective Date.** Parental leave shall be available for any birth or adoption that occurs on or after the date this policy is approved by Resolution of the Moberly City Council.

SECTION VIII: MISCELLANEOUS POLICIES

A. DRUG AND ALCOHOL TESTING PROGRAM

The city takes seriously the problem of drug and alcohol abuse and is committed to providing a substance abuse free work place for its employees. This policy (See Appendix C) applies to all employees of the City, without exception, including part-time and temporary employees.

B. SEXUAL HARASSMENT

Sexual harassment includes conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men and conduct by women toward women. Consequently, this policy applies to all officers and employees of the City of Moberly, including, but not limited to, full and part-time employees, elected officials, regular and temporary/seasonal employees, employees covered or exempt from the personnel policies and procedures of the City, and employees working under contract for the City.

Definition

Sexual harassment includes but not limited to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the form of pinching, grabbing, patting, propositioning, making either explicit or implied job threats or promises in return for submission to sexual favors, making inappropriate sex-oriented comments on appearance, telling embarrassing sex-oriented stories, displaying sexually explicit or pornographic material, no matter how it is displayed, or sexual assault on the job by supervisors, fellow employees, or on occasion, non-employees when any of this unwelcome conduct affects employment decisions, makes the job environment hostile, distracting, or unreasonably interferes with work performance. Such conduct is an unlawful employment practice and is absolutely prohibited by the city.

Making sexual harassment complaints

The city may be held liable for the actions of all employees about sexual harassment and will not tolerate the sexual harassment of its employees. The city will take immediate, positive steps to stop it when it occurs.

By law, the city is responsible for acts of sexual harassment in the workplace where the city (or its agents or supervisory employees) knows or should have known of the conduct, unless it can be shown that the city took immediate and appropriate corrective action. The city may also be responsible for the acts of non-employees, with respect to the sexual harassment of employees in the workplace, where the city (or its agents or supervisory employees) knows or should have known of the conduct and failed to take immediate and appropriate corrective action.

Prevention is the best tool for the elimination of sexual harassment. Therefore, the following policy shall be strictly enforced. Any employee who feels he/she is being subjected to sexual harassment should immediately contact one of the persons below with whom the employee feels the most comfortable.

Complaints may be made orally or in writing to:

1. The employee's immediate supervisor.
2. The employee's Department Head.
3. The City Manager.

In addition, the employee shall notify the Director of Human Resources about the activity upon which the complaint is based. If the immediate supervisor and/or the department head are notified by the employee of the offending conduct they shall immediately notify the Director of Human Resources.

Employees have the right to circumvent the employee chain of command in selecting which person to whom to make a complaint of sexual harassment. Regardless of which of the above persons the employee makes a complaint of sexual harassment to, the employee should be prepared to provide the following information:

- a) Official's or employee's (victim's) name, department, and position title.
- b) The name of the person or persons committing the sexual harassment, including their title(s), if known.

- c) The specific nature of the sexual harassment, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee because of the harassment, or any other threats made against the employee as a result of the harassment.
- d) Witnesses to the harassment.
- e) Whether the employee has previously reported the harassment and, if so, when and to whom.
- f) Whether the complaining employee has notified the harassing employee that the conduct is offensive.

Reporting and investigation of sexual harassment complaints

The Human Resources Director is the person designated by the city to be the investigator of complaints of sexual harassment against employees. If the sexual harassment complaint is against the Human Resources Director, the investigator will be the City Manager.

When an allegation of sexual harassment is made by any employee, the person to whom the complaint is made shall promptly prepare a report of the complaint according to the preceding section and submit it to the City Manager. The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator by the person complaining of sexual harassment, witnesses interviewed during the investigation, the person against whom the complaint of sexual harassment was made, and any other person contacted by the investigator in connection with the investigation.

Upon conclusion of the investigation, the investigator shall prepare a report of the findings. The report shall include the written statement for the person complaining of sexual harassment, the written statement of witnesses, the written statement of the person against whom the complaint of sexual harassment was made.

Action on complaints of sexual harassment

Upon receipt of a report of a complaint of sexual harassment, the City Manager shall immediately review the report. If the City Manager determines that the report is not complete in some respect, he/she may question the person complaining of sexual harassment, the person against whom the complaint has been made, witnesses to the conduct in question, or any other person who may have knowledge about the harassment.

Based upon the report and his/her own investigation, where one is made, the City Manager shall, within a reasonable time, determine whether the conduct of the person against whom a complaint of harassment has been made constitutes sexual harassment. In making that determination, the City Manager shall look at the record and at the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred, and the conduct of the person complaining. The determination of whether sexual harassment occurred will be made on a case-by-case basis.

If the City Manager determines that the complaint of harassment is founded, he/she shall take immediate and appropriate disciplinary action against the employee guilty of sexual harassment, consistent with his authority under the municipal charter, ordinances, or rules governing his authority to discipline employees.

The disciplinary action shall be consistent with the nature and severity of the offense, and any other factors the City Manager believes relate to fair and efficient administration of the City government, including, but not limited to, the effect of the offense on employee morale, public perception of the offense, and the light in which it casts the City. The disciplinary action may include demotion, suspension, dismissal, warning, or reprimand. A determination of the level of disciplinary action shall also be made on a case-by-case basis.

A written record of disciplinary actions taken shall be kept, including verbal reprimands. In all events, an employee found guilty of sexual harassment shall be warned not to retaliate or threaten to retaliate in any way against the person making the complaint of sexual harassment, witnesses, or any other person connected with the investigation of the complaint of sexual harassment.

In cases where the sexual harassment is committed by a non-employee against a City employee in the workplace, the Human Resources Director, in consultation with the City Manager, shall take necessary and lawful action against the non-employee to bring the sexual harassment to an immediate end. Employees are not only encouraged to report instances of sexual harassment, they are obligated to report them. Employees are also obligated to cooperate in every investigation of harassment. The identity of employees will be treated in a confidential manner.

The obligation includes, but is not necessarily limited to, coming forward with evidence, both favorable and unfavorable, for a person accused of such conduct and fully and truthfully making written reports or verbally answering questions when required to do so by an investigator. Employees are also obligated to refrain from making bad faith accusations of sexual harassment.

Disciplinary action may also be taken against any employee who fails to report instances of sexual harassment, or who fails or refuses to cooperate in the investigation of a complaint of sexual harassment, or who files a complaint of sexual harassment in bad faith.

C. POLITICAL ACTIVITY

Nothing in this section is intended to prohibit any municipal government employee from privately expressing his/her political views or from casting his/her vote in all elections. City employees, while on duty, in uniform, or on City property, are prohibited from participating in the following political activities:

1. Directly or indirectly solicit, receive, collect, handle, disburse or account for assessments, contributions, or other funds for a candidate for City office.
2. Organize, sell tickets to, promote, or actively participate in a fund-raising activity of a candidate for City office.
3. Take an active part in managing the political campaign for a candidate for City office.
4. Solicit votes in support of or in opposition to a candidate for City office.
5. Act as a recorder, watcher, challenger, or similar officer at the polls on behalf of a candidate for City office.
6. Drive voters to the polls on behalf of a candidate for City office.

7. Endorse or oppose a candidate for City office in a political advertisement, broadcast, campaign literature, or similar material.
8. Address a rally or similar gathering of the supporters or opponents of a candidate for City office.
9. Initiate or circulate a nominating petition for a candidate for City office.
10. Wear campaign buttons, pins, hats, or other similar attachments, or distribute campaign literature in support or opposition to a candidate for City office.
11. Engage in county, state, or federal political activities or elections during his/her on-duty City working hours.

The City Manager may grant a city employee a leave of absence to become a candidate for any office other than Mayor or Council member for the City of Moberly. No employee shall become a candidate for elective office for the City of Moberly. If elected to a full-time position outside of the city, the employee must resign his/her city position.

D. ACCEPTANCE OF GRATUITIES

No employee may accept any money or other consideration or favor from anyone other than the City for the performance of an act he/she would be required or expected to perform in the regular course of his duties, nor may any employee accept, directly or indirectly, any gift, gratuity, or favor of any kind that might reasonably be interpreted as an attempt to influence his actions with respect to City business.

E. INCLEMENT WEATHER LEAVE

When weather conditions appear to be so severe, the City Manager will determine whether the City will be open, start late, close early, and how compensation will be handled.

F. USE OF TOBACCO PRODUCTS

No person may, in a city facility, smoke or use any tobacco products in any designated nonsmoking areas. These areas are well marked. Violators of this policy will be subject to disciplinary action.

Purpose

To respond to requirements of Missouri Statutes and the increasing evidence that tobacco smoke creates a danger to the health of persons who are present in a smoke-filled environment and to establish City policy to regulate the use of smoking materials by City employees while on duty. Every attempt will be made to obtain, to the greatest extent possible, freedom for those who choose to smoke.

Statement of Policy

"Smoking" as used in this policy shall mean and include the smoking or carrying of any kind of lighted pipe, cigar, or cigarette. Smoking will be restricted to designated areas as established by the Department Head of that Facility. The following areas have been so designated provided that the resulting smoke does not affect nonsmoking employees or the public:

Work Sites	Designated Smoking Area
City Hall	None
Airport Office	None
Park & Recreation Office	None

Park Maintenance Building	None
Howard Hills Sport Complex	None
Aquatic Center	None
Municipal Court	North End of Building
Municipal Auditorium	None
Police Station	None
Cemetery Maintenance Building	Break Area Only
Street Barn	Shop Area Only
Fire Station #1	Bay Area only
Fire Station #2	Bay Area Only
Water Filtration Plant	None
Wastewater Plant	Garage Area Only
Water Maintenance Building	Bay Area Only

Vehicles

No smoking while operating or as a passenger in city equipment such as automobiles, all trucks, construction equipment or any heavy equipment with and without cabs, and any city equipment using a combustible fuel.

Areas designated for smoking may change from time to time to meet the needs of the City and desires of its employees and the public. In the event there is a conflict about the establishment of a smoking area, the right of the nonsmokers to breathe clean air free from harmful smoke shall supersede the right to smoke.

Signs prohibiting smoking shall be conspicuously posted in every facility and major work area where smoking is prohibited. Ashtrays will not be kept in non-smoking areas. Ashtrays will be made available in the designated smoking areas and are always to remain in the designated areas. Smoke breaks are to be confined to the affected employee's lunch period or rest break.

Procedure

The effectiveness of this policy shall depend largely on the understanding and willingness of all employees to abide by its provisions and to request others to do so. Smokers must consider the health concerns and comforts of their non-smoking co-workers and non-smokers must consider the freedom of choice of the smoker. It shall be the responsibility of each employee to abide by the rules and regulations contained in this policy, and it shall be the responsibility of the affected Department Head to see that the policy is applied in an equitable manner and adhered to by all employees.

Complaints of violation of the policy should be directed to the Department Head responsible for the work area or facility involved in the complaint. The Department Head shall be responsible for notifying the violator of the pertinent portions of this policy. Failure to comply with the policy after proper notification shall initiate the City's progressive discipline procedures.

G. PERSONAL TELEPHONE CALLS

The use of the telephone during regular work hours for local calls of a personal nature is permitted but should be limited to a minimum length in talk time. Long-distance calls should be made only for business and with use of the department code from which the call is being made.

H. FIGHTING, HORSEPLAY, & PROPERTY DAMAGE

Fighting, horseplay, and intentionally defacing or damaging City property are not permitted. Employees engaging in these activities will be subject to disciplinary action that could include termination.

I. GARNISHMENT

Employees can easily find themselves in financial trouble, occasionally requiring creditors to file garnishments against them. To prevent such occurrences, employees are encouraged to seek assistance from consumer finance counseling agencies located in the area. Names and telephone numbers of these agencies can be obtained from the Human Resource Department's office.

J. BULLETIN BOARDS

The City maintains bulletin boards at numerous locations on which important information connected with an employee's work is posted from time to time. Cooperation is needed in protecting the posted material. All material to be placed on the bulletin boards must be approved by the appropriate supervisor before it is posted. Materials shall be removed from bulletin boards by the appropriate City personnel.

K. TRIP REIMBURSEMENT

Trips that involve reimbursement and/or City expense may not be undertaken without prior approval of the Department Head or City Manager. Reimbursement for expenses incurred during official travel will be reimbursed in accordance with the Administrative Procedure Guidelines for Travel (see Appendix D).

L. USE OF CITY VEHICLES AND EQUIPMENT

All City vehicles and equipment are for official use only. Drivers and/or operators must have a valid Missouri Drivers License and must wear seat belts and comply with all other traffic and equipment laws and regulations (See section 5 of the Loss Prevention Manual). No person other than a city employee may operate a City vehicle or piece of machinery without consent of authorized city employee.

M. WEB TIME SHEETS

All departments must have their web time sheets approved by 9:00 a.m. on Monday morning every other week for the previous two-week work period. All time sheets must be approved by the appropriate Department Head and by the City Manager or his/her designee when there is overtime.

N. LEAVE OF ABSENCE

Special leave is time off from regular work that can be granted with or without pay at the direction of the Department Head. Leave with pay may be granted for attendance at job-related professional meetings or for educational purposes.

Special leave without pay may be granted for a period not to exceed 90 days for other good and sufficient reasons that are considered controllable. This leave requires the prior approval of the City Manager. An employee on special leave without pay will not accrue sick or vacation leave while on special leave status.

This provision shall not be construed to eliminate other possible needs for special leave. However, this leave will not be chargeable to either sick leave or vacation leave. Every application for special leave must be accompanied by a complete explanation of the reason for absence.

0. RISK MANAGEMENT

An effective risk management program is essential to the health, safety, and general well-being of the community and City employees. The city is striving to provide each employee with a safe working environment. Each employee, however, is expected to do his or her part and be safety conscious while on the job. Supervisors and Department Heads are responsible for providing employees with the appropriate safety equipment and to see that it is properly used. Each employee is required to wear appropriate safety equipment. There are no exceptions.

The following safety policies are to be followed by all City employees. They are designed to provide a safe and healthy work environment for all employees:

1. The existence of any unsafe conditions must be reported in writing on the prescribed forms to the employee's supervisor and the safety coordinator. Accidents and injuries that result or may result in treatment by a physician must be reported immediately to the Human Resources Department.
2. The Safety Committee and Human Resources Department reviews and investigates every accident and injury that occurs. The Safety Committee and Human Resources Department advise the City Manager on the results of all investigations and any actions that could reduce exposure to losses.
3. Monthly safety training meetings will be conducted by each Department Head or the departmental safety officer. These training meetings are coordinated by the safety coordinator and cover general safety as well as the particular safety demands of each department. Documentation is maintained of the topics covered at all safety meetings and the names of employees in attendance.
4. Hard hats, which meet A.N.S.I. specifications, will be provided by the city and worn at all times by employees working in areas where there is a potential for head injury from falling and flying objects, or from electrical shocks or bumps. Metal hard hats are not permitted.
5. Fluorescent orange safety vests or international orange shirts or jackets will be worn by all construction or maintenance personnel engaged in any activity on streets or rights-of-way and/or anytime there is possible danger of being struck by passing traffic.
6. Safety goggles must be worn when sledging, hammering, and sawing on metal or concrete, chipping, welding, grinding, working in dusty places, handling of chemicals or acids, or other operations where eye injuries may result.
7. Ear protection in the form of earmuffs or approved earplugs will be worn on all high noise level jobs as directed. Cotton will not be used as plugs.
8. Approved respirators are to be used when conditions warrant. They must be kept clean and sanitary and will be inspected often by the safety coordinator.
9. Shoes that provide adequate protection relative to the work performed are required. Department Heads are required to specify the type of safety shoe necessary for the work performed.
10. Gloves with palms made of leather or other serviceable material should be worn when handling materials or objects that tend to injure hands.

11. Employees required to work around moving equipment or machinery are required to wear safe clothing. Employees are cautioned about the danger of loose clothing, rings, bracelets, and jewelry around moving equipment.
12. The use of gasoline for the purpose of cleaning equipment or tools or for starting fires is prohibited. Small quantities of gasoline may be transported only in approved safety containers. Gasoline engines must be shut off when refueling.
13. Tampering with or unauthorized removal of fire extinguishers from assigned locations is prohibited.
14. Compressed air is not to be used for dusting off clothes or equipment without proper protection equipment.
15. No employee, other than the operator, may ride on any piece of equipment unless specifically authorized to do so. Operation of any City equipment without proper authorization is prohibited.
16. No employee may operate any machinery, equipment, or tools unless properly instructed in its use and thoroughly familiar with all details of its operation.
17. All switches and drives on machinery and tools must be shut off before cleaning, greasing, oiling, or adjusting or repairs.
18. All machinery guards shall be kept in place while machinery is in operation. Tampering with machine guards is prohibited and any removal requires prior approval of a responsible supervisor. All guards are to be promptly replaced after any repair or maintenance work is completed.
19. No employee may work under lifted loads. Equipment operators must avoid carrying loads over employees.
20. Hand tools are not to be used except for the use intended. All damaged tools or worn-out parts should be reported to the supervisor for replacement or repair.
21. No employee may enter an un-shored trench or excavation greater than four feet in depth unless the slopes are laid back in accordance with OSHA standards. No employee may enter a trench without someone present on the surface.
22. No employee may remove a cover or guardrail from any floor or street opening without specific authority.
23. Tools, equipment, machinery, and work areas are to be maintained in a clean and safe manner. Any defects should be reported to a supervisor.
24. Common sense health and sanitation rules must be observed for the welfare and consideration of other employees.
25. Proper lifting procedures (back as straight as possible and with knees bent) must be practiced. If the load is too heavy to lift safely, get help.
26. Electric power tools must be properly grounded before being put into operation.
27. Work areas on streets, roads, sidewalks, and other work sites where vehicular and pedestrian traffic creates a hazard must be properly signed and barricaded as directed by the supervisor and the safety coordinator.
28. Storage and warehouse areas will be kept in clean and safe condition.
29. Confined space entry will be performed according to Federal law OSHA Standards.
30. Safety belts should always be on.

P. FRATERNIZATION

Improper fraternization is discouraged throughout the City of Moberly. Improper fraternization includes dating, romantic, sexual relationships, or other forms of intimate personal interactions or relationships

which may result in creating conflicts of interest, the appearance of favoritism, or the risk that confidential City information may be compromised. Consequently, the City of Moberly's elected and appointed officials, supervisors, and managers at all levels must refrain from fraternizing with subordinates. This restriction applies not only in direct reporting relationships, but also to working relationships where the official or supervisor is able to influence the terms or conditions of the subordinate's job.

When improper fraternization under this policy comes to the attention of management, management shall determine whether any action is required. If the determination is made that the improper fraternization requires some action, the individuals involved may be reassigned, or if reassignment is not feasible, one of the involved individuals may be terminated. When selecting the individual who will be terminated, due consideration will be given to the relative value of the individuals involved in the organization. Where it is not possible to determine the individual most important to the City's ongoing operations, the individuals involved will be given the opportunity to decide who will be terminated and, failing agreement, the longevity of the employees will determine the issue with preference given to the most-tenured employee.

Q. CARRYING OF CONCEALED WEAPON DURING TIME OF EMPLOYMENT

It shall be the policy of the City of Moberly that no full-time, part-time, contracted, or otherwise compensated employee shall carry a concealable firearm while such persons are performing activities for or on behalf of the city. Any such person violating this policy may face disciplinary action including termination.

The restrictions set forth by this policy shall not apply to licensed and commissioned law enforcement personnel employed by the City of Moberly or any other licensed and commissioned peace officer of all state, county, and municipalities possessing the duty and power of arrest for violation of the general criminal laws of the state or for violations of ordinances of the counties or municipalities of the state whether such officers are within or outside their jurisdictions on or off duty, unless the Chief of Police has implemented such prohibitions as part of departmental procedures in processing prisoners and/or ensuring officer safety and the security of the police department.

R. DRESS CODE POLICY

Due to the fact that not all casual clothing is suitable for the office, these guidelines will help employees determine what is appropriate to wear to work. Clothing that works well for the beach, yard work, dance clubs, exercise sessions, and sports contests shall not be appropriate for a professional, casual appearance at work.

Clothing that reveals too much cleavage, back, chest, stomach, or underwear is not appropriate for a place of business. Clothing should fit properly, neither too loose nor too tight. In our work environment, clothing should be neat in appearance.

No dress code can cover all contingencies, so employees must exert a certain amount of judgment in their choice of clothing to wear to work. In case of uncertainty about acceptable casual attire for work, employees should consult their supervisor or the Human Resources Department.

If clothing fails to meet these standards, as determined by the employee's supervisor and Human Resources staff, the employee will be asked not to wear the inappropriate item to work again. If the problem persists, the employee may be sent home to change clothes and will receive a verbal warning for the first offense. Progressive disciplinary action will be applied if dress code violations continue.

S. FRAUD POLICY

The City of Moberly, Missouri is committed to the highest standards of moral and ethical behavior by its employees, administrators, and elected officials. The purpose of this policy is to prohibit dishonest and/or fraudulent activity and to establish procedures for reporting fraudulent activities to City administrators. This policy details responsibility and assignment of internal City controls and investigations relating to fraud.

This policy applies to any fraud, or suspected fraud, involving employees, administrators, elected officials, as well as outside consultants, contractors, and vendors who have a business relationship with the City. This policy also applies to members of local boards, agencies, and commissions over which the City Council has authority of its general policies.

The City of Moberly is guided by a Code of Ethics under Section II of the City Personnel Manual. Through all its levels of management, the City is responsible for the prevention and detection of fraud, misappropriation of City funds, or any other deemed inappropriate conduct. All employees of the City of Moberly are required to assist in the prevention of fraudulent activity and remain committed to providing the highest quality of services to the citizens. Any case of fraud detected or suspected will be reported immediately to the City Manager, who will initiate an investigation into the matter, with other applicable departments and/or law enforcement agencies as deemed necessary. Any individual found to have engaged in fraudulent activity, as defined by this policy, will be subject to disciplinary action by the City of Moberly, which may include dismissal and/or prosecution by the appropriate authorities.

Fraud is herein defined as the use of dishonesty, deception, or false representation in order to gain a material advantage or to injure the interest of others. Examples include:

1. Forgery or alteration of any document or account belonging to the City of Moberly.
2. Forgery or alteration of a check, bank draft, or any other financial document.
3. Misappropriation of funds, securities, supplies, or other assets.
4. Impropriety in the handling or reporting of money or financial transactions resulting in the personal gain of any individual.
5. Disclosing confidential information to outside parties resulting in the personal gain of any individual.
6. Accepting or seeking material value from vendors, contractors, or other persons providing services/materials to the city.
7. Destruction, removal or inappropriate use of records, furniture, fixtures, and equipment resulting in the personal gain of any individual.
8. Authorizing or receiving compensation for hours not worked.

Any employee who has knowledge or reason to suspect that any type of fraudulent behavior has occurred will notify his/her immediate supervisor. If the employee is not comfortable reporting this to his/her immediate supervisor, then he/she can report any suspicion directly to the Department Head. All

employees will cooperate pursuant to this procedure and will not by any means personally investigate the suspected fraud. The City Manager or investigating authority dictates the limits of all communication pertaining to the suspected fraudulent behavior.

Upon notification by an employee of suspected fraudulent behavior, the supervisor will notify his/her immediate supervisor or Department Head. The supervisor will not attempt to investigate the suspected fraud.

Upon notification by an employee or supervisor of suspected fraudulent behavior, the Department Head will immediately contact the City Manager's Office. The Department Head will not attempt to investigate the suspected fraud.

Upon notification by a Department Head of suspected fraudulent behavior, the City Manager's Office will oversee and coordinate all actions taken during the investigation. The City Manager's office will coordinate the investigation with assistance and resources provided by the Police Department, the City Attorney, and any additional personnel deemed essential.

Upon notification by the City Manager's Office, the Police Department will provide direct assistance during the investigation. If suspected criminal fraud has occurred, the Police Department will assume primary responsibility for conducting the investigation, and coordinate with the Office of the City Attorney.

Upon request by the City Manager's Office, the City Attorney will provide legal advice and guidance to all persons who are directly involved in the investigation and reporting of the alleged fraud.

After an initial review and determination that the suspected fraud warrants additional investigation, the City Manager will take immediate action to prevent the theft, alteration, or destruction of pertinent records. The individual(s) assigned to conduct the investigation will notify the City Manager after a preliminary review and a determination that the case warrants further investigation. The City Manager will coordinate the investigation with the appropriate law enforcement officials and the City Attorney. All participants in a fraud investigation will keep the details and results of the investigation confidential. Applicable City staff will notify investigating personnel if review of records requires confidentiality. If suspected fraud is substantiated by the investigation, the City will take the appropriate action in conformance with its Personnel Policies and Procedures. Violations of the City's Fraud Policy will result in disciplinary actions up to and including dismissal. At the end of the investigation, the individual (s) conducting the investigation will document the results in a confidential memorandum prepared for the City Manager and City Attorney. After review, a copy will then be provided to the appropriate Department Head.

It is a violation of this procedure to retaliate against or penalize any individual for reporting fraud or for cooperating, giving testimony, or participating in an audit investigation, proceeding, or hearing. Appropriate disciplinary action will be taken against those found retaliating against the employee.

Allegations that fall outside the parameters of this policy, such as personal improprieties, whether moral, ethical, behavioral, safety, or work environment related, should be resolved by City management in conjunction with the Human Resources Department.

T. CELLULAR PHONE POLICY

This policy about cellular phone usage applies to any mobile device that makes or receives phone calls, leaves messages, sends text messages, accesses the Internet, or downloads and allows for the reading of and responding to e-mail, regardless of whether the device is City-supplied or personally owned, as well as using any such device while operating a city-owned vehicle.

City Owned and Supplied Devices or Vehicles

An employee who uses a city-supplied device or a City-supplied vehicle is prohibited from using a cell phone or similar device while driving, whether the business conducted is personal or City-related. This prohibition includes receiving or placing calls, text messaging, accessing the Internet, receiving or responding to e-mail, checking for phone messages, or any other purpose related to your employment, volunteer activities, meetings, or civic responsibilities performed for or attended in the name of the City, or any other City or personally related activities not named here while driving. Use of City owned vehicles or devices for personal business is discouraged and should be limited to emergency situations.

Cell Phones or Similar Devices at Work

Employees may utilize their personal or City-supplied cellular phones for business purposes. At the same time, cell phones are a distraction in the workplace. Employees must limit their personal use of cell phones during working hours to breaks, lunch periods, or other times when not actively working.

To ensure the effectiveness of meetings, employees are asked to mute cell phones or, on the unusual occasion of an emergency or anticipated emergency that requires immediate attention, the cell phone may be on vibrate mode.

Personal Cell Phone or Similar Device Use for Business

The prohibition of cell phone or similar device use while driving includes receiving or placing calls, text messaging, accessing the Internet, receiving or responding to e-mail, checking for phone messages, or any other purpose related to your employment, volunteer activities, meetings, or civic responsibilities performed for or attended in the name of the city; or any other City related activities not named here while driving. You may not use your cellular phone or similar device to receive or place calls, text messages, access the Internet, check phone messages, or receive or respond to e-mail while driving.

The City recognizes that the use of cell phones while driving significantly increases the risk of accidents and injuries. Therefore, employees must stop their vehicle in a safe location in order to use a cell phone or similar device. The use of a cell phone or similar device while driving is prohibited.

Employees who violate this policy will be subject to disciplinary action up to and including termination of employment.

U. COMPUTER USAGE POLICY: INTERNET, E-MAIL, AND SOCIAL MEDIA

The City of Moberly has established certain conditions and guidelines for use of all computers and related media (see Appendix A).

V. WHISTLEBLOWER PROTECTION POLICY

The City of Moberly requires directors, officers and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the City of Moberly, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

Reporting Responsibility

This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns internally so that the City of Moberly can address and correct inappropriate conduct and actions. It is the responsibility of all Department Heads, officers, and employees to report concerns about violations of the City of Moberly's code of ethics or suspected violations of law or regulations that govern the City of Moberly's operations.

No Retaliation

It is contrary to the values of the City of Moberly for anyone to retaliate against any Department Head, officer, and employee who in good faith reports an ethics violation, or a suspected violation of law, such as a complaint of discrimination, or suspected fraud, or suspected violation of any regulation governing the operations of the City of Moberly. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment.

Reporting Procedure

The City of Moberly has an open-door policy and suggests that employees share their questions, concerns, suggestions, or complaints with their supervisor. If you are not comfortable speaking with your supervisor or you are not satisfied with your supervisor's response, you are encouraged to speak with your Department Head. Supervisors and Department Heads are required to report complaints or concerns about suspected ethical and legal violation in writing to the City of Moberly's City Manager or his/her designee, who has the responsibility to investigate all reported complaints. Employees with concerns or complaints may also submit their concerns in writing directly to their supervisor or Department Head or the City Manager.

Compliance Officer

The City of Moberly's City Manager or his/her designee is responsible for ensuring that all complaints about unethical or illegal conduct are investigated and resolved. The City Manager will advise the City Council and/or Department Head of all complaints and their resolution and will report at least annually to the Finance Director or Auditor on compliance activity relating to accounting or alleged financial improprieties.

Accounting and Auditing Matter

The City of Moberly's City Manager or his/her designee shall immediately notify the Finance Director/Auditor of any concerns or complaint regarding city accounting practices, internal controls, or auditing and work with the Finance Director/ Auditor until the matter is resolved.

Acting in Good Faith

Anyone filing a written complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

Confidentiality

Violations or suspected violations may be submitted on a confidential basis by the complainant. Reporting of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

Handling of Reported Violations

The City of Moberly's City Manager or his/her designee will notify the person who submitted a complaint and acknowledge receipt of the reported violation or suspected violation. All reports will be promptly investigated, and appropriate corrective action will be taken if warranted by the investigation.

W. BREASTFEEDING POLICY.

X. Employees shall be provided with a reasonable time to express milk while at work for up to one year following their child's birth each time the employee has need to express milk. Employees should use the usual break and mealtimes for expressing milk, when possible. If additional time is needed beyond the provided breaks, employees may use personal leave or may make up time as negotiated with their supervisors.

2. Employees will provide a private place, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public, to express breast milk.

X. EQUAL EMPLOYMENT OPPORTUNITY.

1. Discrimination is prohibited. The city is an equal opportunity employer and makes all employment decisions without regard to race, religion, color, sex (including pregnancy), national origin, disability, age, genetic information or veteran status. This policy applies to all terms and conditions of employment, including but not limited to, hiring, placement, promotion, termination, layoff, recall, transfers, leaves of absence, benefits, compensation, and training. We seek to comply with all applicable federal, state and local laws related to discrimination.

2. If you believe that an employment decision has been made that does not conform with management's commitment to equal opportunity, you should promptly bring this matter to the attention of the City Manager. Your complaint will be thoroughly investigated. There will be no retaliation against any employee who files a complaint in good faith, even if the result of the investigation produces insufficient evidence to support the complaint.

SECTION IX: SEPARATIONS AND DISCIPLINARY ACTIONS

A. TYPES OF SEPARATIONS

All separations of employees from positions with the City government are designated as one of the following types and must be accomplished in the manner indicated: resignations, layoff, inability to perform the essential functions of the job with or without reasonable accommodation, death, retirement, and dismissal. At the time of separation and prior to final payment, all records, assets, and other items of City property in the employee's custody must be transferred to the department. Any amount due because of shortages will be withheld up to the amount allowed by law from the employee's final compensation.

B. RESIGNATION

If a non-exempt employee decides to leave the City's employment, two weeks' notice must be given to his/her supervisor so that arrangements for a replacement can be made. If an exempt employee decides to leave the City's employment, four weeks' notice must be given to his/her supervisor. In such a case, employees will be expected to return all City equipment. An unauthorized absence from work for a period of three consecutive working days may be considered by the city as a resignation. Employees that have a set resignation date must use accumulated comp time and/or vacation time prior to utilizing sick time.

C. LAYOFF

The City Manager may authorize layoff of employees when deemed necessary by reason of shortage of funds, the abolition of a position, or other material changes in the duties or organization of the employee's position, or for related reasons that are outside the employer's control, and which do not reflect discredit upon the service of the employee.

The duties performed by an employee laid-off may be assigned to other employees already working who hold relevant positions. Temporary/seasonal employees will be laid-off prior to the layoff of trial or regular employees. The order of layoff will be in reverse order to total continuous time served upon the date established for the layoff to become effective. A laid-off employee who is reinstated as an employee of the city within 90 days from the date he/she was laid off is reinstated with full benefits as if they had not been laid off.

D. DISABILITY

An employee may be separated for disability when he/she cannot perform required duties because of physical or mental impairment, that cannot be accommodated without undue hardship, or because the disability poses a direct threat to the health and safety of others. Reasonable accommodation includes transfer to a position for which the individual is qualified. Action may be initiated by the employee or the city, but in all cases, it must be supported by medical evidence acceptable to the City Manager and the disability must prevent the employee from performing the essential functions of the job. The city may require an examination at its expense to be performed by a licensed physician of its choice. The Human Resources Department should be consulted concerning any employee who may qualify for long-term disability.

E. RETIREMENT

Whenever an employee meets the conditions set forth in the retirement system regulations, he/she may elect to retire and receive all benefits earned.

F. DEATH

Separation is effective on the date of death of an employee. All compensation due in accordance with these policies will be paid to the legally designated person(s), except for sums that by law must be paid to the surviving spouse.

G. UNSATISFACTORY ANNUAL REVIEW

Any employee who receives an unsatisfactory annual review is subject to disciplinary action. The type and severity of penalty is subject to prior work performance and behavior and can result in dismissal. After an unsatisfactory annual review, the employee is reviewed and counseled monthly to return the employee's performance and/or behavior to satisfactory performance. Monthly reviews may continue for not more than three consecutive months of satisfactory performance. Each unsatisfactory monthly review will carry the same disciplinary ramifications as an unsatisfactory annual review.

H. DISCIPLINARY ACTION

Whenever an employee's performance, attitude, work habits, or personal conduct fall below a desirable level, supervisors must inform employees promptly and specifically of these lapses and give them counsel and assistance. Disciplinary action forms can be obtained from the Human Resources Department. If appropriate and justified, a reasonable period for improvement may be allowed before initiating disciplinary action. In some instances, a specific incident in and of itself may justify severe initial disciplinary action. However, the action to be taken depends on the seriousness of the incident and the whole pattern of the employee's past performance and conduct.

The employee shall be furnished an advance written notice containing the nature of the proposed action, the reasons therefore, and his/her right to appeal the charges, notwithstanding provisions noted in Section IX indicating that during the notice period the employee may be retained in duty status, placed on leave, or suspended with or without pay at the discretion of the City Manager. The notice shall be furnished at least one calendar week, when possible, prior to the proposed effective date of the action. If the employee fails to respond to the notice pursuant to the appeals process, the proposed action shall be effective on the date specified with no need for further action.

The list below is items declared to be grounds for warning, demotion, suspension, demotion, or dismissal. This list is not all-inclusive:

1. Conviction of a felony or a misdemeanor involving moral turpitude or conduct related to the performance of one's duties.
2. Incompetence, ineffectiveness, inefficiency, or wastefulness in the performance of assigned duties.
3. Repeated carelessness, damages, loss, or neglect in the care and handling of City property or equipment (buildings, tools, machinery, vehicles, clothing, etc.).
4. Insubordination: failure to obey any lawful directive made and given by a superior; non-compliance with rules, policies, assignments, or procedures, provided the individual has been instructed in what is expected.

5. Repeated absence with or without leave from duty without permission, proper notice, or satisfactory reason. If absent for more than three days without prior notification to the department head, it will be assumed that the individual has resigned.
6. Abuse of sick leave privileges or use under false pretenses.
7. Repeated tardiness.
8. Intentional failure or refusal to carry out legitimate and legal instructions.
9. Repeated use of alcoholic beverages to excess or the illegal use of narcotics.
10. introduction, possession, or use of intoxicating liquors or narcotics on City property, in City vehicles, on the job, or proceeding to or from work.
11. Misappropriation, destruction, theft, or conversion of City property.
12. Obtaining materials or leave time based on fraudulent information, dishonesty, stealing, or other criminal acts.
13. Falsifying records or falsification of any information used or requested by the city.
14. Refusal or neglect to pay just debts. Maintenance of effort to pay debts must be shown to clear individual of neglect charges. The garnishment of wages is viewed with disfavor because of the expense of responding. Excessive garnishments on more than one indebtedness may result in discipline or discharge if permitted by law.
15. Repeated convictions on misdemeanors and/or traffic charges.
16. Failure to properly report accidents or personal injury.
17. Acts of misconduct while on duty.
18. Inducing or attempting to induce any employee to commit an illegal act or to act in violation of any lawful and reasonable departmental or official regulation, rule, policy, or to participate therein.
19. Use of abusive or improper treatment to an individual in custody, provided the act committed was not necessarily or lawfully done in self-defense, to protect the lives of others, or to prevent the escape of a person lawfully in custody.
20. Offensive conduct or language toward the public, toward City officials, or other employees.
21. Solicitation or acceptance of money or anything of value to influence decisions in City matters or as a reward for such decisions.
22. Conduct in private life which brings discredit upon the City service.
23. Engaging in personal business/other occupation while on duty or using City vehicles or equipment for personal use except as such use may be in conjunction with a specific program or assignment.
24. Disregard for safety policies, procedures, reporting requirements, and/or proper use of safety gear, clothing, or equipment.
25. Engaging in activities which constitute a conflict of interest.
26. Engaging in activities which interfere with the individual's or another individual's performance of their duties.
27. Disregard for the City's Equal Employment Opportunity Affirmative Action Policies.
28. Willful bypassing of the chain of authority concerning personnel matters and conditions of employment.
29. Disregard or inability to maintain compatible working relations with other employees and/or supervisor(s).
30. Any other continued or serious violation of these rules and regulations.
31. Sleeping on the job.

32. Loss of driver, chauffeur's license, or appropriate required licenses, loss of driving privileges due to excess or extreme traffic violations and convictions if driving a city vehicle is included in the employee's duties.
33. Disloyalty - talking against the City Council and/or City Administration.
34. Unauthorized use or possession of weapons, firearms, or explosives on City property or in City vehicles.
35. Any action which does harm to the city, its employees, or citizens of the city.

Types of Disciplinary Action

Oral Reprimand

Whenever an employee's performance, attitude, work habits, or professional conduct fall below a desirable level, the supervisor shall inform the employee promptly and shall give him/her counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary actions. The supervisor will place a memo in the employee's file stating the date of the oral reprimand, what was said to the employee, and the employee's response.

Written Reprimand

In situations where an oral warning has not resulted in the expected improvement, or when more severe additional action is warranted, a written reprimand may be sent to the employee and a copy shall be placed in the employee's personnel folder.

Suspension

An employee may be suspended for up to and including five days without pay by the City Manager, not to exceed a total of 10 days in any 12-month period. Pursuant to the appeals process, a written statement of the reason for suspension shall be submitted to the employee affected and to the members of the Employee Review Board at least 24 hours prior to the time the suspension becomes effective provided that, during the advanced notice period, the employee may be retained in duty status, placed on leave, or suspended with or without pay at the discretion of the City Manager. The employee will be granted a hearing before the Employee Review Board, upon request, pursuant to the appeals process. An employee determined to be innocent of the charges shall be returned to duty with full pay for the period of suspension. All records associated with a suspension shall become a permanent part of the employee's personnel file. Under certain circumstances, an employee may be suspended without 24 hours' notice if it is in the best interest of the city.

Demotion

A demotion is an assignment of an employee from one position to another, which has a lower maximum rate of pay, rank, and responsibility. In addition to the reasons listed above, an employee may be demoted for any of the following reasons:

1. Because his/her position is being abolished and he/she would otherwise be laid off.
2. Because his/her position is being modified to include changed or increased skills and qualifications which he/she lacks.
3. Because there is a lack of work.
4. Because there is a lack of funds.

5. Because another employee, returning from authorized leave granted in accordance with the rules on leave, will occupy the position to which the employee is currently assigned.
6. Because the employee does not possess the necessary qualifications to render satisfactory service to the position, he/she holds.
7. Because the employee voluntarily requests such a demotion, and it is available.
8. As a reasonable accommodation when an employee, due to a disability, becomes unable to perform the essential functions of the job.

When an employee is demoted to a lower position and the employee's rate of pay is higher than the maximum rate for the new position, the employee's salary shall be reduced to the maximum rate for that lower position.

Dismissal

A dismissal is a disciplinary action resulting in the separation from employment from the city for cause.

I. GRIEVANCE PROCEDURE

It shall be the policy of the City to provide a procedure for the presentation and mutual adjustment when circumstances of misunderstanding or disagreement arise involving employees. The grievance procedure set forth below is to assure employees that their problems and complaints shall be considered fairly, rapidly, and without reprisal. The granting of this right of grievance shall in no way constitute a property interest for the employee in continued employment. The city is and remains an at-will employer. This Grievance Procedure is the exclusive remedy for employment disputes, and the determination made in the Procedure is final and binding on the city and the employees.

A grievance is a dispute arising between or among employees and/or between an employee and the employee's supervisor and/or the employee's Department Head and/or the City relative to some aspect of employment, interpretation of regulations and policies, or some management decision, including disciplinary actions affecting the employee. A grievance may arise from an employee's complaint about or disagreement with any of the following:

1. Some aspects of employment and/or employment conditions, other than as excepted below.
2. A relationship between the employee and his/her supervisor and/or the employee's Department Head and/or the city.
3. A relationship between the employee and other employees.
4. Harassment of the employee in his/her capacity as an employee of the City.
5. The application or interpretation of procedures and/or policies.
6. Management or administrative decisions or directives affecting the employee's health, safety, workplace, equipment, or material used.
7. Disciplinary actions involving the employee.
8. Other related items, other than as excepted below; and
9. A dispute arising from a collective bargaining agreement between a labor organization and the city, in which case the labor organization representing the employees covered by the collective bargaining agreement may pursue the grievance on behalf of the employees it represents.

Reservation of Management Rights

Nothing in this procedure is intended to circumscribe or modify the existing right of the City of Moberly to manage the affairs and operations of the City. Accordingly, the following complaints shall not be grievable:

1. Work activity accepted by the employee as a condition of employment.
2. Work activity which may reasonably be expected to be a part of the job content.
3. The contents of ordinances, statutes, or established personnel policies, procedures, rules, and regulations.
4. Failure to promote, except where the employee can show established promotional policies or procedures were not followed or applied fairly.
5. The determination of the methods, means, and personnel by which work activities are to be carried out.
6. Termination, layoff, demotion, or suspension from duties because of lack of work, reduction in work force, emergencies, or job abolition.
7. The hiring of employees in positions within the city.

Coverage of Personnel

1. Covered Personnel

All regular employees of the city covered by this Personnel System, excluding those described below in Subsection 2, are entitled to file grievances.

2. Non-Covered Personnel

a) Temporary/Seasonal and Part-time employees.

b) Probationary employees, including employees whose Introductory Period may have been extended, except employees on probation because of promotion, transfer, or non-disciplinary demotion who may utilize the grievance procedure for all permitted purposes except to challenge demotion or transfer to their prior position.

c) Elected officers and their employees.

d) Members of Boards, Commissions, Committees, and Officers appointed by Council.

A grievance may not arise from any of the following:

1. Personnel actions pertaining to position classifications.
2. Pay and/or other forms of compensation including employee fringe benefits.
3. Demotions, transfers, and layoff because of the abolishment of positions.
4. Employee performance evaluations.

The Grievance Process

The following procedure is to be followed to resolve an employee grievance. The purpose of the procedure is to determine what is fair and just rather than who is right. The City encourages free and open discussion between employees and supervisors for effective communications and understanding pertaining to work-related matters. The grievance may be resolved at any step in the procedure by mutual concurrence. Notation of any settlement shall be signed by all parties and forwarded to the Human Resources Director.

If a grievance develops, the following steps shall be taken:

1. The employee should discuss the matter with his/her supervisor as soon as the grievance develops but shall do so no later than within five (5) City business days. The supervisor shall make every effort to resolve the matter through oral communication. If the actions of the employee's supervisor and the subject of the grievance, then the employee may skip this step and raise the issue with the individual to whom the supervisor reports.

2. If the matter is not resolved, the employee shall, within five City business days of the employee's last effort to resolve the matter orally with the supervisor or the supervisor's manager, submit in writing on the Grievance Procedure Form to his/her supervisor or the manager a complete statement as to what he/she feels the grievance to be, and a suggested solution. The form may be obtained from the Department Head or the Human Resources Director. The supervisor or manager shall respond in writing on the Grievance Procedure Form within five (5) City business days of receiving the employee's written grievance. At this step and the following steps, if used, copies of the Grievance Form and the response shall be forwarded to the Department Head and the Director of Human Resources.

3. If the supervisor's or manager's response is not satisfactory to the employee, the employee may submit the grievance to the Department Head within three (3) City business days of receiving the supervisor's response, following the same procedure as in Step 2 above. This shall be done by the resubmitting Grievance Procedure Form.

4. If the grievance does not pertain to either the employee's supervisor or another employee who reports to that same supervisor, then the employee may submit the grievance directly to his/her Department Head.

5. The Department Head shall notify the employee in writing on the Grievance Procedure Form of his/her decision within five (5) City business days of receiving the grievance from the employee.

6. If the Department Head's decision is not satisfactory to the employee, then the employee may submit the grievance to the Human Resources Director within three (3) City business days of receiving the Department Head's decision. This shall be done by resubmitting the Grievance Procedure Form.

7. The Human Resources Director shall obtain all information in its entirety from the Department Head, informally discuss the grievance with the employee, the Department Head, and others as he/she deems necessary, and determine, in the form of a written memorandum, whether the grievance procedures followed to date have been appropriate and whether the Department Head's decision was a reasonable one under the circumstances, all within five (5) City business days of receiving the grievance from the employee. The Human Resources Director's determination is not intended to substitute his/her judgment for that of the Department Head on whether and how the employee should be disciplined, if the grievance is due to a disciplinary action. The Human Resources Director shall make a copy of the grievance and all responses thereto a part of the City's official personnel file for that employee. In the event any employee who reports, either directly or indirectly, to the Human Resources Director submits a written grievance, or in the event the Human Resources Director himself/herself submits a written grievance, then no such informal discussion shall be held, and the matter shall be forwarded to the City Manager as an appeal of a grievance.

8. Grievance Procedure Forms can be obtained at the Human Resources office.

9. If the employee is represented by a union under a collective bargaining agreement, that employee shall be entitled to union representation at every step of the process.

Appeals of a Grievance

If the Human Resources Director's determination is not satisfactory to either the employee or the employee's Department Head, then either one may appeal that determination, using the Grievance Procedure Form, to the City Manager and request a grievance hearing within five (5) City business days of receiving the Human Resources Director's determination.

The City Manager shall, within five (5) City business days of receiving the written appeal, set the date, time, and location for a grievance hearing, and shall notify the employee, his/her supervisor, his/her Department Head, and the Human Resources Director of this information. The grievance hearing shall be set for a date that is not less than five City business days but not more than ten (10) City business days after the City Manager notifies these individuals of the date.

It is the responsibility of the employee to appear at the scheduled grievance hearing. If the employee fails to appear and has no justifiable reason for failing to appear, then the appeal shall be dismissed.

The City Manager shall have the authority to interview witnesses, to compel the attendance of City employees, to require the production of information by employees and to request attendance and production of information by non-employees. At a minimum, the persons to be interviewed by the City Manager at the grievance hearing shall include the employee submitting the grievance and the employee's supervisor or other person(s) whose action is being reviewed. The individuals may provide a list of others whom the City Manager may also interview to the extent he/she deems it practical and/or necessary to do so.

The employee may have his/her personal attorney present at the grievance hearing, and if the employee is represented by a union under a collective bargaining agreement, the employee may be represented at the

grievance hearing by a union representative or attorney. The City Manager may request the City Attorney to attend the grievance hearing to serve in an advisory capacity. The grievance hearing shall be audio recorded.

The City Manager shall make such an investigation and obtain the information enough to review the appeal within seven (7) City working days and will respond to the employee and the employee's Department Head in writing utilizing the Grievance Procedure Form.

If the employee is not satisfied with the City Manager's response, the employee may, within three (3) working days of receiving the City Manager's response, request, in writing, a hearing with the Employee Review Board. The Employee Review Board shall consist of one Member of the City Council so designated by the Mayor, one Department Head selected by the Employee and one Department Head selected by the City Manager. No member of the Employee Review Board may be an individual who participated in the grievance process with respect to the specific grievance at issue. The employee Review Board shall have ten (10) calendar days to schedule a hearing after which it shall provide a written response to the employee with copies to the immediate supervisor and the City Manager. The action of the Employee Review Board is advisory except in situations where, in the opinion of Employee Review Board, the City Manager in addressing the grievance did not follow the proper procedures. If so, ruled by the Employee Review Board, their decision shall be binding on the City Manager. The employee shall be notified of the Employee Review Board's and the City Manager's final decision in writing.

Every attempt will be made to resolve the employees' grievance, but the decision of the City Manager and/or Employee Review Board shall be final and binding on all parties involved.

Reinstatement; Reimbursement of Lost Wages

If an employee files a grievance regarding a matter involving demotion and ultimately prevails, then that employee shall be reinstated effective immediately to the same position from which he/she was demoted.

If an employee files a grievance regarding a matter involving loss of pay and ultimately prevails, then that employee shall be reimbursed by the next regular pay day following final resolution of the grievance for all lost wages for the hours of work for which the employee either was or would have been otherwise normally scheduled.

SECTION X: AMENDMENT OF PERSONNEL POLICIES

A. AMENDMENTS

Amendments or revisions of these rules may be recommended for adoption by the City Manager. Revisions of these policies become effective upon approval by resolution of the City Council.

B. SEVERABILITY

Each section, subsection, paragraph, sentence, and clause of this policy document is declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause shall not affect the validity of any other portion of these rules and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted.

C. SPECIAL NOTE

These personnel policies are effective upon adoption and supersede all previous policies. They are believed to be written within the framework of the Missouri Revised Statutes, but in case of conflict the Missouri Revised Statutes takes precedence.

Appendix A Social Media Policy

I. PURPOSE

The CITY OF MOBERLY (City) uses social media broadcasting platforms to further amplify the city's mission statement to enhance city services and quality of life in Moberly. The social media policy is designed to announce legal standards created by local, state, and federal law on the usage of social media when doing business with the CITY OF MOBERLY. All employees, elected officials, vendors and others doing business with the CITY OF MOBERLY, are hereby notified that unless authorized by the state legislature, Congress, or local, state, and federal court rulings, all civil and criminal laws regarding speech, privacy, discrimination, and other issues apply to your use of social media platforms. Additionally, we encourage all employees, elected officials, vendors, and other third parties doing business with CITY OF MOBERLY to read the terms of service of the specific social media platform they are using to communicate with the city.

CITY OF MOBERLY employees should know that public employment means there are certain limitations on freedom of speech. Government employers enjoy considerable discretion to manage their operations, and the First Amendment does not require a public office to be run as a roundtable for employee internal complaints and gripes. This policy is clearly drafted and rooted in local, state, and federal law, not subjectivity. The ultimate purpose of this policy is to educate employees, elected officials, vendors and any other third-party using CITY OF MOBERLY equipment and personal devices for city business.

Announcing Inherent Risks of Using Official CITY OF MOBERLY Social Media Sites and Third-Party Sites

Despite using state of the art Internet and other security technology, The CITY OF MOBERLY cannot guarantee with one hundred (100%) assurance the security of your work-related or personal data on sponsored and non-sponsored social media platforms when you access, post, tweet, upload or engage in any way with the CITY OF MOBERLY.

Defining Your Role as A Social Media Broadcaster and Publisher

The U.S. Supreme Court and lower courts classify social media as a "high liability" medium that can reach millions and possibly billions of people; therefore, you have a higher duty of care broadcasting or publishing content on Social Media Platforms or the Internet in general, and especially conducting official business with the CITY OF MOBERLY.

Legal Authority: <i>See US. Supreme Court Cases Establishing Your Duty Of Care To Recognize The Enormous Power Of Social Media Platforms: Packingham v. Missouri 137 S. Ct. 1730 (2017), Riley v. California 134 S. Ct. 2473 (2014) City of Ontario, California v. Quon 560 U.S. 746 (2010)</i>

II. POLICY DRAFTING INTENT

It is the intent of this policy to put all CITY OF MOBERLY employees, elected officials, vendors and other third parties doing business with the city on notice that social media is not a lawless electronic platform. All CITY OF MOBERLY employees, elected officials, vendors, and other third parties doing business with the city are expected to follow all local, state, and federal laws regarding social media speech and privacy.

Additionally, it is the intent of the CITY OF MOBERLY to avoid vague or overbroad policy language, especially regarding prior restraint on speech issues, general First Amendment issues, privacy issues copyright issues and other social media legal issues. This goal is accomplished by using precise policy language that replicates U.S. Supreme Court rulings, federal rulings and statutes, state court rulings and statutes, and local laws.

Although ethical conduct is very important for all CITY OF MOBERLY employees, appointed officials, vendors, volunteers, and other third parties doing business with the CITY OF MOBERLY, the core of CITY OF MOBERLY's social media policy is built on current laws and court rulings, not ethics or subjective intent. The primary goal of this policy is to balance a desire by the CITY OF MOBERLY to achieve an open, engaging, and transparent government while simultaneously maintaining a strict adherence to follow all relevant local, state, federal laws, and court rulings regarding related social media issues.

Intent Regarding Violation of This Policy

This social media policy operates to strike a balance between an employee's right to speak as a citizen on issues of public concern and the CITY OF MOBERLY avoiding real harm that meaningfully impairs the efficiency of the CITY OF MOBERLY's operations and services. This policy applies to both work content on official CITY OF MOBERLY social media sites and work content on personal social media sites and personal devices. It should be noted that your work content on your personal sites could fall under the public records act of Missouri.

Determination of violations of the CITY OF MOBERLY's social media policy is not done in an arbitrary and subjective manner. The social media policy itself does not create a separate judicial or oversight system. Like the determination of other policy violations, social media policy violations are based on pre-existing administrative and local, state, and federal laws. A determination that the city's speech policies have been violated are based on the form, content, and context of a given statement, and an assessment of real, not conjectural harm to the efficiency of the workplace. Once a factual determination has been made that there is a violation of the CITY OF MOBERLY's social media policy, the evidence is examined considering clearly established CITY OF MOBERLY discipline and termination procedures.

More On Policy Intent

It is the intent of this social media policy to clearly communicate to all CITY OF MOBERLY employees, elected officials, vendors, other third parties doing business with the city, that there are certain categories of speech that aren't protected under the First Amendment. That includes defamation, obscenity, fighting words, true threats, child pornography, crimes involving speech, internal speech that courts do not adjudicate as matters of public concern (personal grievances or grips), and diminished protection for commercial speech. The CITY OF MOBERLY's intent in sponsoring certain social media platforms, apps, and related social media accounts is for business purposes only. The intent of this policy is not to chill Internet speech or opinions, but to deliver legally acceptable content that promotes our original mission statement which is to enhance public safety and quality of life, in partnership with all the people in our City of Moberly.

It is never the intent of the CITY OF MOBERLY to block social media users from gaining access to CITY OF MOBERLY public record information. However, there may be situations where confidential data (i.e. health, pensions, employee personal information) falls out of the orbit of state and federal public records law and is non-accessible to the public on a website or city social media page. Additionally, there may be a social media page that CITY OF MOBERLY designates as a limited public forum which limits the topics that can be discussed on the page. Unless the content is off topic, prohibited by state and federal law or the platform terms of service, the City Of Moberly does not delete, block, or regulate the content of a person's opinion based on his or her viewpoint. It only formulates rules and procedures to ensure that users are stating opinions related to the specific topic of the designated social media forum or other digital platform.

In addition to social media content that doesn't relate to a pre-designated topic in a limited public forum, the CITY OF MOBERLY only deletes or blocks social media content that is determined by clearly established law that the content is not protected First Amendment speech. There may be times a social media page is designated as a one-way City of Moberly communication medium. This page is classified as one-way communication under the Government Speech Doctrine.

Regarding social media sponsored pages at work, it is the intention of this policy to clarify the issue of transmitting and receiving CITY OF MOBERLY work-related content on personal devices. All local, state and federal laws and relevant court rulings regarding CITY OF MOBERLY social media content attaches to personal devices. Social Media users are hereby notified that no special rights or exemptions are created by using your personal device to transmit or receive content from a CITY OF MOBERLY social media page or other city sponsored digital media. Courts often determine liability based on your social media content, not the location and device ownership issues. All social media content on your personal devices could be adjudicated by courts as a public record that can be disseminated to the public or discoverable under state and federal laws.

Additionally, it is the intent of the CITY OF MOBERLY to adhere to the "Terms of Service" enunciated by each social media platform (i.e. Facebook, Twitter, Instagram, YouTube). Therefore, users of CITY OF MOBERLY sponsored pages should read the "Terms of Service" of the platform.

Legal Authority: *See Pickering v. Board of Education* 391 US 563, 568 (1968), *San Diego v. Roe*, 543 US 77, 82, (2004), *Garcetti v. Ceballos*, 547 US 410, 418 (2006), *Connick v. Myers*, 461 U.S. 138, 149 (1983), *Liverman v. City of Petersburg* 844 F.3d 400 (2016), *United States v. Nat'l Treasury Employees Union (NTEU)*, 513 US 454 (1995). *Walker v. Sons of Confederate Veterans*, 135 SCt. 2239 (2015). *Packingham v. North Carolina* 137 S Ct. 1730 (2017), *Matal v. Tam* 582 _US (2017), *Widmar v. Vincent* 454 US 263 (1981)

III. DEFINITIONS

CITY OF MOBERLY User: A CITY OF MOBERLY employee, elected official, city appointed person, volunteer, vendor, or other third party doing official business with the city has been authorized by the CITY OF MOBERLY to create, send, receive CITY OF MOBERLY content on internal servers, sponsored CITY OF MOBERLY social media pages, and outside social media platforms approved by the CITY OF MOBERLY. Persons or entities may be deemed CITY OF MOBERLY Users regardless of whether they transacted or performed on CITY OF MOBERLY-issued device or personal devices.

administered and monitored by the city. Designees can be any department employee or city approved person.

Official Site Identification. Each CITY OF MOBERLY social media site shall include an introductory

statement that clearly identifies the site as an official site of the CITY OF MOBERLY. Where possible, social media sites are to link back to the official city website for forms, documents, and other information or correspondence. All city social media sites shall clearly indicate they are maintained by the city and shall have City of Moberly contact information prominently displayed.

Web Developer/Social Media Coordinator: An authorized CITY OF MOBERLY representative who is responsible for designing city websites and all social media communications. For instance, posting official social media communications and responding to social media inquiries.

CITY OF MOBERLY Social Media Policy Team: This is a designated group appointed by the CITY OF MOBERLY that exchanges ideas regarding social media policies and procedures.

CITY OF MOBERLY social media and Related Technology means various forms of discussion and information sharing platforms, including but not limited to, social networks, blogs, apps, video sharing, podcasts, wikis, message boards, text messaging, live streaming, and other online city digital media communications. Examples of related technology include e-mail, instant messaging, texting, Facebook, Twitter, Instagram, Pinterest, Snapchat, YouTube, Flickr, LinkedIn, Periscope, and other emerging electronic platforms. This term also includes City of Moberly communicative or recording devices capable of or enabling sharing to social networks such as drones, wearable technology, mobile phones, Google Glass, GoPro, and other smart devices.

CITY OF MOBERLY Social Media Account: This means an approved social media account created or initiated by the CITY OF MOBERLY for employees, appointed officials, elected officials, volunteers and vendors.

Terms of Service: Social Media platform rules by which a user agrees to follow when using that particular social media network (i.e. Facebook, Twitter)

CITY OF MOBERLY Approved social media Content means those City of Moberly communications or expressions for which the CITY OF MOBERLY has given permission for employees or appointed officials to use.

Spam: The abuse of electronic messaging systems (including most broadcast media, digital delivery system) to send unsolicited bulk messages indiscriminately. While the most widely recognized form of spam is e-mail spam, the term is applied to similar abuses in other media: instant messaging spam, Usenet newsgroups spam, Web search engine spam, spam in blogs, wiki spam, online classified ads spam, mobile phone messaging spam, internet form spam, junk fax transmissions, social networking spam, and file sharing network spam.

Social Media Site Moderator and Creator of Content: A social media site creator who wishes to create a social media site shall make a request to a CITY OF MOBERLY designated official.

IV; **APPLICABILITY**

This Policy applies to all CITY OF MOBERLY employees, elected officials, volunteers, appointed officials, consultants, service providers, contractors, interns, and any other CITY OF MOBERLY Users who utilize CITY OF MOBERLY social media and Technology or conduct city business via their personal device.

V. **POLICY**

A. GENERALLY - Assume that All Posts, Tweets, Other Electronic Content That Relate to CITY OF MOBERLY Business or Your Employment Duties are Going to be Read by a Judge or Jury. Additionally, They May Be Potentially Hacked or Viewed By A Friend, or Friend of Friend, And Can Be Captured By An Authorized User Taking A Screenshot.

Sponsored Social Media Pages from Your Work-Issued or Personal Devices

It is the express desire of the CITY OF MOBERLY to stay out of your personal lives with non-work-related content utilizing your own technological devices. However, under certain circumstances, even personal expressions on personal devices about other persons affiliated in any way with the CITY OF MOBERLY, may cause tremendous challenges in the workplace-perhaps exposing you and/or the CITY OF MOBERLY to costly liability. More specifically, relevant work-related content on your personal devices may be classified as a public record or discoverable as part of a civil or criminal case.

Therefore, you assume the risk of inherent technological defects in using third party platforms on your work and personal devices. It is your responsibility to read the "Terms of Service" prior to using a third-party platform. Additionally, this caution also applies to utilization of public or open Wi-Fi networks, Bluetooth technology, or other less secure methods of data dissemination.

General Missouri Discovery Rule: 56.01

B. PRIVACY: AUTHORIZATION-All Local, State, and Federal Privacy Rights Apply To Using Social Media, You Do Not Have Expansive Or Exclusive Privacy Rights Using CITY OF MOBERLY Sponsored or Non-Sponsored Social Media Platforms. You May Have Personal Liability Exposure Under 42 U.S.C.S. 1983 And Tort Law. When Using Social Media, You Have A Diminished Expectation Of Privacy Due To Hacking, Human Error, Malware, and the Broad Scope of the Missouri Public Record and Open Meetings Law.

Regarding the privacy of CITY OF MOBERLY data, all employees, elected officials, vendors or any other third-party doing business with the CITY OF MOBERLY must receive written authorization from a designated CITY OF MOBERLY official prior to creating, editing, deleting or materially make changes on CITY OF MOBERLY sponsored social media pages from your work or personal device.

Both the CITY OF MOBERLY owned equipment and your personal devices must be compatible with CITY OF MOBERLY technology and existing IT architecture to ensure industry level privacy safety in data extraction, encryption, installing applications, synchronization of data, and using internal and external software and hardware. It is also important that you read the "Terms Of Service" language in a specific platform regarding privacy issues.

CITY OF MOBERLY passwords, usernames, profiles, credentials, Social Media Accounts and administrative identifications on your city or personal devices are the property of CITY OF MOBERLY. They do not create special or personal expectations or zones of privacy. This especially holds true in the event of a CITY OF MOBERLY audit, pending public records request, court orders relating to pending or threatened litigation, or in the enforcement of this policy. Notwithstanding the preceding, the CITY OF MOBERLY does provide certain reasonable security for specific CITY OF MOBERLY social media and Technology in accordance with Missouri and federal laws. But, even with the city's reasonable attempt to securitize all city sponsored digital media, no system or countermeasures to social media intrusions can be guaranteed to work in all circumstances. Accordingly, you must immediately report any suspicious activity or access attempts made by third parties or unauthorized persons or entities to your supervisor and other CITY OF MOBERLY designee who oversees social media and other digital media.

<p><i>MISSOURI DATA BREACH STATUTE: § 407.1500 RSMO, COMPUTER FRAUD AND ABUSE ACT 18 U.S.C. § 1030</i></p>
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C. SOCIAL MEDIA PUBLIC RECORDS AND OPEN MEETINGS - If You Conduct CITY OF MOBERLY Business on City Social Media Sponsored Accounts Via Your Work or Personal Devices Or Using A Third Party Storage (Cloud) Service, You Are Hereby Notified That Access To Social Media And Other Digital Media Content Is Governed By The Missouri Public Records Act 610.010.6(6) And Open Meeting Laws 610.01. In The Event of A Public Record Request, Discovery Request In A Lawsuit, Or Repair Of Your Work Or Personal Device, You Should Always Notify A CITY OF MOBERLY Official or Authorized Designee That Possible Public Records May Exist On Your Personal Devices and Personal Social Media Accounts.

In accordance with the above, social media, text messages, email, and other digital media content may be subject to stringent CITY OF MOBERLY and Missouri public records retention and production policies. This means that you must not delete, block, or unsubscribe certain names and other contact information, The unauthorized deletion of public records and blocking third parties from your social media account may result in municipal liability and/or personal liability as well as evidentiary spoliation claims (destruction of evidence) which may jeopardize your ability or the CITY OF MOBERLY's ability to defend itself properly in legal proceedings.

Upon separation of employment, termination, resignation, retirement, or other cessation of any affiliation with the CITY OF MOBERLY, you agree to provide all work-related content on CITY OF MOBERLY issued devices, personal devices, personal social media accounts, apps or other third-party platforms for a determination by CITY OF MOBERLY officials as to whether the content is classified as public records or confidential records under Missouri law. If in doubt, you must verify with the appropriate CITY OF MOBERLY official as to whether a record is classified as a public record or confidential.

D. CITY OF MOBERLY OWNERSHIP OF DATA - The CITY OF MOBERLY Owns All City Work-Related Data, Logos, Photographs, and Other Items Posted or Displayed on CITY OF MOBERLY Social Media Accounts. The Fact That Your Personal Devices or Personal social media Pages Contain CITY OF MOBERLY Owned Data Does Not Change the CITY OF MOBERLY's Legal Right To Claim Ownership To That Content.

Additionally, CITY OF MOBERLY contractors, especially cloud storage vendors doing business must expressly agree to adhere to Missouri retention and other public record laws notwithstanding if the CITY OF MOBERLY is presently using the service or terminates the service. *Missouri Public Records Act Mo. Rev. Stat§ 610.010.6(6).*

<p><i>City of San Diego v. Roe, 543 US. 77, 82 (2004), Copyright Act of 1976, which provides the basic framework for the current copyright law, was enacted on October 19, 1976, as Pub. L. No. 94-553, 90 Stat. 2541</i></p>

E. PROHIBITED SPEECH, EXPRESSION, AND CONDUCT-Social Media Only Amplifies CITY OF MOBERLY Communications. It Does Not Expand or Contract Existing Speech Laws Under the First Amendment of The U.S. Constitution and State Constitution Free Speech Laws.

You are hereby notified that local, state, and federal laws, and recent court rulings place certain limitations on the scope of your social media speech. All employees should know that if your workplace speech on social media isn't determined by the courts to be considered "of public concern", but rather "gripes" or grievances or internal issues relating to the CITY OF MOBERLY, courts won't recognize this speech as protected speech under the First Amendment.

The CITY OF MOBERLY adheres to the U.S. Supreme Court and lower court rulings on First Amendment protected speech which are decided on a case-by-case basis. The cases include a balancing test (that has been modified over the years) between speech that is considered protected public concern speech and speech that is either not public concern speech or speech that does qualify as public concern speech, but the public concern speech is outweighed by the need of a public employer to maintain the efficiency and fluid operations of the department. The CITY OF MOBERLY clearly understands and takes very seriously a determination that certain unprotected speech materially, not conjecturally, impairs the efficiency of CITY OF MOBERLY operations.

CITY OF MOBERLY employees, elected officials, vendors, and all other third parties doing business with the city are hereby notified that the speech below has been found to cause a real, not conjectural, adverse impact on a city's operational fluidity, and the public's health, safety, and welfare:

- 1) Speech that is categorized as workplace grievances or internal speech is often not considered "of public concern" speech and may not receive protected speech classification by the courts under today's First Amendment public sector analysis.
- 2) Speech that is libelous or slanderous (i.e. video, pictures, words, hashtags, memes that may be considered libel by implication).

- 3) Speech that is harassing (creates a hostile environment, cyber-harassment, cyber-stalking), or discriminatory based on race, gender, religion, national origin, sexual orientation, disability, or age and violates state and federal civil rights acts and other laws. Harassing speech may also include persistent communications regarding CITY OF MOBERLY employees, appointed officials, elected officials, volunteers, vendors, and other third parties doing business with the CITY OF MOBERLY. Additionally, CITY OF MOBERLY users should be aware that courts view harassing statements on social media as inherently severe (your potentially reaching millions of people) and pervasive (the comments are permanent digital footprints on the digital landscape).
- 4) Speech that is obscene which generally requires that: a) the average person, applying contemporary City Of Moberly community standards would find that the speech taken as a whole, appeals to the prurient interest; b) the speech depicts *or* describes, in a patently offensive way, sexual conduct or excretory functions specifically defined by applicable state law; and c) whether the speech, taken as a whole, lacks serious literary, artistic, political, or scientific value. *Miller v. California* 413 US. 15 (1973)
- 5) Speech that constitutes fighting words that present an imminent harm *See Chaplinsky v. New Hampshire* 315 US. 568 (1942)
- 6) Speech that constitutes true threats. *See Elonis v. United States* 575 US. _ (2015), 18 USC § 875(c)
- 7) Speech that is classified as extortion. Missouri Revised Statutes Section 566.200, (Blackmail, Coercion, Revenge Porn)
- 8) Speech that violates Missouri's and federal privacy laws. *See Financial Privacy: 362.422 RSMo* Invasion of Privacy: 565.252 and 565.253 RSMo, Tampering with A Computer: 569.095 to 569.099 RSMo, Identity Theft: 570.223, Unsolicited E-Mail: 407.1135 to 407.1141RSMo, Health Records: 167.183 RSMo.

Federal Statutes: Electronic Communication Privacy Act (ECPA) [1986] Computer Fraud & Abuse Act (CFAA) [1986], Children's Online Privacy Protection Act (COPPA) [1998] collecting, using, or disclosing personal information from minors under the age of 13, Controlling the Assault of Non-Solicited Pornography and Marketing Act (CAN-SPAM Act) [2003], Health Insurance Portability and Accountability Act: Public Law 104-191, Electronic Surveillance 18 U.S.C. § 2510, 18 U.S. Code§ 2261A.
- 9) Speech that constitutes cyberstalking.: Cyber-stalking is using text-messaging, emails, or other online means in a way that causes the victims to reasonably feel frightened for their safety or the safety of their family or housemates. Defendants can be convicted of violating *Federal Cyberstalking: 8 USC 875(c), Missouri Statute: 565.090*
- 10) Speech in violation of any copyright, trademark, or trade secret federal or Missouri law. *U.S. Constitution Article I Section 8. Clause 8, U.S. Copyright Law: U.S. Code Title 17, U.S. Trademark Law: 15 U.S. Code Chapter 22, Digital Millennium Copyright Act: Public Law 105-304, 112 Stat. 2860 (1998), Missouri Trademark Act: Chapter 417*
- 11) Blocking First Amendment Speech on Social Media Platforms: *U.S. Constitution First Amendment, Knight First Amendment Institute v. Donald J. Trump, President O/The United States, US. 2nd Circuit Court of Appeals, 18-1691(2018)*
- 12) Any other unprotected speech under U.S. Supreme Court, lower court rulings and state laws.

13) Violations of The Terms of Service on a specific platform regarding speech.

All CITY OF MOBERLY sponsored social media accounts and content represent the speech, opinions, and viewpoints of the CITY OF MOBERLY. Accordingly, the CITY OF MOBERLY shall exercise editorial control over the content and viewpoint of any speech or city social media and technology within the parameters of the government speech doctrine and all local, state, and federal laws. The government speech doctrine preference and protection are separate from speech protections afforded by the First Amendment. See *Walker v. Texas Division, Sons of Confederate Veterans Inc.*, 576 US_ (2015)

F. DUTY TO REPORT PROHIBITED OR UNAUTHORIZED SPEECH, FORWARDING LIABILITY-You Must Immediately Report Possible Violations of this Policy and Unauthorized CITY OF MOBERLY Speech to Avoid Potential Liability to The CITY OF MOBERLY.

You shall not forward or retweet any prohibited or unprotected communications except to report the content in question to an authorized city official or his or her designee, The unauthorized forwarding of any City communications referenced herein may expose the CITY OF MOBERLY and you to professional and personal liability under Missouri and federal law.(i.e. receiving libelous content and then making material edits to the content before forwarding or re-tweeting it could expose you to republication liability.

G. VIOLATIONS; SANCTIONS; APPEAL PROCESS AND PROCEDURES - This Policy Will Be Enforced by the CITY OF MOBERLY, and You Will Be Given a Meaningful Opportunity to Appeal Determinations that You Violated this Policy and Any Disciplinary Actions Imposed. This Process is Outlined Below and is a Recognized Form of Post-Deprivation Due Process.

This social media policy does not create a separate disciplinary and termination system. Violations of this Policy are subject to CITY OF MOBERLY separations and disciplinary actions as provided in Section IX of the city Personnel Policies and Procedures Manual (current edition).

H. TEXT MESSAGES - The U.S. Supreme Court Has Ruled That an Organization Can Conduct A Search Of Text Messages On Work-Issued Phones Where There Is A Legitimate Work-Related Purpose and The Search Was Not Excessive In Scope. Also, Courts Are More Inclined to Rule That Relevant Work-Related or Public Records Created on Personal Social Media Accounts and Persona/Devices Can Be Part Of An Employer Investigation.

Text messages are convenient, but they may be misconstrued due to misspelling or problems with the auto-correct. Additionally, they may be the subject of public records requests, administrative investigations, and discovery in legal proceedings. Text messages are often transitory and may not relate to CITY OF MOBERLY business; however, you must be cautioned that you are responsible for ensuring that the city is able to retrieve and retain all business-related text messages on work and personal devices.

Missouri Public Records Mo. Rev. Stat. § 610.010.6(6), Ontario v. Quon 560 U.S. 746 (2010), Electronic Communications Privacy Act (18 USC§ 2510 et seq.), Telephone Consumer Protection Act, 47 US.C. § 227

L UNAUTHORIZED ENDORSEMENTS OF PRODUCTS, THIRD PARTY ONLINE INFLUENCERS, ADVERTISEMENTS, SPONSORSHIPS, SOLICITATIONS OF FUNDS FOR NON-MUNICIPAL SERVICES, GIFTS, RECEIVING PRIZES OR GIFTS FROM ONLINE GAMES, CONTESTS, SWEEPSTAKES

The CITY OF MOBERLY does not allow any advertising that promotes the sale of any city product or services without authorization from a CITY OF MOBERLY designated official. Without official authorization, the CITY OF MOBERLY does not endorse, sponsor, or approve any online lottery, contest, video or online game, app, blog, third party influencers, or any other commercial enterprise or person that offers prizes or benefits. Additionally, the CITY OF MOBERLY prohibits any solicitation of funds on their Sponsored Social Media Sites for non-municipal purposes that includes but is not limited to promoting a specific product, endorsement of a political candidate, religion, race, national origin, sex, age or any other group that is for non-municipal purposes

J. RECORDING- You Must Be Aware of Potential Conflicts, Ethics Violations, and Violations Of State and Federal Law When Recording Without The Proper Consent.

All employees, appointed officials, vendors, volunteers, and other third parties doing business with the CITY OF MOBERLY need to clearly understand that as more sophisticated social media platforms, wearable technology, Internet of Things, and other portable recording devices emerge, you have a higher duty of care to be familiar with Missouri recording laws.

Missouri's wiretapping law is a "one party consent" law. Missouri makes it a crime to intercept or record any "wire, oral, or electronic" unless one party consents to recording the conversation: Mo. Rev. Stat. § 542.402.2.

K WEBSITE LINKS, PHISHING, AND REDIRECTION - Be Cautious with Links and Shares That May Redirect You to Offensive or Malicious Content and Applications. Report Any Suspicious Items Immediately.

You are hereby notified that CITY OF MOBERLY Social Media Accounts and CITY OF MOBERLY social media and Technology may contain links, shortcuts, applications, and other items that may redirect you or the public to sites that are stealing your data and offensive or malicious content and applications. You should notify the city immediately if you encounter this problem.

L. CREATING, EDITING, DELETING, BLOCKING, AND PUBLISHING ON A CITY OF MOBERLY SOCIAL MEDIA ACCOUNT- To Publish, Post, Create, Edit, or Delete on CITY OF MOBERLY Social Media Accounts, You Must Be Authorized by the City to Do So.

The CITY OF MOBERLY does not delete or block messages indiscriminately. The city doesn't use blocking or deleting in a discriminatory manner or as punishment for political beliefs, viewpoints on certain issues, criticizing elected officials or employees, and as a tool to promote or any way show preference for one elected official or another. Only a Social Media Coordinator is authorized to delete or block messages. *Missouri Public Records Act* § 610.010.6(6) and Open Meeting Laws:

610.010 to 610.200. Remove social media content according to the Governor of Missouri "Best Practices for Social Media Usage in Missouri" issued in 2012 and federal law. CAN-SPAM Act of 2003-Public Law 108-187, 15 USC Chapter 103, Missouri False Advertisement §407.010 to 407.130, False Advertising: 407.020), US Trademark Law: 15 U.S. Code Chapter 22, Missouri Trademark Act, RSMo 417.005 to 417.066, Off-Topic Speech In A Designated Limited Public Forum: Perry Ed. Assn. v. Perry Local Educators' Assn. 460 U.S. 37 (1983), Pleasant Grove City, Utah v. Sumnum, 129 S. Ct. 1125, 1132 (2009).

San Diego v. Roe: 543 US 77 (2004, Missouri Public Records Act 610.010 6(6) and Open Meeting Act 610.01, Knight First Amendment Institute v. Donald J Trump, President Of The United States, US 2nd Circuit Court of Appeals, 18-1691-cv (2018)

M. PROCEDURE FOR DEVELOPING CITY OF MOBERLY SOCIAL MEDIA ACCOUNTS AND PROFILES-- If You or Your Department Would Like to Utilize CITY OF MOBERLY Social Media Accounts in Addition to Existing City Social Media Accounts, then Request Permission for Same.

Individual departments desiring to establish additional CITY OF MOBERLY Social Media Accounts must obtain approval from a CITY OF MOBERLY authorized designee.

Severability: CONFLICTS

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Policy is declared unconstitutional by valid final judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part of this policy. Should this policy conflict with CITY OF MOBERLY city ordinances or parts thereof, then those provisions shall apply, but only to the extent that it does not conflict with CITY OF MOBERLY ordinances.

VI. DISCLAIMER: NON-WAIVER

The CITY OF MOBERLY disclaims all liability and shall not be responsible for any effect, injury, damage, claim, action, or demand to the fullest extent permissible under law relating to or arising from a post or submission to a social media site, application, or other external web service by any member of the public, the city's removal of or failure to remove a post or submission by a member of the public, the city's failure to follow or enforce this policy in every circumstance, or any other matter related to this policy. The city further disclaims all liability and shall not be responsible for third party content or expression that are posted by CITY OF MOBERLY social media users that are not acting during business with the CITY OF MOBERLY as outlined in this policy.

Failure to comply with this [policy or any portion thereof by the CITY OF MOBERLY shall not create any expectation or interest in any private, public, or other right of action against the CITY OF MOBERLY, its elected or appointed officials, employees, personnel, or agents of the city.

By posting information, content, or any expressions to any CITY OF MOBERLY sponsored sites, applications, or web services, the CITY OF MOBERLY does not waive any legal right, protection, privilege, or immunity, including but not limited to, copyright, trademark, and/or sovereign immunity, and the CITY OF MOBERLY retains all rights to such information, content, or any expressions to the fullest extent permissible under federal and Missouri law.

VII. EFFECTIVE DATE

Effective November 2, 2020, the CITY OF MOBERLY shall implement this Policy, violation of which may result in disciplinary actions or sanctions as provided herein or as set forth in the CITY OF MOBERLY Personnel Policies and Procedures Manual.

Appendix B

Education Policy

An Education Board (hereafter "the Board") shall be established and consist of a minimum of six City employees selected at large from various City departments. The members of the Board are not entitled to any compensation for their services on the Board.

The Board shall supervise the operation of the tuition reimbursement program (hereafter, the "the program"). The purpose of the program is to encourage City of Moberly employees to undertake education programs to improve or maintain job performance, enhance potential for advancement as a result of identified career goals, and selectively augment personal and professional development.

The Board shall operate strictly within the operating budget approved by the City Council for that fiscal year. Each City department shall budget \$50 per full-time employee in the department per fiscal year. Maximum reimbursement per applicant to the program shall be limited to 80% of the "per credit hour" tuition rate paid by the employee, not to exceed \$200 per credit hour. Total annual reimbursement shall not exceed \$2,000 per employee, with a lifetime maximum of \$10,000. If any Board member(s) applies to the tuition reimbursement program, that Board member(s) will be excluded from the application review and reimbursement decisions.

The officers of the Board are Chair, Vice-Chair, and Secretary-Treasurer, who shall serve as such officers at the pleasure of the Board for one fiscal year (July 1 - June 30). Board officers shall be elected from the Board membership at the July meeting of each year.

The Chair is the chief executive officer of the Board and shall preside over all meetings of the Board. Unless another person is specifically authorized by vote of the Board, the Chair shall sign all contracts and other instruments to execute on behalf of the Board. He/she shall perform all the duties and have other powers as designated by the Board from time to time. The Chair shall vote on Board business only in the event of a tie.

The Vice-Chair shall perform the duties and have the powers of the Chair during the absence or disability of the Chair. He/she shall perform all the duties commonly incident to his/her office and shall perform other duties and have such other powers that the Board may from time to time designate.

The Secretary-Treasurer shall attend all meetings of the Board and act as secretary/clerk. He/she shall keep accurate records of all proceedings at meetings in a minute book to be kept for that purpose, which shall be open to the inspection of the City Council, City Manager, or any Board member. He/she may have the authority to cause copies to be made of all minutes and other records and documents of the Board. He/she shall perform all the duties commonly incident to his/her office and shall perform other duties and have other powers the Board may from time to time designate. In the absence of the Secretary-Treasurer from any meetings of the Board, a temporary secretary may be chosen to record the proceedings.

Regular meetings of the Board shall be held in July, October, January, and April of each fiscal year. Special meetings of the Board may be called by the Chair or, in his/her absence, the Vice-Chair. Any business of the Board may be considered and acted upon at any regular or special meeting. The following order of business shall be observed at all meetings of the Board: (a) Approval of the minutes of the preceding meeting; (b) Old Business; (c) New Business.

Any full-time employee of the City of Moberly who has completed at least one year of full-time employment or is a full-time rehire shall be eligible for participation in the tuition reimbursement program. An employee who leaves employment of the City of Moberly within two (2) years following completion of a reimbursed course(s) will be required to reimburse the City for all reimbursements received in that two-year period. This reimbursement requirement shall not apply to employees whose employment is terminated without cause.

Reimbursement for all approved courses of undergraduate study will be 100% reimbursement for "A's" and 80% reimbursement for "B's". Graduate studies will be reimbursed for "A's" only, also at 100%. For the purposes of this program for courses structured as "pass/fail", pass will be an "A" and fail will be an "F". Maximum reimbursement per applicant is limited to 80% of the "per credit hour" tuition rate paid by the employee, not to exceed \$200 per credit hour, provided that budgeted funds are available. This reimbursement will be paid only upon proof of payment of all applicable fees and proof from the educational institution of successful completion of each course. Total annual reimbursement shall not exceed \$2,000 per employee, with a lifetime maximum of \$10,000.

A Tuition Reimbursement Program Application must be submitted 45 days prior to the start of the semester/trimester/individual class(es). Courses provided outside an accredited educational institution, such as Dale Carnegie classes, City sponsored courses, etc., are not subject to this program but may be funded under the appropriate department's operating budget. Courses approved for reimbursement are:

1. Standard undergraduate and graduate credit courses offered by an accredited educational institution
2. Correspondence or extension courses offered by an accredited educational institution or accredited by the National Home Study Council or National University Extension Association
3. Non-standard undergraduate credit courses offered by an accredited institution
4. Special credit or credit-free courses provided by an accredited institution intended to satisfy the needs of job-related skills and continued professional development such as secretarial and vocational technical courses.

Within 30 days of the completion of the proposed training course(s), the employee must submit proof of payment of all applicable fees and successful completion of each course in order to be reimbursed. Appropriate costs include tuition, registration, laboratory fees, and other fees for courses required for the selected course of study, but excludes fees for required expendable supplies such as pens, pencils, ledger books for accounting, drafting or architectural drawing paper, etc. Any change in the curriculum, along with a valid and verifiable explanation, must be submitted to the Board by the applicant for reconsideration of reimbursement by the Board.

The steps in making application to the tuition reimbursement program are:

1. Obtain a tuition reimbursement program application packet from the Human Resources Department (once per semester/trimester). The packet contains a tuition reimbursement program application and an assessment worksheet.
2. Submit two copies of the completed packet to the employee's immediate supervisor at least 45 days prior to the start of the semester/trimester, along with:
 - a) a career profile (include all classes that the employee intends to take and what degree, if any, he/she seeks)
 - b) a one-page essay (one time only, unless career profile has changed) explaining relationship of course(s) to company work, how the city will benefit from the education program, and long-term goals as related to employment with the City of Moberly
 - c) the assessment worksheet.
3. The supervisor will review the application, approve or disapprove it, and forward it to the Human Resources Department.
4. The Human Resources Department will review the application and approve or disapprove it.
5. The Board Chair shall retrieve all pending applications prior to the Board meeting and prepare the Board assessment worksheet from information taken from the assessment worksheet completed by the applicant. Copies of the applications and the Board assessment worksheet shall be distributed to each Board member prior to the next scheduled meeting.
6. The Board shall review and approve or disapprove all applications brought before it. The Board Chair shall sign all applications either approved or disapproved, based on the Board's decision.
7. The Board Chair shall notify each applicant of the decision of the Board via the best available method as determined by the Board Chair. and return all signed applications to the Human Resources Department.
8. When a course(s) is successfully completed, verification of this completion and receipts for all fees paid shall be submitted to the Human Resources Department within 30 days of completion to be eligible for reimbursement. Failure to provide this documentation within this timeframe disqualifies the employee from participating in the tuition reimbursement program for one year.
9. Human Resources will forward the documentation to the Finance Director for final verification of the documentation and preparation of the reimbursement payment.

An employee whose application is denied has the right to appeal against the decision at a special Board meeting, with the time and place to be designated by the Board. In the event the Board does not reverse its position, the employee may make a final appeal to the City Manager. The decision of the City Manager is final and binding.

Appendix C

Drug and Alcohol Testing Program

Program Outline

1. Policy Statement
2. General Procedures
3. Opportunity to Contest or Explain Test Results
4. Confidentiality
5. Job Applicant Drug Testing
6. Employee Drug Testing
7. Alcohol Testing
8. Discipline
9. Important Information for Job Applicants and Employees
10. Types of Testing

POLICY STATEMENT - DRUG FREE WORKPLACE PROGRAM

The City of Moberly is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any employee illegally uses drugs on or off the job, comes to work under their influence, possesses, distributes, or sells drugs in the workplace, or abuses alcohol on the job. Therefore, The City of Moberly has established the following policy:

1. It is a violation of The City of Moberly's policy for any employee to use, possess, sell, trade, offer to sell, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on or off the job.
2. It is a violation of The City of Moberly's policy for any employee to work under the influence of or while possessing in his or her body, blood, or urine illegal drugs in any detectable amount.
3. It is a violation of The City of Moberly's policy for any employee to report under the influence of or impaired by alcohol.
4. It is a violation of The City of Moberly's policy for any employee to use prescription drugs illegally, i.e., to use prescription drugs that have not been legally obtained or in a manner or for a purpose other than as prescribed. However, nothing in this policy precludes the appropriate use of legally prescribed medications.
5. Violations of this policy are subject to disciplinary action up to and including termination.

No employee may use, possess, or be under the influence of alcohol, drugs, or controlled substances which may affect or impair an individual's judgment, alertness, or physical abilities to perform work while working for the city. Likewise, no employee may use, possess, or be under the influence of alcohol, drugs, or controlled substances which may affect or impair an individual's judgment, alertness, or physical abilities to perform work while on City property (or on the property of any customer) or while in any City vehicle. This prohibition includes prescription and over-the-counter medications which may impair an individual's judgment, alertness, or physical abilities to perform work. An employee taking any such prescription or over-the-counter medications must tell their supervisor that the use of those medications may impair their judgment, alertness, or physical abilities to perform work before engaging in any work and the employee must receive the permission of their supervisor to work under those conditions.

For purposes of this policy, an employee will be considered "under the influence" of a prohibited substance if any detectable level of a prohibited substance is found in any test performed under this policy. If the employee refuses to submit to a test to determine the presence of drugs, alcohol, or controlled substances, the employee will be deemed to be "under the influence" of a prohibited substance within the meaning of this policy.

All employees shall report evidence of alcohol or drug abuse to a supervisor immediately. In cases where the use of alcohol or drugs poses an imminent threat to the safety of persons or property, an employee must report the violation. Failure to do so could result in disciplinary action for the non-reporting employee.

As a part of the City's policy to ensure an alcohol and drug-free workplace, City employees may be asked to submit to a medical examination and/or be clinically tested for the presence of alcohol and/or drugs. Within the limits of federal and state laws, the City reserves the right, at our discretion, to examine and test for drugs and alcohol. Instances when a drug or alcohol test may be required include, but are not limited to, the following:

1. All employees who are offered employment as part of a pre-employment screening.
2. Where there are reasonable grounds for believing an employee is under the influence of alcohol or drugs.
3. As part of an investigation of any accident in the workplace in which there is reasonable grounds to suspect alcohol and/or drugs contributed to the accident.
4. As a follow-up to a rehabilitation program.
5. As necessary for the safety of employees, customers, clients, or the public at large.
6. When an employee returns to duty after an absence of more than two weeks.
7. Random testing as provided in Federal and State Law.

Under the federal Drug Free Workplace Act, the city prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the workplace. Employees must, as a condition of employment, abide by this policy or be subject to disciplinary actions up to and including termination. In addition, employees must notify the Director of Human Resources if they are convicted of any criminal drug statute violation occurring in the workplace within five days of that conviction. The City may be required by the Drug Free Workplace Act to notify federal contracting authorities of any such conviction.

GENERAL PROCEDURES

Any employee reporting to work visibly impaired will be deemed unable to perform required duties and will not be allowed to work. If possible, the employee's supervisor will first seek another supervisor's opinion to confirm the employee's status. Next, the supervisor will consult privately with the employee to determine the cause of the observation, including whether substance abuse has occurred. If, in the opinion of the supervisor, the employee is considered impaired, the employee will be sent home or to a medical facility by taxi or other safe transportation alternative - depending on the determination of the observed

impairment- and accompanied by the supervisor or another employee if necessary. A drug or alcohol test may be in order. An impaired employee will not be allowed to drive.

OPPORTUNITY TO CONTEST OR EXPLAIN TEST RESULTS

Employees and job applicants who have a positive confirmed drug or alcohol test result may explain or contest the result to the medical review officer within five working days after receiving written notification of the test result from the medical review officer. If an employee's or job applicant's explanation or challenge is unsatisfactory to the medical review officer, the medical review officer shall report a positive test result back to The City of Moberly. A person may contest the drug test result pursuant to rules adopted by the Missouri Department of Labor.

CONFIDENTIALITY

The confidentiality of any information received by the employer through a substance abuse testing program shall be maintained, except as otherwise provided by law.

JOB APPLICANT DRUG TESTING

All job applicants at The City of Moberly will undergo testing for substance abuse as a condition of employment. Any applicant with a confirmed positive test result will be denied employment.

Applicants will be required to submit voluntarily to a urinalysis test at a laboratory chosen by The City of Moberly and, by signing a consent agreement, will release The City of Moberly from liability.

If the physician, official, or lab personnel has reasonable suspicion to believe that the job applicant has tampered with the specimen, the applicant will not be considered for employment.

The City of Moberly will not discriminate against applicants for employment because of history of drug or alcohol abuse. It is the current illegal use of drugs and/or abuse of alcohol, preventing employees from performing their jobs properly, that The City of Moberly will not tolerate.

EMPLOYEE DRUG TESTING

The City of Moberly has adopted testing practices to identify employees who illegally use drugs on or off the job or who abuse alcohol on the job. It shall be a condition of employment for all employees to submit to substance abuse testing under the following circumstances:

1. When there is reasonable suspicion to believe that an employee is illegally using drugs or abusing alcohol. 'Reasonable suspicion' is based on a belief that an employee is using or has used drugs or alcohol in violation of the employer's policy drawn from specific objective and articulate facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon, but not limited to, the following:
 - a) Observable phenomena while at work such as direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance abuse.
 - b) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
 - c) A report of substance abuse provided by a reliable and credible source.

- d) Evidence that an individual has tampered with any substance abuse test during his/her employment with the current employer.
 - e) Information that an employee has caused or contributed to an accident while at work; or
 - f) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.
2. When employees have caused or contributed to an on-the-job injury that resulted in a loss of work-time, which means any period of time during which an employee stops performing the normal duties of employment and leaves the place of employment to seek care from a licensed medical provider. An employer may send employees for a substance abuse test if they are involved in on-the-job accidents where personal injury or damage to company property occurs.
 3. As part of a follow-up program to treatment for drug abuse.
 4. Routine fitness-for-duty drug or alcohol test. A covered employer must require an employee to submit to a drug or alcohol test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination where the examinations are required by; law, regulation, are part of the covered employer's established policy, or one that is scheduled routinely for all members of an employment classification group.

ALCOHOL TESTING

The consumption or possession of alcoholic beverages on The City of Moberly's premises is prohibited. (City sponsored activities which may include the serving of alcoholic beverages are not included in this provision.) An employee whose normal faculties are impaired due to alcoholic beverages, or whose blood alcohol level tests .04% by weight for non-safety sensitive positions, or .04% for safety sensitive positions, while on duty/City business shall be guilty of misconduct and shall be subject to discipline up to and including termination.

DISCIPLINE

Violations of the Drug and Alcohol Policy will be dealt with on a case-by-case basis. Discipline may include, among other things, reprimand, warning, suspension, probation, or termination. Discharge will result from repeated violations of this Policy or from a single violation which creates a risk of physical injury to the person violating this Policy, fellow employees or members of the public. Referral to an appropriate assistance or rehabilitation program also may be appropriate in certain circumstances.

The City reserves the right to exercise its discretion in determining appropriate disciplinary actions under this Policy. Employees should be aware that a single violation of this Policy may result in immediate discharge, and, in the case where a lesser discipline is imposed for violation of this Policy, repeat offenses will result in discharge.

Failure to submit to a required substance abuse test also is misconduct and shall be course for immediate termination.

IMPORTANT INFORMATION FOR JOB APPLICANTS AND EMPLOYEES

When an employee or job applicant submits to a drug and/or alcohol test, they will be given a form by the specimen collector that contains a list of common medications and substances which may alter or affect the outcome of a drug or alcohol test. This form will also have a space for the donor to provide any information that he/she considers relevant to the test, including the identification of currently or recently used prescription or non-prescription medication or other relevant information. The information form should be kept by the job applicant or employee for their personal use. If the job applicant or employee has a positive confirmed test result, a medical review officer will attempt to contact the individual in order to privately discuss the findings with that person. The job applicant or employee should keep the form as a "reminder" to discuss this information at that time. The medical review officer will take this information into account when interpreting any positive confirmed test results. The information provided shall be treated as confidential and will not be given to the employer. Employees and job applicants have the right to consult with a medical review officer for technical information regarding prescription and non-prescription medicine.

It is the responsibility of every employee or job applicant to notify the testing laboratory of any administrative or civil action brought pursuant to TCA Section 50-9-100 et.seq., Drug-Free Workplace Programs.

TYPES OF TESTING

Substance abuse testing for job applicants and employees will include a urinalysis screen for the following drugs:

Alcohol: (not required for job applicant testing)

Any "alcoholic Beverage", all liquid medications containing ethyl alcohol (ethanol), Please read the label for content. For example: Vicks Nyquil™ is 25% (50 proof) ethyl alcohol, Comtrex™ is 20% (40 proof), Contac Severe Cold Formula Night Strength™ is 25% (50 proof) and Listerine™ is 26.9% (54 proof).

Amphetamines: "speed," "uppers," etc.

Cannabinoids: THC, marijuana, hashish, "pot," "grass," etc.

Cocaine: "coke," "crack," etc.

Phencyclidine: PCP, "angel dust"

Opiates: Narcotics, Heroin, Codeine, Morphine, "smack, dope, etc..."

Appendix D

Administrative Procedure Guidelines for Travel

The City of Moberly will reimburse the expense of authorized business travel from the City according to the following policy.

Policy

To establish uniform policy and procedures for authorized travel for conducting City business and to identify travel expenses for payment by the City. All trips that involve reimbursement and/or City expense shall not be undertaken without prior approval of the appropriate Department Head or City Manager. To best utilize the resources available to the city, employees are requested to use sound judgment to minimize the cost of necessary travel for the city including meetings, conferences, and training sessions.

City Credit Card

A City credit card is available from the Finance Director or the employee's Department Head for the use of employees traveling on official City business. Only personnel authorized to travel by the employee's Department Head may use the credit card. The employee must personally obtain the card from the Finance Director or Department Head no earlier than the business day prior to the employee's departure on travel. The card shall be used only for business travel expenses and must be returned to the Finance Director or Department Head on the completion of travel. Under no circumstances shall personal expenses be charged to the City credit card. Violation of this policy shall require immediate reimbursement to the City and disciplinary action will be taken.

Authorization for Travel

No less than two weeks prior to any scheduled trip by the employee, he/she shall request authorization to travel using a Travel Authorization Form. This form must be properly completed and signed by the employee's Department Head and the Finance Director to be valid. Traveling without authorization may affect the employee's insurance benefits and/or coverage (Liability/ Workers Compensation) while traveling. Also, without completion of this form, reimbursement by the city is not guaranteed.

Request for Travel Advance

All travel advance requests shall be submitted on the Travel Authorization Form at least two weeks in advance of scheduled travel. Travel advance cannot exceed the estimated total cost of the trip. Travel advances are to assist the employee with expenses while on official City business. However, the employee may elect not to request the travel advance if he/she so chooses.

Automobile Transportation

Employees are required to use City vehicles for travel. If City vehicles are not available, the employee may utilize their personal vehicle with mileage reimbursement according to the appropriate rate determined by the Finance Director. The city is not responsible for any wear and tear or damage to personal vehicles.

Other Transportation

When the employee is required to travel long distances, he/she may utilize common commercial travel. Such travel shall be economy class and by the most direct route. Commercial travel is any travel which requires the purchase of a ticket or payment for transportation services. The employee shall choose the least expensive form of travel (city vehicle or commercial travel).

In those instances when the employee has received approval for travel that requires the use of commercial airlines the employee should make every effort to utilize advance purchases in order to obtain the most economical fare. However, in those instances where tickets are "non-refundable" the employee should be certain that the trip will be made before making the reservation. In those situations where the employee has purchased a non-refundable ticket and then does not make the trip the employee will be allowed to purchase the ticket from the city at the face value of the ticket.

The city will reimburse actual charges for intra-city taxi, airport buses or limousine, bus and subway fares, tolls, and parking.

Lodging

Lodging may be directly billed to the city, charged on the city credit card, or paid by the employee and reimbursed on the Travel Expenses Voucher. Lodging receipts must be submitted to the Finance Director within 10 business days after the employee returns to work. When choosing overnight accommodations always ask for "local government" or "business rate". The standard room available should be requested when making reservations. While attending conferences the employee may stay at the official conference hotel. A State of Missouri tax exemption certificate issued to the City should be presented to the hotel to prevent payment of excess state and local taxes.

In certain instances, the employee's spouse may accompany the employee on out of city trips upon approval by the City Manager or the employee's Department Head in conjunction with the City Manager. When a spouse accompanies the employee on an overnight trip it will be expected that the employee and spouse will share a hotel room, and the employee shall be responsible for any expenses associated with the spouse.

Meals

Employees shall be reimbursed for meals while traveling. Actual detailed receipts are required. The cost of meals should be reasonably priced. In the event the meals are for more than one person, the number and names of all individuals shall be included on the Travel Expense Voucher form. The Finance Director or any person designated by the City Manager shall determine the amount eligible for reimbursement and should not exceed current IRS per-diem guidelines.

Miscellaneous Expenses

Any expenses not defined in this policy may be submitted for reimbursement consideration. If the expense is a result of the employee traveling for the city and the employee can demonstrate that the request is reasonable, reimbursement may be approved by the Finance Director. Original receipts must accompany such requests for reimbursement.

The employee should not incur miscellaneous expenses with an unequivocal expectation of reimbursement. If in doubt, the employee should seek approval prior to generating any personal expense.

Conference Expenses

Any programs and meetings listed on the official conference registration form are eligible for reimbursement. Professional sporting events, alcoholic beverages, or entertainment activities are not eligible for reimbursement.

Overnight Travel

Non-exempt employees traveling overnight on City business are to be paid for time spent traveling on non-workdays, such as Saturday, Sunday, or legal Holidays.

Reimbursement Request

The employee shall request reimbursement for travel within 10 working days, after he/she returns to work. All such requests shall be on the Travel Expense Voucher form. If the Travel Expense Voucher form has not been completed within the time allowed, the city may deduct any travel advances from the employee's next paycheck. However, in no event shall the deductions be greater than that allowed by law.

Administrative Responsibilities

The City Manager's Office will develop and distribute guidelines prior to the development of departmental budget request each year. The purpose of the guidelines is to define a reasonable amount of business-related travel and aid in assuring that appropriate employees participate in mandated training, conferences, meetings, and educational seminars.

The departmental budget submission will be evaluated by the City Manager's Office and the final budget and program of training will be included in the proposed budget to the City Council for their consideration.

The annual budget includes funds for travel based on departmental requests and the City Manager's recommendation. Intra-departmental transfers to travel accounts must be approved by the City Manager.

Appendix E

City of Moberly Communications Department Policies and Procedures

The City of Moberly, Missouri, is committed to open and honest communication with community members, businesses, city employees, visitors, news outlets, and state leaders. This plan outlines the City of Moberly's policies regarding meeting that commitment.

The following key assumptions are the basis for this plan:

- Communication should be a priority in the development and planning of programs and services and is necessary to the successful completion and implementation of these activities. To that end, communication resources and efforts should be considered in each part of activity planning to guarantee the success and quality of the City of Moberly customer service.
- All City of Moberly personnel are involved in communication efforts daily, whether it is dealing one-on-one with customers and/or the public, working with one another, or responding to the media.
- Due to the growing complexity and volume of City of Moberly communication activities, as well as the increasing interest in the City of Moberly by both internal and external sources, an organized and formal plan is deemed necessary. This plan will allow the City of Moberly to communicate, collaborate, and monitor issues and promotional activities needed to adequately inform the public.

External communication

This section provides a brief description of the various outlets currently available to the City of Moberly for the dissemination of information. This section also touches on the proper policies and procedures for information distribution. These outlets are:

- Media Relations
- Internet
- News Outlets
- Promotional Activities
- Mail Campaigns
- City Council Meetings
- Surveys

Media Relations

To better serve our community, the City of Moberly desires to let the public know who we are and what we do. That message is often conveyed through the news media. The entire City staff needs to be aware of collaboration opportunities with the media to better serve the public.

Communication goal:

Establish a uniform procedure for working with the media that will help ensure accuracy, citywide consistency and collaboration, and a timely response to meet media deadlines while maintaining a good working relationship with the media.

Policy:

All media contacts to a department should be reported to the communications director.

- If the information requested is considered routine, as defined below, the contacted employee should proceed with providing the reporter with relevant information.
- Upon interview requests, the employee should notify his/her immediate supervisor and the communications director via e-mail, phone call, or in person.
- Routine information includes but is not limited to general questions about a department's function, meeting times and locations, special events or news conferences planned by the department, or questions about a program offered by the department.
- Responding to media inquiries at crime scenes, fires, hazardous materials alarms, and other emergency and/or public safety situations should be handled differently. The responses typically must come from the scene and from the designated spokesperson at that scene. In the case of Fire, Police and EMS, the designee is typically determined by the person in charge of the scene. Power outages, etc., are also included in this exception. The communications director should be notified in all instances where there is media coverage. When warranted, the communications director will travel to the scene.
- For any inquiries that require extensive research, involve multiple departments, deal with policy issues, are corporate in nature or may be controversial, the communications director should be notified immediately before an interview takes place, via phone, email, or in person. A designee from the department(s) involved, along with the communications director, will be responsible for coordinating the response to ensure accurate and complete information is given to the reporter. The communications director, along with the department head, will determine who will serve as the spokesperson for the media. This must be done in a timely fashion to meet the media deadlines. In these instances, the communications director is responsible for notifying the City Manager.
- The communications director will work with city staff and city council members to implement proper media training and legalities.
- City council members respond to media inquiries at their own discretion. Council members are strongly encouraged to notify the city manager's office and/or the communications director upon contact with the media.

Internet:

The Internet has increasingly become a tool of choice for city employees and community members to disseminate information.

Communication goal:

Be accurate, consistent, and timely with information that is to be published on the City of Moberly website and social media platforms. Additionally, ensure all information published is accessible by all community members regardless of their respective level of technology.

Policy:

All dissemination of information via internet should be reported to the communications director.

- The communications director will determine what information is highlighted on the city platforms.
- The communications director will work with department heads, including the city manager, to determine what information will be posted to the city's website.
- Information posted to the Internet should include a contact name with a phone number and an e-mail address. This contact person should be in a position to respond to requests for additional information in a timely manner.
- The communications director is responsible for determining what graphics comply with disseminated information.

The "Moberly Quarterly":

This publication is a general interest, quarterly newsletter, focused on City of Moberly news and initiatives. This newsletter will be emailed to all city entities and/or subscribers. This newsletter, published by the communications department, may include submittals from City departments. This newsletter will also include flyers from the city department. Additionally, the newsletter is posted on the City's web site.

Communication goal:

An effective means to educate community members, city departments, and businesses about city services, issues, and upcoming city related events.

Policy:

- The communications director will establish a strategic plan in which all relevant departments have input into the content of the newsletter.
- The newsletter will be emailed to each City of Moberly city employee, department, and community subscriber determined by the communications department.
- The communications department will post the newsletter in its entirety on the city website and social media platforms.

Marketing and Promotions:

Specific material including notice of public hearings and job openings are required by law. Other information is not required by law but is extremely beneficial to promote city transparency to the public.

Communication Goal:

Create transparency by providing information about upcoming events, programs, public hearings, etc., that is sponsored or offered by the City of Moberly.

Policy:

- A copy of any job opening, marketing display, special event, and/or upcoming public hearings and meetings should be sent to the communications department for proper creation and distribution.
- All display ads should include the City of Moberly seal.
- Legal notices should follow proper City of Moberly standards.

Mail campaigns:

Mail campaigns use the postal service to distribute city related information to community member's home or businesses. This can also include door-to-door delivery of notices and door hangers.

Communication goal:

Communicate City of Moberly policies, services offered, events, or any other relevant information to the public depending on the issue.

Policy:

- Any communication sent to the general public to announce a special event, program, etc. will have a City Seal included in the document.
- The communications director is responsible for determining what graphics standards are appropriate for direct-mail campaigns, notices, and door hangers.
- A copy of any proposed direct mail piece should be sent to the communications department prior to being printed or mailed.

City Council meetings:

Moberly City Council meetings are conducted on the first and third Monday of each month; usually at the Moberly City Hall council chambers. However, some meetings may be held at other venues. The communications department handles on-site media relations and serves a "gatekeeper" role by ensuring that all media requests are responded to by the most appropriate and informed city staff representative.

Communication goal:

Ensure City of Moberly response on agenda items that receive media coverage. Promote unnoticed "good news" issues for the City of Moberly.

Policy:

- The communications department will work with department heads and the City Manager to identify agenda items for advanced publicity.
- The communications department will work with department heads to make sure requested material is made available to representatives of the media and the public. Key spokespeople should also be identified prior to council meetings to assist with media responses pertaining to agenda items.
- Recordings of city council meetings will be achieved and made available to the public via the City of Moberly YouTube channel.

Internal communication

This section provides a brief description of the various vehicles of internal communication currently utilized by the City of Moberly for dissemination of information. These vehicles are:

- Bulletin Boards
- Email
- Staff Meetings

Bulletin boards

Bulletin boards should serve as information centers and a place where employees can go for regular updates on issues.

Communication goal:

A means for immediate information to promote a department/division's current activities.

Policy:

- Department heads will encourage appropriate use of bulletin boards and ensure that access is available to all employees.

- Content is internally focused and for the use of department/division personnel. If material is of a confidential nature, other means of communication should be used.

Email

Emails can be distributed department-wide, to a group of employees, or to a single employee. This can be a very effective form of communication and provides documentation of the message and when it was delivered.

Communication goal:

Content connects employees and promotes departmental policies.

Policy:

- All emails should be retained by the city's email host and on each user's computer for a minimum of six months.
- Any business-related documents within an email are subject to a documents retention schedule as defined by the City of Moberly's Document Retention policy.
- Department heads are responsible for delivering information contained in emails to any appropriate staff that do not have access to email.

Staff meetings

Staff meetings should be face-to-face, on a weekly basis.

Communication goal:

Provide a platform for issues, policies, and departmental expectations to be discussed.

Policy:

- These meetings are open to city employees only and as such, they are not open to the media or public.

Conclusion

This communication plan is intended to be a "living" document and will be revised as needed and kept up to date by communications personnel.

Appendix F
Receipt of Personnel Manual

I have received my copy of the Personnel Rules and Regulations of the City of Moberly. I agree to read and keep my copy for future reference and to observe present and future personnel policies and rules of the City as outlined in this manual.

I understand that this manual is a summary of the policies and rules which guide the City of Moberly in its relationship with its employees. The policies and procedures contained in this booklet do not constitute a contract for employment with the City of Moberly. I understand that the City of Moberly may revise the policies or procedures in the manual, in whole or in part, at any time, with or without notice.

I understand that this manual supersedes all previous personnel policies and the Employee Handbook.

Signed: _____

Date: _____

Witnessed by: _____

Position Title: _____