

**AGENDA
REGULAR MEETING
November 28, 2022
7:00 p.m.**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

1. APPROVAL OF MINUTES – Regular Meeting: Nov. 14, 2022. Pages 02-05

2. PUBLIC COMMENTS

Comments in this portion of the meeting will be held to a maximum of five (5) minutes. Scheduled requests shall be allotted fifteen (15) minutes. Requests to address the council or to be on the agenda must be given to the city clerk no later than noon (12:00) on the Wednesday preceding a scheduled council meeting (council meetings are scheduled for the second and fourth Monday of every month). Prior to making comments, please state the following: First & Last Name, Your Address and Ward.

3. NOTICES AND HEARINGS

4. BUSINESS AND DISCUSSION ITEMS

- | | |
|--|-------------|
| 1. Koester House Museum Maint. Schedule Request – Sharon Kessinger | Page 06 |
| 2. Micro-Comm System Service Contract | Pages 07-09 |
| 3. Ordinance 1915 - Appropriating Money for 2023 Payroll | Page 10 |
| 4. 2023 Pool Wages | Page 11 |
| 5. City of Marysville Employee Handbook | Pages 12-73 |

5. CONSENT AGENDA

- | | |
|--|---------|
| 1. C&T Funds Request - Black Squirrels on Parade &
Small Business Saturday | Page 74 |
| 2. Employee Gift Certificates | Page 75 |
| 3. Alcohol Consumption, Lee Dam Art Center, 12/24/22
Christmas Party, Ruth Maschmeier | Page 76 |

6. PRESENTATION OF APPROPRIATIONS ORDINANCE NO. 3785 Pages 77-81

7. STAFF REPORTS

8. STANDING COMMITTEE REPORTS

- | | |
|---|-------------|
| 1. Street | |
| a. Street Committee Report 12 th Road Improvements | Pages 82-83 |
| 2. Water & Wastewater Treatment | |
| 3. Parks & Recreation | |
| 4. Cemetery & Airport | |
| 5. Police & Fire | |
| 6. Administration & Finance | |

9. APPOINTMENTS & WAGE DETERMINATION

10. CITY ATTORNEY/EXECUTIVE SESSION

11. ROUNDTABLE DISCUSSION

ADJOURNMENT

Regular Meeting
City Hall, Marysville, Kansas-November 14, 2022

Members of the Governing Body of the City of Marysville were called to order in regular session at 7:00 p.m. on the date and place noted above with Mayor Barnes in the chair. City Administer St. John and Deputy City Clerk Ralph were also present.

After the Pledge of Allegiance, roll call was answered by the following council members: Frye, Keating, Snellings, Beikman, Goracke, Price, Behrens, and Throm. A quorum was present.

The minutes from the October 24th regular meeting were presented for approval. CM Throm moved; CM Behrens seconded to approve the minutes as presented. Motion carried by 8-0 voice vote.

PUBLIC COMMENTS:

BUSINESS AND DISCUSSION ITEMS:

1. **CHRISTMAS IN NORTH PARK.** Liz Warren representing the Christmas in North Park Committee asked the council for 15 cones to block half of the entrance to Debbie Lane at 12th St., half of the entrance to Park Place at 16th St., and 14th St. where it intersects with Debbie Lane from 5:30 p.m. to 7:00 p.m. on Sunday, December 11th. CM Beikman moved; CM Frye seconded to approve the requests. Motion carried unanimously.
2. **KOESTER HOUSE MUSEUM FOUNDATION REQUESTS.** Sharon Kessinger, 1103 Elm Ward 4, and Ralph Balaun representing the Koester House Museum Foundation asked for an update on the heat at the Koester House Museum. CA St. John said a contractor is scheduled to be there this week and temporary heat has been put in the museum. They also requested the broken windows and screens be replaced on the east bay windows at the museum. Sharon also requested a water source on the west side of the house. Council discussed putting a spigot on the side of the house because water cannot be brought through the yard to that side of the house. Consensus was to have Hanover Electric look at it while they are there working on the heat.

NOTICES AND HEARINGS:

CONSENT AGENDA. The Consent Agenda was presented for consideration. CM Frye moved; CM Throm seconded to approve the Consent Agenda. Motion carried unanimously. The Consent Agenda consisted of the following:

1. Alcohol consumption request at the Lee Dam Art Center November 29, 2022, by Wayne Kruse for Partnership for Growth event.
2. City Clerk's Report for October showed \$79,373.64 collected in receipts with a like amount being deposited with the City Treasurer.
3. Cash balances in funds as of October 31, 2022, were presented as well as outstanding debt and receivable balances. Revenue/Expenditure Budget Reports through October 2022 showed unadjusted accumulated revenues in the General Fund of \$2,733,984 or 105% of budget; Water Revenue Fund, \$745,825 or 84% of budget, Sewer Revenue Fund, \$1,037,868 or 135% of budget. Unadjusted statement of expenditures in the General Fund totaled \$2,507,029 or 86% of budget, Water Revenue Fund, \$805,777 or 59% of budget, and Sewer Revenue Fund, \$857,747 or 80% of budget.

4. Municipal Judge's Report for October showed \$5,244.88 being deposited with the City Treasurer and \$393.50 being forwarded to the State Treasurer for Judicial Branch Education, court costs and law enforcement training.

APPROPRIATIONS ORDINANCE NO. 3784

1. Claims against the funds of the City were submitted for Council consideration as follows:
General Fund, \$121,046.23; Water Revenue Fund, \$23,506.94; Sewage Revenue Fund, \$12,902.63; Airport Revolving Fund, \$1,750.00; Sewage Replacement Fund, 36,600.00; Special Improvement Fund, \$1,817.87; Industrial Fund, \$5,000.00; Economic Development Fund, \$2,500.00; Library Revolving Fund, \$5,733.00; Swim Pool Sales Tax, \$199.57; Koester Block Maintenance, \$797.15; Employee Benefits, \$8,405.11; Transient Guest Tax, \$1,344.32; Sales Tax Improvements, \$159,057.72; making a total of \$380,660.54.
2. An appropriations ordinance was introduced and considered to honor claims against the funds of the City as audited by the Finance Committee. CM Throm moved; CM Frye seconded to approve the appropriations ordinance totaling \$380,660.54. CM Keating questioned where the refrigerator from Menards went and where the fountain from Most Dependable Fountains went. He was told the Police Department and Dog Park.
3. Motion to approve the appropriations ordinance carried by 8-0 roll call vote. Deputy City Clerk Ralph assigned Ordinance No. 3784.

STAFF REPORTS:

CITY ADMINISTRATOR:

1. **12th ROAD TRAFFIC ANALYSIS.** CA St. John presented a Traffic Analysis for the intersection of 12th Road and Highway 36 done by BG Consultants. He asked how the council would like to proceed with improvements to that intersection and 12th Road south. The KDOT Access Management plan was discussed and possible KDOT grant funding. CM Keating suggested having a Street Committee meeting to research possible ways to improve 12th Road. November 21st was suggested as a possible date.
2. **NORDHUS MOTOR STORMWATER ISSUE.** CA St. John said Mayer Specialty ran a camera in the storm sewer pipes around Nordhus Motors at 14th St. and Center St. where there have been drainage issues. They found a collapsed clay pipe at the northwest corner of the Towne Apartments. Spray in concrete liner and CIPP were discussed as possible solutions so it would not have to be dug up. CA St. John will discuss possible solutions with contractors and report back to council.
3. **FINANCIALS.** CA St. John updated the Governing Body on the status of General Fund, Water Revenue Fund, Sewer Revenue Fund and Sales Tax Improvement Fund. A Capital Projects report was also included. CM Price asked about doing a larger water project next year due to the 8th St. waterline project not being completed this year. CA St. John will initiate the engineering.

STANDING COMMITTEE REPORTS:

STREET:

1. **STREET COMMITTEE MEETING.** CM Keating said there will be a Street Committee Meeting on November 21st.
2. **STOP LIGHT SETTINGS.** CM Fry asked about the missing shade on the red light at the southwest corner of 10th St. and Center St. CM Frye also asked if the crosswalk signals could run with the lights instead of just if the button is pushed. He asked that next time that company is in town if we could have them look at it. CM Throm also asked where the sensor is on the south side of Center St. as semis don't like stopping on the incline and the sensor is not picking them up. CA St. John will look into these issues.
3. **ROAD WORK AT 9TH & CENTER ST.** CM Frye asked about the cones at 9th and Center St. He was told AT&T is working on a fiber line. CM Beikman asked about putting no parking signs there to accommodate wide loads.
4. **WELCOME TO MARYSVILLE SIGN.** CM Frye asked if the city takes care of the Welcome to Marysville signs. He asked that the shrubs be trimmed by the sign by CJ West.
5. **PURPLE STREET LIGHTS.** CM Frye asked when the rest of the purple streetlights will be replaced.
6. **HALL BROTHERS.** CM Behrens asked where Hall Brothers was on the North St. and 16th St. Projects. CM Keating talked to Rob with Hall Brothers. He said if they get a week with good weather, they will get them done.
7. **FRANK MARSHALL DR.** CM Behrens asked where they were with the Frank Marshall Dr. project. One side is completed and opened. Inline is starting on the other side now.
8. **STREET SIGNS.** CM Throm asked where we were with the Historic Street Sign project. CA St. John is communicating with KDOT about sign placement. The signs have been moved into the old fire station behind City Hall to get them out of the weather.
9. **CES PROJECTS.** CM Keating asked if anyone had talked to CES about the timeliness of their response. CM Throm said Rob had contacted him.

WATER & WASTEWATER:

1. **GIS PROJECT.** CM Keating said Kent Bargman, Water/Wastewater supervisor, would like to do another GIS Project to map some water lines that did not get mapped when they were put in.

PARKS & RECREATION:

1. **CHARGING STATION.** CM Frye asked about the progress on the charging station. CA St. John said the conduit is in and Hanover Electric will put the wire in when it's available. After their part is done CA St. John will contact Lily Pad for installation.
2. **KOESTER MUSEUM.** CM Keating reported Ron Schlabach with Hanover Electric has found a temporary radiator and it will be painted at Schroller's.

CEMETERY & AIRPORT:

1. **NEW KIOSK.** CM Frye asked about the plan for moving the kiosk and directory into the Chapel at the Cemetery. CA St. John said it is in the budget for next year. CM Frye thinks the Cemetery & Airport Committee should discuss the possibilities. CM Keating suggested including the veteran's group, Toad Fragel specifically.

POLICE & FIRE:

1. **BATHROOM REMODEL.** CM Behrens asked if they had started the remodel of the Police Department bathroom. Peak Construction said it will be done by December 15th.

2. **THANK YOU, POLICE DEPARTMENT.** Mayor Barnes wanted to thank the Police Department for their extra effort at the school this past week.

ADMINISTRATION & FINANCE:

1. **SAS SYSTEM.** CM Keating asked if we break down wages by projects such as chip and seal. He suggested looking into a system to capture that information.

APPOINTMENTS:

Convention & Tourism Board – Wayne Kruse – November 14, 2022, to December 31, 2025

Wayne Kruse will complete Gina Bartels' term through December 21, 2022, and then begin his own term January 1, 2023, through December 31, 2025. CM Behrens voiced concerned that Wayne might overextend himself being on multiple committees.

CM Beikman moved to approve the mayor's appointment; CM Throm seconded. Motion carried 7-1 with CM Behrens voting no.

CITY ATTORNEY:

EXECUTIVE SESSION:

At 8:23 p.m. CM Price moved to recess in executive session to discuss personnel matters of non-elected personnel, exception KSA 75-4319 (b) (1). This session will include the Mayor, the City Council, and the City Administrator. The open meeting will resume in the city council chambers at 8:40 p.m. CM Throm seconded. Motion carried 8-0. At 8:40 p.m. council reconvened. Mayor Barnes reported no binding decisions were made during executive session and the regular session was continuing.

ROUND TABLE DISCUSSION:

1. **NEXT MEETING.** CM Snelling reported she will not be at the next meeting.
2. **KOESTER HOUSE MUSEUM CONTRACTOR.** CM Beikman said to keep on the contractor at the Koester House Museum.

There being no further business, at 8:41 p.m. CM Frye moved to adjourn, CM Snellings seconded. Motion carried unanimously.

Samantha J. Ralph
Deputy City Clerk



1103 Elm St., Marysville, KS 66508

Marysville City Council
City Hall
209 N. Eighth St.
Marysville, KS 66508

Nov. 22, 2022

This letter is to request that we be placed on the agenda for the Nov. 28 meeting of Marysville City Council to discuss the need for a city maintenance schedule to help prevent future damage to Koester House Museum facilities.

We would also like to repeat our plea for restoring heat to the museum as soon as possible so previously planned lathe and plaster restoration work, fundraising and programming events can continue on schedule.

We would also like to ask whether anything has been done in response to discussion at the last meeting about the cracked and broken storm windows needed on the east side of the museum and on running a water line to the museum property that will allow for hydrants in the west part of the yard.

Koester House Museum Foundation
Marysville, KS 66508

Sharon Kessinger

11/4/22

Attn Kent Bargman
Marysville City of
City Hall- 209 North 8th St.
Marysville KS 66508

15895 S. Pflumm Rd.
Olathe, KS 66062
(913) 390-4500
FAX: (913) 390-4550
www.micro-comm-inc.com

Extended Service Warranty Proposal

Dear Kent:

According to our records, your Micro-Comm telemetry system service contract number(s) SC0012 will expire on 1/1/23. For \$3350.00 which includes damage caused by lightning, Micro-Comm will provide part replacement, phone support, and internet troubleshooting, for job number(s) 01-103, 02-143, 07079, 09056.

Please read and review the following:

Terms and Conditions of the Service Plan:

1. Micro-Comm, Inc. shall be liable only for the cost or repair of any Micro-Comm manufactured equipment including radio, power supply, batteries, RTU and CTU Battery backup units, relays, phone dialers; light bulbs, external modems, MC L5A and Keller Well Transducers, Minco sensors, relays, and associated equipment required for system operation as designed (see below #6).
2. In the event of equipment failures or equipment damaged by lightning, Micro-Comm will supply troubleshooting, using phone and internet log in to determine parts necessary to complete repairs and return system to previous level of operation. Parts will be shipped by the quickest method available to job site. Customer shall supply labor for removal and installation of equipment at customer's premises. Return of defective equipment to Micro-Comm is customer responsibility.
3. In the event exact replacement parts are no longer available, Micro-Comm will (at its discretion) replace the existing equipment or components with similar or "current production" materials to restore the control system back to its original level of operation. Prior to replacement, Micro-Comm will identify the materials to be used, estimate labor to update software, records, drawings and software documentation. Update labor rate of \$100.00 hour will apply, any new or additional features that are available with this replacement equipment will be offered to the customer for an additional expense, parts plus labor to be quoted upon request.
4. This plan is void and does not apply if damage to equipment is caused by: flooding, high winds, tornado, hurricanes, freezing, fire, chemical damage, vandalism, improper installation, improper maintenance, accident, alteration, abuse, or misuse, (by other than Micro-Comm, Inc. or it's designating).
5. Micro-Comm's sole obligation in case of its equipment failure will be to provide the service specified above. Micro-Comm will not be liable for any consequential or Incidental damage to system failures. Micro-Comm will not be liable for downtime, i.e. Overtime labor and travel to and from sites.
6. The plan is for Micro-Comm manufactured parts only. The following list is an example of Items; not covered: Non-Micro Comm PLC's, VFD's, BW probes, Omega sensors, chart recorders, chart pens, and paper, phase monitors, pump alternators. Flow meters, flow sensors, chemical feed and chemical monitoring equipment., computers, keyboards, monitors, Computer battery backup units, printers, routers, switches, external wiring, and cabling.

- 7 The Service Plan coverage provided by Micro-Comm, Inc. begins when current system warranty ends and provides coverage for one calendar year from warranty end date. Warranty end date will be extended when a signed copy of Service Plan and payment are received. Non-Warranty Customer warranty date will be assigned when a signed copy of Service Plan and payment has been received.

Micro-Comm's normal service rates are \$150/hour with a four-hour minimum on-site service, plus \$75/hour travel time to and from job site, expenses (airfare, car rental, parking + 10%), \$250 overnight (lodging), or \$75-day meals and expenses charge.

Software changes and remote site modifications can be purchased for \$750 per modification, plus \$150 per hour to bring drawings, records, and software up to date for requested changes, quotes will be supplied for requested changes. System upgrades and expansion work can be requested through our sales department.

Under the terms of this service plan, a reduced service rate is provided as part of coverage. \$100/hour with a four-hour minimum, plus \$50/hour travel time, expenses (airfare, car rental, parking + 10%), and \$250 overnight (lodging), or \$50-day meals and expenses charge for onsite service. ISP router assistance, internet configuration, network router/switch assistance, and new or backup computer setup of equipment not provided by Micro-Comm will be billed at \$100/hour with a four-hour minimum will apply.

Software changes (adding outputs, inputs, flow meter change out, chemical pumps, control group modifications, station type changes) and remote site modifications will be included as part of service contract coverage. Customer will be charged \$100 per hour (4-hour minimum) to bring drawings, records, and software up to date for requested changes. Service Contract customers will receive a discount on new computers, software additions, and same version software updates completed by a Micro-Comm technician.

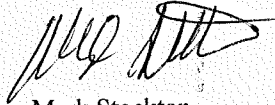
System upgrades and expansion work will receive a 10% cost savings through system service contract coverage. Discussion of these options and all service matters is available by contacting Mark Stockton, Service Manager, Micro-Comm, Inc. or our sales department at any time, convenient for you.

Should you choose to purchase/renew this service plan YOU MUST complete the form below, and return this letter to us with a check payable to Micro-Comm, Inc.

Customers that require an invoice number, please indicate requirement on the returned proposal with a P.O. Number and you will be invoiced as requested. Please write Service Plan number on your check and P.O. If you have any questions, feel free to contact me at any time.

Sincerely,

MICRO-COMM, INC.



Mark Stockton
Service Manager

15895 S. Pflumm Rd.
Olathe, Kansas 66062
913-390-4500 office
913-909-3195 cell
mstockton@mc-mail.com

Enclosure

I have read and fully understand the terms and conditions of the Service Plan as stated above.

Accepted by: _____

Date: ____ / ____ / ____

Amount of Check Enclosed: _____

Optional, P.O. Number: _____

(First Published in the Marysville Advocate, Official City Paper,
on Thursday, December 1, 2022)

ORDINANCE NO. 1915

**AN ORDINANCE APPROPRIATING MONEY FROM
THE VARIOUS FUNDS TO PAY PAYROLL OF THE
CITY OF MARYSVILLE, KANSAS, FOR FY2023.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF
MARYSVILLE, KANSAS:**

Section 1. The 2023 budget of the City of Marysville, as adopted August 22, 2022, shall constitute an appropriation of the money so budgeted, and the City Clerk shall be authorized to pay payrolls; provided that all such payments made shall be deducted from the amounts so appropriated and that the total of the payments made shall not exceed the amount appropriated.

Section 2. All full-time employees of the City shall be paid every two weeks and no payroll shall be paid until it has been certified by the person in charge of the department or fund which shall be affected by the appropriation and, further, has been examined and approved by the City Clerk.

Section 3. The payment of payrolls shall be by warrant checks as provided by law and such warrant checks shall be signed by the Mayor and City Clerk and countersigned by the City Treasurer.

Section 4. This ordinance shall take effect and be in force from and after its passage and approval.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this twenty-eighth day of November 2022.

JASON BARNES
Mayor

ATTEST:

LUCINDA HOLLE
City Clerk

(SEAL)

Swimming Pool Wage Scale

Effective May 9, 2022, the included wage scales will be used to determine hourly wages and bonuses for pool employees. In addition, the certifications and recertifications of all Lifeguards will be paid for 100% by the City of Marysville prior to the season starting.

Lifeguard Wage Scale			
Year of Service	Hourly Wage	Possible Change	Bonus
1st Year	\$9.00	\$12.00	\$50
2nd Year	\$9.75	\$12.75	\$60
3rd Year	\$10.50	\$13.50	\$70
4th Year and later	\$11.25	\$14.25	\$80
Assistant Manager	\$12.00	\$15.00	Based on years of service
Manager	\$16.00	\$18.00	\$200 if return following year

Concession/Admissions Wage Scale			
Year of Service	Hourly Wage	Possible Change	Bonus
1st Year	\$8.25	\$10.00	\$50
2nd Year	\$9.00	\$10.75	\$60
3rd Year	\$9.75	\$11.50	\$70
4th Year	\$10.50	\$12.25	\$80

When a lifeguard works in admissions or concessions they will be paid at their lifeguard wage.

Bonuses will be given out based on the employee leaving in good standing, and if they stayed through the entire season.

Bonus for the manager will be given out at the beginning of the following season if the manager returns.



CITY OF
MARYSVILLE

2023

Personnel Policies
& Guidelines

(INCLUDING UPDATES)

**Receipt and Acknowledgment
Of Marysville, Kansas Personnel Policies and Guidelines**

Please read the following statements, sign below, and return to the city clerk.

Understanding and Acknowledging Receipt of Marysville City Personnel Policies and Guidelines

I have received and read a copy of the City Personnel Policies and Guidelines. I understand that the policies and benefits described in it are subject to change at the sole discretion of the governing body at any time.

At-will Employment

I further understand that my employment is at will, and neither the City of Marysville nor myself has entered into a contract regarding the duration of my employment. I am free to terminate my employment with the City of Marysville at any time, with or without reason. Likewise, the City of Marysville has the right to terminate my employment, or otherwise discipline, transfer, or demote me at any time, with or without reason, at the discretion of the City of Marysville. No employee of the City of Marysville can enter into an employment contract for a specified period of time or make any agreement contrary to this policy without written approval from the governing body. I also agree to return all city equipment and/or property at the time of separation whether the separation is voluntary or involuntary.

Confidential Information

I am aware that during the course of my employment confidential information may be made available to me, for instance, tax information, bid information, arrest records, personnel information, and other information. I understand that this information is confidential and must not be given out or used outside of the City of Marysville's premises or with non-City of Marysville employees. In the event of termination of employment, whether voluntary or involuntary, I hereby agree not to utilize or exploit this information with any other individual or against the City of Marysville. I also understand that there is an open records policy and procedure that I should be aware of and follow in the distribution of information.

Drug Testing

I acknowledge and consent to random and unannounced substance abuse testing if my position falls into the category that is drug tested.

EAP Policy

As an employee of the City of Marysville, I affirm that I have received a copy of the City of Marysville's EAP Policy and I have attended an employee awareness briefing on the implementation of this program. I am aware that I may be referred to an education and

treatment program based on deterioration in my job performance. I agree to abide by all provisions of the EAP policy as a condition of my continued employment with the city.

Sexual Harassment/Harassment Policy

I acknowledge that I have read the sexual harassment/harassment policy and will bring to the appropriate party's attention any and all issues involving harassment. I further acknowledge that I understand my rights in bringing issues forward and will use those avenues if an issue arises.

Employee's Printed Name

Position

Employee's Signature

Date

EMPLOYEE CONSENT FORM CONCERNING ELECTRONIC COMMUNICATIONS SYSTEMS

1. GENERALLY

As an employee, agent, associate, representative, intern, contractor, temporary employee, assignee, or other designee (hereinafter referred to collectively as “employee” strictly for the purposes of this consent form) of the City of Marysville (hereinafter referred to as “City”) you have or may be provided access to various electronic communications systems including, but not limited to, telephone voicemail, cellular phones (including internet and texting), fax machines, copiers, computers, electronic computer mail (“Email”) and the internet. These systems are provided to you to assist in the conduct of the City’s business. This consent form is based upon the City’s policy and procedure on the use of Communications Systems, Information Systems, and Information.

2. NO PRIVACY RIGHTS IN ELECTRONIC COMMUNICATION SYSTEMS

Voicemail, cell phone messages, texting, instant messaging, E-mail, access to the internet and the information or communications sent or stored on them are and remain at all times the property of the City. As such, you do not have any right to information or communications sent or stored on City information technology (IT) resources. The City reserves the right to monitor, access, retrieve, read and/or distribute, for official purposes, any information or communications sent or stored on IT resources, and it in fact does so as it determines is necessary. You should be aware that, even when information or communications on such IT resources are deleted, it may be possible for the City to retrieve such information or communications and it in fact does so as it determines is necessary. You should also be aware that your use of a password may not prevent other individuals from accessing your IT resources, nor does it prevent the City from accessing them. Passwords are strictly for security purposes; passwords are not for the protection of privacy. This applies regardless of where you use City IT resources, whether from a remote or local access.

3. AUTHORIZED USERS

Employees may access only those electronic communication systems that the employee has been expressly granted permission by the City to access. Unauthorized accessing, review, duplications, dissemination, removal, damage, or alteration of files, passwords, digital certificates, computer systems or programs, voicemail messages, E-mail

messages, internet communications, information, or systems or other such property of the City, or improper use of information obtained by such unauthorized means, constitutes grounds for disciplinary action, up to and including dismissal, and the possibility of a criminal complaint being filed.

4. IMPROPER CONTENT

Each employee is responsible for the content of all text, audio, or images that they place, send, retrieve, or view over any electronic communication systems. All messages communicated on such systems should have the employee's name attached; messages may not be transmitted using another employee's name or under an assumed name. Each employee is responsible for ensuring that he or she uses such systems in an effective, ethical, and lawful manner. Your use of electronic communication systems shall not include content that might be considered offensive or disruptive to any employee. Offensive content, whether text or image, includes, but is not limited to, material of a sexual or harassing nature including comments, jokes or images; racial slurs; defamatory materials; threats or insults; or any other matter that might offend a person on the basis of his or her race, color, sex, disability, religion, age, national origin or ancestry, retaliation, veteran's status or other classification protected by federal, state, or local law. The determination of the city council as to what constitutes offensive or disruptive content is final. Employees may neither send nor receive unauthorized copyrighted materials. Violation of this policy constitutes grounds for disciplinary action, up to and including dismissal, and the possibility of a criminal complaint being filed. Unsolicited email or spam containing offensive material that is received by a City employee shall not be construed as a violation of City Policy. Such email shall not be saved or forwarded but should be deleted or discarded as soon as practicable.

5. CONFIDENTIALITY

Disclosure of confidential information (e.g., taxpayer information, driver's license information, etc.) via electronic communication systems is strictly prohibited unless required in the lawful performance of assigned duties. Violation of this policy constitutes grounds for disciplinary action, up to and including dismissal, and the possibility of a criminal complaint being filed.

6. SOLICITATION

Use of electronic communication systems to solicit for religious, personal, business, charitable, union-organizing (unless authorized by state law), or political purposes is prohibited. Officially sanctioned City charities or events are exempted under this policy.

Violation of this policy constitutes grounds for disciplinary action, up to and including dismissal, and the possibility of a criminal complaint being filed.

7. PERSONAL USE OF ELECTRONIC COMMUNICATION SYSTEMS.

Use of IT resources should be for official City uses only. Limited appropriate personal use is permitted. The determination of the city council as to what constitutes limited appropriate personal use shall be final, but in no event shall it include any use contrary to this consent form and City policy regarding the use of Communications Systems, Information Systems, and Information. Violation of this policy constitutes grounds for disciplinary action, up to and including dismissal, and the possibility of a criminal complaint being filed.

8. DISCIPLINE FOR IMPROPER USE OF ELECTRONIC COMMUNICATION SYSTEMS

Improper use of IT resources subjects the offending employee to discipline up to and including dismissal, and the possibility of a criminal complaint being filed. Past breaches of any policy respecting an employee's use of IT resources are not a bar to discipline for present or future breaches. In other words, the fact that you were not disciplined for breaches of policy in the past does not mean you will be excused or immune from discipline now or in the future.

9. EMPLOYEE CONSENT

I, _____ have read the preceding statement, understand it, and consent thereto.

Additionally, I have read the City policy regarding the use of Communications Systems, Information Systems and Information, and consent thereto. At the time of signing this consent, I have asked any questions that I have concerning this policy and consent form, and such have been answered to my satisfaction by my supervisor and/or City Personnel. I understand that any violation of these policies and guidelines may result in disciplinary action, up to and including dismissal, and the possibility of a criminal complaint being filed.

Employee Signature _____

Date _____

Employee Printed Name _____

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PERSONNEL POLICIES AND GUIDELINES

CITY OF MARYSVILLE, KANSAS

ARTICLE A. GENERAL

A-1. Policies Established. The following policies, guidelines, and other provisions for personnel administration in the City of Marysville are established to:

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

A-2. Application of Policies. These policies and guidelines shall apply to all employees in the services of the City except elected officials.

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

A-4. Personnel Records. The city administrator, or designees, shall keep adequate records of all persons employed, their pay scale, time worked, accrued vacation and sick leave, all absences for vacation, sick or other leave, accrued overtime, and all other records directed to be made and maintained under these policies and guidelines or under applicable state or federal law. All medical records shall be kept separately in a locked and secured area. All employee files shall be kept locked and in a secured area. An employee's personnel file shall be available during office hours for inspection by that employee. To protect personal information,

Marysville prohibits the use of Social Security numbers for identification purposes, except as allowed by law.

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

ARTICLE B. POSITION CLASSIFICATIONS.

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

B-2. Job Descriptions. Each position shall have a concise descriptive title, a description of the essential and marginal functions (tasks) of the position and a statement of the qualifications for filling such positions. Such descriptions shall be approved by the governing body and shall be kept on file in the office of the city clerk and shall be open to inspection by any interested party during regular office hours.

B-3. Pay Range Plan. The governing body may adopt a pay plan with minimum and maximum amounts of pay for each class of position. The pay ranges assigned to each class of position shall be periodically reviewed and revised by the governing body.

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

ARTICLE C. RECRUITMENT AND PROMOTION

C-1. Definitions.

- a. Full-Time employee is one employed to work a normal work week of at least 40 hours on a regular and continuing basis. The work week is a consecutive seven-day period, except as otherwise provided in Section E-1.
- b. Part-Time employee is one employed to work less than a normal work week on a regular and continuing basis.
- c. Seasonal employee is one employed to work on a regular and/or recurring basis during a specific season or portion of a year.

- d. Temporary employee is one who works on an irregular and/or nonpermanent basis.
- e. Volunteer is a non-paid individual in the position he or she holds. When acting as a volunteer an individual is not an employee regardless of other City employment.

C-2. Recruitment. It shall be the policy of the City to provide fair and equal opportunity to all qualified persons to enter City employment on the basis of demonstrated merit and fitness determined by fair and practical methods of selection, without regard to race, color, sex, disability, religion, age, national origin or ancestry, retaliation, veteran’s status. Each employee shall be selected by the department head confirmed by the city administrator and reported to the governing body.

C-3. Americans with Disabilities Act. The Americans with Disabilities Act (ADA) and amendments requires employers to reasonably accommodate qualified individuals with disabilities. It is the policy of Marysville to comply with all federal and state laws concerning the employment of persons with disabilities.

It is Marysville’s policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions, and privileges of employment.

Marysville will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job.

An individual who can be reasonably accommodated for a job without undue hardship will be given the same consideration for that position as any other applicant.

All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace—when such threat cannot be eliminated by reasonable accommodation—will not be hired. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave until a decision has been made in regard to the employee’s immediate employment situation.

Definitions

As used in this policy, the following terms have the indicated meaning and will be adhered to in relation to the ADA policy.

“Disability” means a physical or mental impairment that substantially limits one or more major life activities of the individual; a record of such an impairment; or being regarded as having such an impairment. Major life activities include the following:

- In general—Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
- Major bodily functions—A major life activity also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

“Direct threat” means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

“Qualified individual” means an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

“Reasonable accommodation” may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

“Undue hardship” means an action requiring significant difficulty or expense by the employer.

In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include, but are not limited to:

- The nature and cost of the accommodation.
- The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources or the impact of such accommodation upon the operation of the facility.
- The overall financial resources of the employer; the number, type, and location of facilities.
- The type of operations of the City of Marysville, including the composition, structure, and functions of the workforce; relationship of the particular facility to the employer.

“Essential functions of the job” refers to those job activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified.

C-4. Qualifications of Employment. All new applications for any position with the City shall meet the minimum qualifications established for that position. Each applicant shall complete a job application form. A medical examination or other testing, including drug testing, may be

required only after an offer of employment has been made, provided that, such exams or testing are required of all such applicants who are offered employment in similar positions or position classifications. The offer of employment is contingent upon applicant passing required tests, including references and background checks. For the police and fire departments there may be additional testing required.

C-5. Training Period.

- a. Each full-time employee, following initial employment, shall undergo a training period of six months in order to achieve an acceptable level of competency.
- b. Each full-time employee promoted to a classification with higher pay shall also undergo a training period of six months in order to achieve minimal competency in the new position. An employee may be returned to the pay and position he or she held immediately prior to the promotion or to a position with equal pay and responsibility if acceptable level of competency cannot be demonstrated.

C-6. Promotion. It is the policy of the City to fill vacancies for supervisory, skilled, and upper-level positions from within the ranks of present employees whenever possible. All employees seeking promotion shall be expected to meet the minimum qualifications for the class to which they seek promotion. A medical examination or other testing, including drug testing may be required only after an offer of promotion has been made, provided that such exams or testing are required of all such employees who are offered promotions in similar positions or position classifications. The offer of promotion is contingent upon applicant passing required tests.

C-7. I-9 Employment Eligibility Verification. All employees initially hired after November 7, 1986, for any position with the City, shall complete an employment eligibility verification statement in compliance with the federal Immigration Reform and Control Act of 1986.

ARTICLE D. COMPENSATION

D-1. Pay Plan.

- a. The salary of each employee of the City, except those appointed officers whose salary is specifically set by ordinance and those persons employed in an administrative, executive, professional, or other position as defined by FLSA, shall, at least annually, be set at an amount as identified in the Personnel Classification and Pay Plan, and provided by ordinance. Those exempted employees as listed above shall have their salaries reviewed at least annually and set at a rate commensurate with job duties. An employee's continued employment at the salary rate assigned to him or her shall be contingent upon the provisions outlined in Section D-3.

Longevity Pay.

1) Each regular full-time employee, upon completion as an uninterrupted employee with the City, is entitled to longevity pay annually as follows:

Two Years of Service: \$50.00

Three Years of Service: \$75.00

Four – Seven Years of Service: \$150.00

Eight – Thirteen Years of Service: \$175.00

Fourteen – Nineteen Years of Service: \$200.00

Twenty Plus Years of Service: \$225.00

2) When eligible, each longevity pay step for the employee shall take effect on the first pay period following the employee's anniversary date.

3) Longevity pay will be added as a lump sum to the employee's paycheck annually.

4) Continuous and uninterrupted employment shall, for the purposes of determining longevity benefits, be considered broken if any one or more of the following conditions shall exist:

a) The employee quits or resigns the position of employment or is terminated by the City for cause. Such act shall be final unless the employee is rehired within 30 working days.

b) The employee fails to appear for duty on three or more consecutive scheduled work days without notifying the department head or the city administrator, giving the reason for such absence, the expected date of return to employment, and such other information deemed necessary for the employer to determine whether the absence from duty is justified or is an effort to circumvent the provisions of this paragraph. The employee works less than 12 days in any one month and/or misses more than 30 days of work in any one year, provided that monthly and annual limits shall not apply to an employee on vacation, sick leave, military leave, family and medical leave, approved leave of absence or to a person injured and placed on a leave of absence for the balance of the disability.

D-2. Pay Increases.

- a. Pay increases shall not be routine or automatic and are subject to approval by the governing body.
- b. Annual cost-of living pay increases may be given as approved by the governing body. All steps and ranges within the pay plan may be adjusted upwards by the amount of the cost-of-living adjustment on an annual basis as approved by the governing body.

D-3. Performance Evaluations.

- a. Employee performance evaluations may be considered in determining salary increases and decreases within the limits established by the governing body, as a factor in promotions, in determining the order of layoffs, and as a means of identifying employees who should be promoted or transferred, or who, because of their low performance, should be demoted or dismissed.
- b. An evaluation of the performance of each full-time and part-time employee based on his or her duties and responsibilities may be prepared by the employee's department head at least annually. The evaluation shall be in writing on forms approved by the city administrator. The department head shall evaluate at least quarterly any employee who has received a poor performance rating. An employee-in-training shall be evaluated on the completion of his or her probationary period. The department head shall present the evaluation to the employee and allow the employee the opportunity to respond.

D-4. Pay on Termination.

- a. An employee shall receive his or her final paycheck on the first regularly scheduled payday following his or her termination.

D-5. Overtime Work.

- a. Compensation for authorized overtime work shall be at the rate of one and one-half times the employee's regular rate of pay for hours worked over 40 in a work week. Overtime compensation shall be paid not later than the first payday following the pay period in which it was earned.
- b. Employees shall be eligible to receive overtime compensation for all hours worked in excess of 40 hours in their normal work week, except for full-time police officers. The work period for police officers is described in Section E-1(c).
- c. All overtime work must have prior authorization by the city administrator. The payroll clerk shall maintain records of any overtime worked.

D-6. Pay Periods, Paydays. The City shall pay all employees every other Wednesday, for work performed for the two prior work weeks. Should the regular payday fall on a City holiday, or a City holiday falls between the last day of the pay period and the pay day, pay may be distributed on the working day immediately following.

D-7. Garnishments. A garnishment is a court order to an employer to withhold a sum of money from an employee's wages or salary. A federal tax levy, which takes precedence over all other garnishments, takes money due to an employee as of that date based on a table furnished by the Internal Revenue Service (IRS) to the employer. The IRS may instruct an employer not to allow certain deductions, such as an employee 401(k) contribution. But it is quite common for the employee to be allowed to work out an arrangement for paying in installments or the levy may provide a formula.

D-8. Deductions. After federal income taxes, Social Security taxes, Medicare taxes, state and City tax withholding deductions, and state unemployment insurance and disability taxes have been deducted from an employee's paycheck, the remaining balance is what is generally considered "disposable earnings" for the period.

ARTICLE E. ATTENDANCE AND LEAVE

E-1. Hours of Work.

- a. **General Employees.** The normal work week for general employees, which includes all employees other than the city administrator, city clerk, police chief, and police officers, shall be 40 hours, consisting of five eight-hour days. Full-time personnel employed in departments operating on a 24-hour basis, other than police officers, shall work not fewer than eight hours per day, five days per week, on a schedule to be assigned by the city administrator.
- b. **Normal Work Hours.** No employee shall be permitted to work in excess of their work week except when so directed by the employee's department head. City employees are not permitted to work more than sixteen (16) hours in a twenty-four (24) hour period.
- c. **Police Officers.** The normal work week for full-time officers shall be as designated in a resolution passed and approved by the governing body. Overtime work must be authorized by the police chief.
- d. **City Clerk.** The position of city clerk is an administrative position and therefore exempt from overtime compensation according to the FLSA.
- e. **City Administrator.** The city administrator hours will be governed by the employment contract.

- f. **Police Chief.** This position is an administrative position and therefore exempt from overtime compensation according to the FLSA. No additional pay for overtime or holiday.

E-2. Rest Breaks. Employees are entitled to a rest break of 15 minutes for every four hours of work scheduled. The time of the rest break, usually mid-morning, and mid-afternoon, shall be determined by the employee's department head.

E-3. Holidays. All holidays are paid at 8 hours per day.

- a. The following days shall be paid holidays for City employees:

- New Year's Day, January 1
- Martin Luther King, Jr. Day, third Monday in January
- President's Day, third Monday in February
- Memorial Day, last Monday in May
- Independence Day, July 4
- Labor Day, first Monday in September
- Veteran's Day, November 11
- Thanksgiving Day, fourth Thursday in November
- Friday following Thanksgiving
- Christmas Day, December 25
- *Christmas Eve, December 24*
- *Black Squirrel Day*
- *Juneteenth, June 19th*
- *Election Day*
- *Employee's Birthday (Personal Holiday)*

From time to time and for certain special occasions, the governing body may by motion designate other days as special holidays on a one-time basis.

- b. When a holiday falls on a Saturday, the preceding Friday shall be declared a holiday. When a holiday falls on a Sunday, the following Monday shall be declared a holiday.
- c. Employees required to work on a city observed holiday shall be compensated according to the following:

Police department employees, other than the chief of police, required to work a city holiday shall be paid at two and one-half times their normal rate of pay on the actual holiday not the city observed holiday if different. A police officer not required to work the holiday shall receive the normal holiday pay of eight hours.

Part time police officers required to work a city holiday shall be paid at their normal rate of pay, in addition to eight hours of holiday pay. If a holiday is not worked by a part time officer, no compensation shall be paid.

Full-time employees of departments other than Police called out on an emergency basis by the city administrator on a city observed holiday shall be paid at one and one-half times their normal hourly rate for the hours worked.

- d. Part-time employees shall be paid only for city observed holidays that fall on days for which they would otherwise have been scheduled to work. The amount of such pay shall be equal to the wages they would have earned for the number of hours they would have been scheduled to work on that day. Seasonal and temporary employees shall not receive paid holidays.
- e. To be eligible to receive pay for a city holiday, an employee must not have been absent (unexcused) without leave either on the workday before or the workday after the holiday.

E-4. Vacation Leave.

- a. Vacation leave shall be earned beginning with the date of employment under the conditions hereinafter stated. An employee who works fewer than 12 days in any month shall not accrue vacation credit for such month of service, provided that this restriction of 12 days shall not apply where the employee has worked fewer than 12 days due to authorized vacation or sick leave. No employee shall be permitted to use vacation time for any period spent on unauthorized leave. Full time and salaried employees (except police officers) are entitled to paid vacation leave time according to the following schedule, provided no paid vacation leave time is granted or may be taken until after the completion of six month’s service.

Time of Continuous Employment	6 months	6 months – 5 years	5 – 10 years	Over 10 years
Hours Earned per Month	8	8	12	16
Maximum Hours Accumulation		192	288	384

- b. Police Officers are entitled to paid vacation leave time according to the following schedule, provided no paid vacation leave is granted or may be taken until after the completion of six months of service.

Time of Continuous Employment				
	6 Months	6 months – 5 years	5 – 10 years	Over 10 years
Hours Earned Per Month	9	9	13.5	18
Maximum Hours Accumulation		216	324	432

- c. Scheduling. The dates for the taking of vacation leave shall be scheduled in consultation with the employee’s department head. In cases where the requested vacation schedules of two or more employees would adversely affect the efficient operation of the city, vacation leave shall be granted on the basis of seniority of city employment. For new hires, the city will accommodate vacations that were previously scheduled, using unpaid leave, as long as it was discussed with supervisor prior to hiring.
- d. Holiday During Vacation. City holidays that occur during the taking of an employee’s authorized vacation leave will not be counted as a day of vacation.
- e. Minimum Hours. Employees may use vacation leave in units of not less than one hour, subject to the approval of their department head.
- f. Termination. Upon termination, an employee shall be compensated for all earned but unused vacation leave at their final rate of pay, subject to the maximum hours of accumulation authorized in the schedule in Section E-4(a) & (b).
- g. Forfeiture. Employees who reached the maximum hours for accumulation and have not used their hours for leave shall forfeit their hours. No vacation will be carried over above the maximum for any purpose.

E-5. Sick Leave. Full-time employees shall be entitled to sick leave with pay for absences resulting from illness, injuries, accidents, or other physical incapacity, occurring either on or off the job. Sick leave may also be used for illness or accident of the spouse, children, or parent residing in the same household of the employee. No employee shall be permitted to use sick leave for any period spent on unauthorized leave. Full-time employees are entitled to sick leave with pay for physical examinations and dental work if they have provided at least one week’s notice to their department head.

Amount of Sick Leave.

Full-time and salaried employees (except police officers) shall earn eight hours of sick leave for each full calendar month of service. A full calendar month shall be defined as working a minimum of 12 eight-hour days a calendar month, to include authorized vacation and/or sick leave. Sick leave shall be taken in 1 hour increments no more than 8 hours per day.

Full-time police officers shall earn nine hours of sick leave for each full calendar month of service. A full calendar month shall be defined as working a minimum of 12 nine-hour days a calendar month, to include authorized vacation and/or sick leave. Sick leave shall be taken in 1 hour increments no more than 9 hours per day.

Accumulation of Sick Leave

1. Effective July 1, 1996, no employee may accrue more than 1,200 hours of sick leave.
 - a. Using Sick Leave. Sick leave may be taken in hourly increments up to 8 hours per day, full time police officers may use 9 hours per day.
 - b. Doctor's Certificate. For sick leave in excess of three workdays, a department head may require a signed statement from a health care provider verifying the employee's inability to perform his or her assigned duties because of illness.
 - c. Notification. To be eligible for paid sick leave an employee must contact his or her department head and give the reason for the absence no later than one hour after the beginning of the first workday for which sick leave is taken. All shift workers are required to inform their department head no later than two hours prior to the start of their scheduled shift.
 - d. Termination of Employment. An employee shall not be paid for any unused sick leave upon termination of his or her employment with the city.
 - e. Additional Compensation of Non-use of Sick Leave. Each full-time employee shall be eligible to receive additional compensation for non-use of sick leave as follows:
 1. An employee who does not utilize any sick leave for an entire calendar year shall receive 16 hours of pay at their regular rate.
 2. An employee who utilizes two workdays or less of sick leave for an entire calendar year shall receive eight hours of pay at their regular rate.
 3. An employee who utilizes more than two workdays of sick leave for an entire calendar year will not be eligible to receive any such compensation.
 4. Compensation will be included in an employee's payroll check for the first full payroll period in January at the hourly rate employee is earning as of December 31st.
 - f. Donation of Sick and/or Vacation leave. Employees have the option of donating any portion of their vacation or sick leave to another employee providing that employee has utilized all of his/her available leave. Donated leave must be used for sick leave. Donated leave will be calculated at the rate per hour of the employee receiving the

donated leave to determine how much time will be deducted from the employee making the donation.

E-6. Family Medical Leave.

- a. Upon verbal or written notice to the city clerk and approval of the governing body, any employee will be granted up to 12 weeks of unpaid family and medical leave during any 12-month period (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness). Within five business days after the employee has made the request for leave, the city clerk will provide the Department of Labor Notice of Eligibility and Rights (<http://www.dol.gov/esa/whd/fmla/finalrule/WH381.pdf>). Within five business days after the employee has submitted the appropriate certification, the city clerk 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-392.pdf>). Such leave will be available as the result of the birth, adoption, or placement of a child for foster care, to care for a spouse, child or parent with a serious health condition or a serious health condition for the employee.
- b. Intermittent Leave or Reduced Schedule. The employee may take the leave in 12 consecutive weeks, or intermittently, or may use the leave to reduce the workweek or workday.
- c. A serious health condition is defined as a condition that required inpatient care at a hospital, hospice, or residential medical care facility, including any period of incapacity of any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider. This covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.
- d. Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty. An employee whose spouse, son, daughter, or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities, and 8) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

- e. Where possible, employees are required to provide at least 30 day's notice before beginning to take leave. Family and Medical Leave will be measured backward from the date an employee uses any FMLA leave. In other words, how much FMLA leave you are currently entitled to depends on how much time you have taken during the twelve-month period prior to your request for leave. If at the time your FMLA leave begins you have accrued sick leave and/or vacation; you will be required to use that time while on FMLA leave. Once accrued sick leave and vacation are used, the remainder of your FMLA leave will be without pay.
- f. *Eligibility.* An employee must have worked for the city at least 12 months or 52 weeks (this does not have to be consecutive, separate periods of employment will be counted, provided that the break in service does not exceed seven years). Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations. An entire week will be counted even if the employee was on payroll for part of a week. The employee must have worked a minimum of 1,250 hours during the previous 12-month period. Where a husband-and-wife work for the city, the total number of weeks leave to which both are entitled will be limited to 12 weeks during any 12-month period (exception for care of a covered injured or ill service member may be 26 combined total weeks of leave). Where leave is requested as a result of a serious health condition or for qualifying exigency for military family leave, the employee will provide the city a certification statement issued by a health care provider within 15 days of the request or provide a reasonable explanation for the delay (see <http://www.dol.gov/whd/forms/WH-380-E.pdf>). Should there be a question of validity of the certification provided by the employee the city may, at its own expense, require an opinion from a second health care provider. Direct supervisors should not be involved in questions regarding certification; this is left to the city clerk or human resource designee. Where there is a conflict between the two opinions, the city may pay for the opinion of a third provider. The opinion of the third provider is binding on both the employee and employer.
- g. *Restoration.* An employee returning from family leave will be entitled to return to their position or to a position with equivalent benefits, pay and other terms and conditions of employment.
- h. *Seniority, Vacation and Sick Leave.* Employees on family leave will not accrue any seniority, vacation, or sick leave benefits.
- i. *Insurance Coverage.* The city will continue to provide health care coverage, life insurance, or disability for the employee only. Where the employee fails to return from leave, the city can recover the premium(s) that have been paid on behalf of the employee to maintain health care coverage. If failure to return to work is due to the continuation, recurrence, or onset of a serious health condition beyond the employee's control the employee will not be liable for health care premiums paid while on family leave. In such cases, a certification issued by a health care provider will be required.
- j. *Employee Status.* The employee will be returned to the same position or a position with equivalent status, pay, benefits and other employment terms.
- k. *Periodic Reporting.* The city may require an employee on leave to report periodically on the employee's status and intent to return to work.

E-7. Funeral Leave. In case of death of a member of an employee's, employee's spouse immediate family (to include only the spouse, stepchildren, children, stepparents, parents, stepsiblings, brother, sister, grandparents, grandchildren), full-time employees shall be granted 8 hours of paid funeral leave not to exceed three consecutive working days. Such leave will not be charged against any unused sick or vacation leave. **Upon approval by the city administrator, an employee may be granted paid leave of up to one day for the death of a person not named above.**

E-8. Injury Leave.

- a. All injuries occurring on the job shall be reported immediately to the employee's department head and city administration. Employees who sustain an on-the-job injury may be eligible to receive benefits prescribed by the Kansas Workers' Compensation Act. These benefits include compensation payments, medical care as reasonably required to cure and relieve the effect of the injury and/or death benefits. Under the "low wage earner" provision, temporary benefits cannot exceed one hundred percent of the employee's actual wage for the previous year.
- b. The initial medical visit for treatment will be arranged by the city administrator, city clerk, or designee. The initial visit will be with the employer-designated health care provider with the direct billing to the employer. After the initial medical visit, the employee still retains the right to choose a primary care physician. If an employee is not released to work, the employee will provide a completed Physician's report for each visit to the doctor until the employee receives a medical release to return to work.
- c. Any employee injured on the job shall be eligible to use sick or vacation leave during the waiting period (first seven calendar days) required by workers' compensation. Thereafter, an employee off duty may use sick or vacation leave in an amount equal to the difference between the employee's regular take-home pay and the workers' compensation benefits. This combination of pay shall not exceed the pay the employee would have received if he/she was on full duty.
- d. Any employee off duty due to an on-the-job injury for a period of six months or longer shall remain qualified for benefits through the employer's group insurance plan as long as:
 1. The total and entire premium costs for employee and dependent coverage is paid on a timely basis by the employee.
 2. The employee is following on-the-job injury leave policies.

E-9. Military Leave.

The City of Marysville is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the City of Marysville's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of 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 on the basis of 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. If any employee believes that he or she has been subjected to discrimination in violation of this policy, the employee should immediately contact the city attorney.

Eligibility

Employees taking part in a variety of military duties are eligible for benefits under this policy. Such military duties include leave of absence taken by members of the uniformed services, including Reservists, National Guard members for training, periods of active military service, and funeral honors duty, as well as time spent being examined to determine fitness to perform such service. Subject to certain exceptions under the applicable laws, these benefits are generally limited to five years of leave of absence.

Procedures for Military Leave

1. Unless military necessity prevents it, or is otherwise impossible or unreasonable, an employee should provide 30 days' notice of the need for leave as far in advance as is reasonable under the circumstances. Written notice is preferred, but not required under the law or this policy.
2. To request a temporary or extended military leave of absence, the employee should generally obtain a Request for Leave of Absence Form from the city clerk. However, a written application is not required under the law or this policy.
3. The city clerk will review and sign the Request for Leave of Absence Form, collect any applicable insurance premiums from the employee, generate other applicable documents, and process accordingly.
4. Employees on temporary or extended military leave may, at their option, use any or all accrued paid vacation or personal leave during their absence.
5. When the employee intends to return to work, he or she must make application for reemployment to city clerk within the application period set forth below.

6. If the employee does not return to work, the employee must notify city clerk so that appropriate action may be taken.

Benefits

If an employee is absent from work due to military service, benefits will continue as follows:

An employee on extended military leave may elect to continue group health insurance coverage for the employee and covered dependents under the same terms and conditions for a period not to exceed 31 days from the date the military leave of absence begins. The employee must pay, per pay period, the premium normally paid by the employee. After the initial 31-day period, the employee and covered dependents can continue group health insurance up to 24 months at 102% of the overall (both employer and employee) premium rate.

The group term life/AD&D insurance provided by the City of Marysville will terminate the day the employee becomes active military.

The group long-term disability insurance provided by the City of Marysville will terminate the day the employee becomes active military.

Employees do not accrue vacation, or sick leave while on military leave of absence status.

With respect to the city's voluntary retirement plan, upon reemployment, employees who have taken military leave will be credited for purposes of vesting with the time spent in military service and will be treated as not having incurred a break in service (unless otherwise provided in State law). Immediately upon reemployment, the employee may, at the employee's election, make any or all employee contributions that the employee would have been eligible to make had the employee's employment not been interrupted by military service. Such contributions must be made within a period that begins with the employee's reemployment and that is not greater in duration than three times the length of the employee's military service. Employees will receive all associated City of Marysville match for such contributions.

Voluntary supplemental life/AD&D insurance will terminate the day the employee becomes active military. Converting to an individual policy may continue voluntary dependent life insurance coverage. To exercise this conversion option, dependents must submit a written application and the first premium payment within 31 days immediately following the termination of coverage.

Reemployment

Upon an employee's prompt application for reemployment (as defined below), an employee will be reinstated to employment in the following manner depending upon the employee's period of military service:

1. *Less than 91 days of military service* - (i) in a position that the employee would have attained if employment had not been interrupted by military service; or (ii) if found not qualified for such position after reasonable efforts by the City of Marysville, in the position in which the employee had been employed prior to military service.
2. *More than 90 days and less than 5 years of military service* - (i) in a position that the employee would have attained if employment had not been interrupted by military service or a position of like seniority, status and pay, the duties of which the employee is qualified to perform; or (ii) if proved not qualified after reasonable efforts by the City of Marysville, in the position the employee left, or a position of like seniority, status and pay, the duties of which the employee is qualified to perform.
3. *Employee with a service-connected disability* - If after reasonable accommodation efforts by the employer, an employee with a service-connected disability is not qualified for employment in the position he or she would have attained or in the position that he or she left, the employee will be employed in (i) any other position of similar seniority, status and pay for which the employee is qualified or could become qualified with reasonable efforts by the City of Marysville; or (ii) if no such position exists, in the nearest approximation consistent with the circumstances of the employee's situation.

Application for Reemployment

An employee who has engaged in military service must, in order to be entitled to the reemployment rights set forth above, submit an application for reemployment according to the following schedule:

1. *If service is less than 31 days (or for the purpose of taking an examination to determine fitness for service)* - the employee must report for reemployment at the beginning of the first full regularly scheduled working period on the first calendar day following completion of service and the expiration of eight hours after a time for safe transportation back to the employee's residence.
2. *If service is for 31 days or more but less than 181 days* - the employee must submit an application for reemployment with city clerk no later than 14 days following the completion of service.
3. *If service is over 180 days* - the employee must submit an application for reemployment with the city clerk no later than 90 days following the completion of service.
4. *If the employee is hospitalized or convalescing from a service-connected injury* - the employee must submit an application for reemployment with city clerk no later than two years following completion of service.

Exceptions to Reemployment

In addition to the employee's failure to apply for reemployment in a timely manner, an employee is not entitled to reinstatement as described above if any of the following conditions exist:

1. The City of Marysville's circumstances have so changed as to make reemployment impossible or unreasonable.
2. Reemployment would pose an undue hardship upon the City of Marysville.
3. The employee's employment prior to the military service was merely for a brief, non-recurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period.
4. The employee did not receive an honorable discharge from military service.

General Benefits Upon Reemployment

Employees reemployed following military leave will receive seniority and other benefits determined by seniority that the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have attained, with reasonable certainty, had the individual remained continuously employed. An employee's time spent on active military duty will be counted toward their eligibility for FMLA leave once they return to their job at City of Marysville. Additionally, upon reemployment, a covered employee will not be discharged except for cause for up to one year following reemployment.

Documentation

The city administrator, city clerk or designee will, upon the employee's reapplication for employment, request that the employee provide the City of Marysville with military discharge documentation to establish the timeliness of the application for reemployment, the duration of the military service, and the honorable discharge from the military service.

E-10. Civil Leave.

- a. **Civil Leave With Pay.** An employee shall be given necessary time off without loss of pay when performing jury duty; appearing in court as witness to answer a subpoena in an official capacity in connection with the city or as an expert witness, either because of professional or observed knowledge; performing emergency civilian duty in connection with national defense; and for the purpose of voting when the polls are not open at least two hours before or after the employee's scheduled hours of work. Any form of compensation received by the employee while on civil leave shall be remitted to the city and credited to the fund from which the employee is paid.

- b. **Civil Leave Without Pay.** If an employee is involved in a personal lawsuit either as plaintiff or as defendant in an action not related to his or her duties with the city, the employee may take leave without pay unless he or she elects to utilize any accumulated vacation leave.

E-11. Other Leave. An employee, upon written request and with the recommendation of his or her department head, may be granted a leave of absence without pay for a period of up to six months, subject to the approval of the governing body. Employees on leave of absence will not accrue seniority, vacation or sick leave benefits and shall reimburse city for 100% of the hospital insurance plan costs used by the employee.

E-12. Domestic Violence and Sexual Assault Leave. The city will not discharge, or in any manner discriminate against, an employee who is a victim of domestic violence or sexual assault and who takes time off from work to obtain relief, including restraining orders and other injunctive relief. The employee must be permitted time off to seek medical attention, obtain services from domestic violence programs, or make court appearances related to domestic violence. The employee must give advance notice when feasible. Employee must also provide to the city certain documentation such as a copy of the police report or restraining order within 48 hours of returning from requested time off. The employee may use accrued paid leave or, if paid leave is unavailable to the employee, up to 8 days per calendar year of unpaid leave for these purposes.

E-13. Request for Leave. Except as provided in Section E-6 (e) as to sick leave, all leave must be authorized in writing by the employee's department head prior to leave time being taken. A copy of each leave record, including records of sick leave taken, signed by the employee and the department head, shall be maintained by the payroll clerk.

E-14. Credits for Paid Leave. An employee on paid sick leave, vacation leave or other leave with pay shall continue to earn credit for sick leave and vacation leave, but no leave credit shall be earned by any employee while on leave without pay.

E-15. Breastfeeding Breaks. Recognizing that for many women and their babies, breastfeeding is important, the city will provide reasonable break times for an employee to express breast milk for her nursing child for up to one (1) year after the child's birth each time the employee has need to express the milk. The employer will provide a comfortable, private area designated by the city clerk to express breast milk. This will be a nonsmoking area. The area will contain a clean, safe water source and a sink for washing hands and rinsing out any needed breast-pumping equipment, as well as a refrigerator for expressed milk. Expressed milk must be stored in a container clearly labeled with the mother's first and last name, and date. Generally,

the amount of time for breaks will be the same as under the break policy. The timing of the break can be altered to best accommodate the nursing mother and her work schedule.

ARTICLE F. – SUBSTANCE ABUSE

A full copy of this policy is on file in the city clerk's Office.

Substance Abuse

F-1. Applicability. The city believes that it has an obligation and right to have alert, drug/alcohol free personnel on the job, and must provide a safe work environment. This means that during working hours, all employees are expected to be free from any substance, whether legal or illegal, that can negatively affect job performance or risk the health and safety of employees and the public.

F-2. Purpose and Scope. The purpose of this testing is to protect the physical and psychological well-being of all the employees at this city's facilities and job sites and protect the safety of the public. Use of intoxicants and drugs that alter the ability to function on the job in an effective and safe manner will not be tolerated. The use of or condition of being under the influence of drugs/alcohol while at work can affect the morale of other personnel as well as increase accidents, theft, and absenteeism. This testing policy is a critical step in establishing and maintaining an efficient and safe work force and will be applied in conjunction with all established company policies, procedures, and programs.

The city will vigorously pursue the enforcement of this policy and will make efforts to protect the privacy of its employees. It is the intent of this policy to encourage and support personnel recovery from substance abuse through the Employee Assistance Program (EAP), unless the EAP proves ineffective for that employee.

F-3. Implementation. Implementation of this procedure is the responsibility of the city.

F-4. Requirements.

a. Policy on Alcohol and Drugs in the Workplace

The city has a strong commitment to its personnel to provide a safe environment and to promote high standards of personnel health. Consistent with the spirit and intent of this commitment, we have established this policy on drug and alcohol use. Our goal is to establish and maintain a work environment that is completely free from the effects on employees of alcohol and drug use.

Drug and alcohol abuse is a threat to us all. It threatens your safety on the job. It threatens your job security. If you are yourself drug or alcohol abuser, it threatens your right to a healthy, productive, and rewarding life.

We have no intention of interfering with the private lives of our staff. However, we expect employees to report to work in a condition to perform their duties in a safe, effective, and efficient manner. An employee's "privacy" right to his or her "personal life" does not mean that he/she has the "right" to endanger their self or any co-worker by working under the influence of drugs and alcohol.

1. **Employee Assistance Program (EAP).** An employee who believes he/she has a problem involving the use of alcohol and drugs can ask the personnel supervisor for assistance. No discipline or discrimination will result from an employee asking for such assistance. We will work with the employee to identify programs that may be available to help deal with the problem. The request for help and any later treatment program will be kept as confidential as possible under all the factual circumstances.

A "last-chance agreement" or performance contract will be required of an employee once the problems have been identified or assessed and a treatment program started. Failure to sign the agreement/contract or failure to comply with all treatment program obligations will be grounds for discipline, up to and including termination.

The city encourages personnel to ask for assistance if they believe they have a problem involving the use of alcohol or drugs. Although we recognize that alcohol and drug abuse can sometimes be successfully treated and we are willing to work with personnel who may suffer from such problems, it is each employee's responsibility to seek such assistance before drug and alcohol problems lead to on-the-job safety or misconduct incidents, or violation of our policy occurs, willingness to seek city or outside assistance will NOT "excuse" the violation and most often the employee will be fired.

2. **Alcohol.** The possession, sale, consumption or being under the influence of any intoxicating liquor while on, or in route to, city property, work time, or in other circumstances we believe will adversely affect our operations or safety, may result in immediate discharge.

The conduct prohibited includes consumption of any intoxicating liquor prior to reporting to work or during breaks of lunch period. An employee who tests positive for alcohol to any degree will be deemed “under the influence” for purposes of this rule.

- a. City functions: There may be some functions removed from usual work settings, (for example: awards banquets, social holiday parties, city picnics, receptions, civic activities, sporting events) where alcohol is served and is permissible to consume in moderation.
3. **Drugs.** The possession, sale, consumption or being under the influence of any illegal drug while on, or in route to, city property, work time; or in other circumstances we believe might affect our operations or safety, will be subject to discharge. The conduct prohibited by this rule includes consumption of any such substance prior to reporting for work or during breaks or lunch period. An employee who tests “positive” for any such substance by screening and confirmation tests, will be deemed “under the influence” for purpose of this rule.
 4. **Right to Test and Search.** Where evidence indicates to us that an employee may have violated either of the above rules, the employee may be required to submit to search of his/her possessions and to submit to chemical testing.

When reasonable grounds exist to believe an employee has consumed-or is under the influence of alcohol or any substance in violation of this policy, the city may search the employee’s possessions located on the city’s property or job site, including clothes, locker, lunch box, toolbox, desk, car, etc. The city, in such circumstances, may also require the employee to submit to appropriate tests for alcohol or prohibited drugs or substances in his/her system, including urinalysis, blood and breath tests. Failure to promptly permit such searches and tests will be grounds for immediate discharge.

Among the situations where the city may exercise its “reasonable cause” right to test and search include the following:

- a. An observable symptom of an employee being under the influence of drugs or alcohol.
- b. On the job accidents involving medical treatment or property damage.
- c. Unexplained significant changes in behavior (e.g., abusive behavior, repeated disregard of safety rules or procedures, insubordination, etc.)
- d. Failure to complete or comply with a treatment program already started.

- e. Failure to sign a “Last Chance” or work performance contract after treatment has started.
- f. Personnel admissions regarding drug or alcohol use,

These are examples of situations in which the city may ask an employee to submit to a chemical test or search. The city will enforce this policy rationally based on each individual factual circumstance and at its discretion. In some cases, it may, based on all factual circumstances, decide not to search or test an employee, despite the fact that it could do so under this policy. Such individual situations of city discretion shall not affect the city’s right to enforce the policy in other situations.

Personnel are subject to discharge under Section 4 shall be offered the opportunity to participate in a chemical dependency rehabilitation program as an alternative to discharge, provided the employee voluntarily agrees to the terms of a “Last Chance” agreement. This option will only apply to a first-time violation of the drug-free policy. All treatment and other associated costs incurred from a rehabilitation program will be the sole responsibility of the employee.

F-5. Testing Procedures

- a. **Pre-Employment Testing.** Personnel applying for positions may be required to pass a chemical screen test as a condition of employment. This will be completed before any job offers are finalized. If a pre-employment chemical screen is diluted, the job applicant shall be warned that a second dilute test will result in the job offer being withdrawn.
- b. **Reasonable Suspicion.** All employees will be tested for drugs and/or alcohol when there is reasonable suspicion to believe that the employee has violated the city’s drug and alcohol policy. Whether reasonable suspicion exists depends on the indicators used to determine that an employee may use or be under the influence of drugs or alcohol. Reasonable suspicion also exists when the employee has been arrested during non-working hours for drug or alcohol use.

It is the responsibility of the employee to notify the city of arrests made for alcohol or drug offenses. Personnel who are instructed to submit to testing under reasonable suspicion will be escorted to the collection facility; they will not be allowed to operate a motor vehicle or return to work until the test results are confirmed. If the test results are negative the employee will be compensated for the normal amount of hours that

they would have worked while waiting for the results. If the test is positive, no compensation is given for time loss.

- c. **Post-Accident.** Post-accident testing may be required when an employee is involved in an accident, whether the employee is responsible for the accident in whole or in part when another person is operating the equipment or motor vehicle. Post-accident testing may be required in the event of an injury requiring medical care, damage to property or in a near miss situation that could have resulted in injury or damage.
- d. **Follow Up Testing.** If the “Last Chance” contract requires chemical or alcohol monitoring, then the employee will submit to all unannounced requests for drug or alcohol screening during the term of the “Last Chance” agreement. Refusal or failing to show up for the test within 2 hours of a request will result in a presumption that the employee was incapable of passing the test and the test results would have indicated an unacceptable level of prohibited substances. If a “Last Chance” follow-up drug or alcohol test is positive during the term of the contract the employee will, in most cases, be terminated.
- e. **Random Testing.** Employees in a safety sensitive position, operate equipment or vehicles may be required to submit to drug and/or alcohol testing on a random basis. Random selections will be facilitated by computer-generated random number selection or by other valid method. Each employee in a safety sensitive position will have an equal chance of being selected. Refusal or failing to show up for the test within 2 hours of a request will result in a presumption that the employee was incapable of passing the test and that the test results would have indicated an unacceptable level of prohibited substances.
- f. **Test Results.** The employee’s test results, positive or negative, and the fact that a test was performed, will be kept as confidential as possible under all the factual circumstances. Positive test results will be considered with medical and other evidence to determine what action, if any, is to be taken.

If an employee is currently using legal prescription or nonprescription medications, the employee may be asked to identify any such medications on the consent form prior to testing. If the medication was properly authorized and appropriately used, a positive test result related to such medication will not be cause for discharge or discipline unless the employee failed to notify the city prior to the test of the use of a medication that could impair the employee’s ability to work safely. However, personnel are responsible

for knowing the effects of any such medications. If an employee is taking any medication which may interfere with her or his ability to perform the job, such as medications which cause drowsiness, the employee must report the use of such medication to her or his supervisor before reporting to work.

If a chemical or alcohol specimen screen is determined to be invalid or unreliable by the clinic or certified lab due to circumstances related to the conduct of the employee, the employee will be notified of the circumstances that require a re-test and will have the option of immediately collecting a new specimen.

If a chemical screen or breath specimen is determined to be invalid or unreliable by the clinic or the certified lab because of circumstances unrelated to the conduct of the employee, a presumption will arise that the employee was incapable of passing the test, and that the test results would have indicated an adverse level of prohibited substances, subjecting the employee to termination as prescribed by the Company policy.

- g. **Medicinal Use of Marijuana** – The city considers marijuana as an illicit substance as defined by the federal government as a Class I controlled substance. The city prohibits employee's from having any detectable level of marijuana in their system while working for the city.

Option – due to the nature of the safety sensitive positions within the city we do not accept the medical marijuana cards and still consider it to be an illicit substance as the safety of our employees and others relies on someone that is not impaired in any way.

Option – However, if an employee is taking marijuana upon the advice of a State-Licensed medical provider and the employee can provide conclusive evidence of recommended use by submitting a formal recommendation document signed by the licensed provider it will be taken into consideration.

- h. **Refusals to Test** – Failure to test include failure to cooperate with the testing process in a manner which does not allow the test to be conducted, refusal to offer an adequate specimen, failure to immediately report to the collection location when requested, adulterating, or tampering with a specimen or other behavior that interferes with the testing. Consequences of refusals to test will, in most cases, result in termination from employment.

- i. **Situations Not Covered By Policy** – We recognize that situations may arise which are not specifically covered by these guidelines. We deal with them on a “case by case” basis taking into account such things as the nature of the situation or problem, the employees overall employment record and job assignment, the potential impact on safety, production, and customer service, etc.

Effective Date: _____

I understand that failure to comply, in whole or in part, with all of the terms and conditions of this policy will result in disciplinary action, up to and including termination of employment with the city.

Employee Signature

Date

City Representative

Date

If you have questions regarding this policy, please speak with the following city representative for assistance: city administrator or city clerk.

SAFETY MANAGEMENT STANDARD
Substance Abuse Policy

Pre-Employment Consent Form

Part of the hiring process includes testing for controlled or illegal substances. If you wish to complete the application process, you must participate in such testing and consent to such testing by signing this form.

Do you consent to testing on a specimen provided by you in order to determine the presence of controlled substances and recognize that the results of an analysis of such specimen will be used to determine suitability for employment?

Yes _____ No _____

Signature

Date

Site Rule

Personnel shall be subject to discipline up to and including discharge for use, possession, sale or being under the influence of alcohol or controlled substances while on city premises. The only exception to this rule shall be for an employee using or possessing a controlled substance prescribed by a doctor if such employee has given the personnel director prior notice of such use and/or possession and such does not impair safe and/or efficient work performance. For purposes of this rule, "being under the influence of alcohol or controlled substances" means having any measurable quantity in one's system.

Consent Form

I hereby authorize the city to perform a urinalysis or other test to determine the use of alcohol or controlled substances on a specimen provided by me. I recognize that the city will utilize the report on the results of an analysis of such specimen to determine suitability for continued employment.

Signature

Date

F-6. Smoke Free Workplace. Smoking and the use of tobacco products in any form, as well as the use of stimulated tobacco products or e-cigarettes, is prohibited in all city buildings and city owned vehicles and equipment. Smoking outside any city building is also prohibited within a ten-foot radius of any doorway, open window or building air intake.

F-7. Smoking Policy. It is the policy of the city to not allow any smoking on property and premises, in vehicles, and equipment, break rooms, offices, etc. and to follow Kansas HB 2221 that provides for the following:

No person is allowed to smoke in interior public places, elevators, restrooms, private offices, stairwells, taxis, and limousines. Outside smoking areas must be at least 10 feet radius away from any doorways, open windows or air intakes to include vehicles and equipment.

Unlawful to Smoke Where Prohibited – It is also unlawful for a person to smoke in areas where smoking is prohibited.

Penalties for Violations – Any person who violates the new Kansas law is guilty of a cigarette or tobacco infraction punishable by a fine:

Not exceeding \$100 for the first violation;

Not exceeding \$200 for a second violation within a one-year period after the first violation; or

Not exceeding \$500 for a third or subsequent violation within a one-year period after the first violation.

The number of violations within a year is measured by the date the smoking violations occur. Each individual allowed to smoke where smoking is prohibited will be considered a separate violation for purposes of determining the number of violations. Local law enforcement (police or sheriff) have the authority to enforce the Kansas law.

No Retaliation – No employer may discharge, refuse to hire or in any manner retaliate against an employee, applicant for employment or customer because the employee, applicant or customer reports or attempts to prosecute a violation of Kansas law.

ARTICLE G. TELECOMMUNICATIONS

G-1. Telecommunications Policy. The city’s e-mail, computer, internet, and voicemail systems are city property. These systems are in place to facilitate the employee’s ability to do his or her job efficiently and productively. To that end, these systems are solely for city purposes, and abuse of these systems for communications or files employees create or maintain on the

systems. When using the internet, exercise discretion. Sending materials of a sensitive nature or materials constituting “confidential information” is prohibited unless the information is properly encrypted to prevent interception by third parties. Employees have no expectation of privacy while accessing social media at work or on city-owned equipment.

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

It is the responsibility of each employee to adhere to IT security protocols. No employee shall share usernames, pass codes, or passwords with any other person unless expressly authorized in order to perform the employee’s job duties. An employee shall immediately inform the IT Department if he or she knows or suspects that any username, pass code, or password has been compromised.

Any city business performed on an employee’s personal device is subject to the Kansas Open Records Act. If the information requested is on an employee’s personal device, the employee agrees to participate in fulfilling the records request. If the employee refuses to provide the requested data, the employee may be subject to discipline up to and including termination.

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

G-2. Social Media Policy. The city understands that social media can be a fun and rewarding way to share your life and opinions with family, friends, and co-workers around the world; however, the use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

- a. *Guidelines.* In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the internet, including to your own, or someone else’s, web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the city, as well as any other form of electronic communication.

The principles and guidelines found in this policy apply to your activities online. The city respects your 1st Amendments rights; ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards involved. Keep in mind that any conduct adversely affecting your job performance, the performance of fellow employees or that otherwise adversely affects members of the public, customers, suppliers, people who work on behalf of the city may result in disciplinary action up to and including termination.

Know and follow the rules. Carefully read these guidelines, and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

Be respectful. Always be fair and courteous to fellow employees. Also keep in mind that you are more likely to resolve work related complaints by speaking directly with your co-workers than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparages members of the public or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, or any other status protected by law or city policy.

Be honest and accurate. Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors you know to be false about the city.

Express only your personal opinions. Never represent yourself as a spokesperson for the city. If the city is a subject of the content you are creating, be clear that your views do not represent those of the city. If you do publish a blog or post online related to the work you do or subjects associated with the city, make it clear that you are not speaking on behalf of the city. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the city."

- b. *Using social media at work.* Refrain from using social media while on work time or on equipment provided by the city unless it is work-related as authorized by your manager

or consistent with the city's Equipment Policy. Do not use your city email addresses to register on social networks, blogs or other online tools utilized for personal use.

- c. *Retaliation is prohibited.* The city prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.
- d. *Media contacts.* Employees should not speak to the media on the city's behalf. All media inquiries should be directed to city hall.

G-3. Purpose and Definitions. The purpose of this Guideline is to establish the city's policy regarding the use of city communications systems, information systems and information. The scope applies to all city employees. The term "**information**" as used in this Guideline shall mean all data contained within, processed by or relayed through communications systems or information systems including but not limited to: electronic mail ("e-mail"); voicemail; documents; images; files and databases. **Information Systems.** The term "information systems" as used in this Guideline shall mean all city computer hardware and software including, but not limited to: mainframe systems; network servers; file/print servers; workstations; personal computers; laptop computers; terminals; modems; routers; switches; printers, scanners, e-mail systems; web browsers; local area networks; wide area networks; internet connections; and communications circuits. **Communications Systems.** The term "communications systems" as used in this guideline shall mean all city equipment and systems used to communicate both internally and externally including, but not limited to: telephone; voice mail; cellular telephone; radio equipment; city mail systems; copiers; and fax machines.

G-4. Personal Use. The city maintains a comprehensive network of communications systems and information systems for use in the conduct of its business. city employees are allowed to use communications systems and information systems for personal purposes on a very limited basis as long as such use complies with this Guideline and does not interfere with job performance. The city expects all employees to exercise good judgment in the use of communications systems and information systems for personal purposes. It is expected that any personal use that results in any expense, cost or charge to the city will be paid by the city employee causing such expense, cost, or charge.

G-5. Prohibited Use. The inappropriate use of communications systems and information systems is strictly prohibited. "Inappropriate use" includes, but is not limited to, collection or dissemination of material considered offensive or threatening to others including, but not limited to:

- Pornographic or other sexually explicit material;
- Racial, ethnic, sexual or religious jokes, slurs or hate material;
- Libelous or slanderous material concerning any individual, group, organization or corporation;
- Terroristic or other threatening material; and
- The intentional release of any computer virus, worm, Trojan horse, or other potentially damaging computer program.

Use for personal gain or other inappropriate reasons include, but are not limited to:

- Selling the use of communications systems or information systems to anyone for personal gain;
- Soliciting for outside business ventures, charitable or community activities not sanctioned or approved by the city, or political or religious causes; and
- Use of a password to access any portion of a communication system or information system for which the employee is not authorized.

Use for a purpose that violates any federal, state, or local law or city contractual obligation including but not limited to:

- Gambling;
- Receipt or dissemination of proprietary data, trade secrets or other confidential information in violation of city policy or proprietary agreements;
- Violation of software licensing agreements;
- Use to access any computer system for which the employee does not have the proper authorization;
- Violation of software export laws; and
- Use to plan or commit a crime

The provisions of this section shall not be applicable to the city police officers using city communications systems during the course of a criminal investigation or in the performance or furtherance of their duties as law enforcement officers.

Unsolicited email messages or spam containing material described above shall not be considered a violation by the employee. Such email or spam should not be forwarded or saved. The employee should discard or delete such email or spam as soon as practicable.

Notice to Employees-No Privacy Rights. The city places all employees on notice of the following:

1. The city employee shall abide by applicable city policies regarding retention of city records, regardless of whether such records are deemed official or unofficial.
2. E-mail and voicemail messages can be retrieved even after “deletion” and may be called as evidence in legal proceedings.
3. All internet activity can be monitored and retrieved even after “deletion” and may be called as evidence in legal proceedings.
4. All information is the property of the city, and the employee has no privacy right with regard to information. Use of a password by an employee does not restrict the city’s ownership of information or give the employee any expectation or right of privacy with regard to information.
5. Pursuant to local, state, and federal laws, the city reserves the right to intercept, monitor, inspect or search at any time, with or without the employee’s knowledge or presence, all communications systems, information systems and information. This includes, but is not limited to, desks, storage areas, company mail, e-mail, voicemail, telephones, cellular telephones, faxes, copiers, and printers.

Violation by a City Employee. Any violation of this guideline by a city employee may result in disciplinary action up to and including termination.

Employee and Department Head Responsibilities. Each employee has the responsibility to report any violation of any provision of this guideline to a department head, supervisor, or city Hall. The violation shall then be reported through the appropriate chain of supervision to the city administrator.

Management Responsibility. The city administrator receiving the report of violation through the chain of supervision will then report the violation to the mayor, president of city council, and city attorney. The city administrator and/or police chief or appointee will be responsible for investigating the violation and determining any appropriate action. If the city administrator is the accused employee, the police chief and/or city attorney will be responsible for investigating the violation and reporting to the mayor or president of city council.

ARTICLE H. OTHER EMPLOYEE BENEFITS.

H-1. OASDI Benefits (Old Age, Survivors, and Disability Insurance Program). All eligible employees of the city are under the federal OASDI social security system and receive the benefits thereof in accordance with federal laws and guidelines. The cost of this benefit is paid equally by the city and the employee, with the employee contribution subject to payroll deduction.

H-2. KPERS-Retirement Benefits. All eligible employees of the city are members of the Kansas Public Employees Retirement System (KPERS) and receive the benefits thereof in accordance with state law and guidelines.

H-3. Retirement Date. The federal Age Discrimination in the Employment Act shall be the policy for city retirement.

H-4. Retirement Plans and Contributions. Full-time employees, including law enforcement personnel, are eligible for the ICMA 457(k) retirement plan thirty (30) days after hire date. This plan is exempt from state and federal tax, and is a voluntary program. All employees who are *not* seasonal, *not* temporary, work over 1,000 hours each year and whose position is covered by social security are subject to *mandatory participation* in the Kansas Public Employee Retirement System (KPERS).

H-5. Workers' Compensation Benefits. All employees of the city receive the benefits of the Kansas Workers' Compensation Act, in accordance with such law and guidelines. The cost of this benefit is paid entirely by the employer.

H-6. KPERS Death and Disability Benefits. All employees who are contributing members of KPERS are eligible for the insured death and disability benefits provided by KPERS, which is supplemental to the regular KPERS benefits. The cost of this benefit is paid entirely by the employer.

H-7. Unemployment Compensation. All employees receive the benefits of the Kansas Employment Security (unemployment compensation) Act, in accordance with such law and guidelines. The cost of this benefit is paid entirely by the employer.

H-8. Life Insurance.

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

- b. Full-time employees will be provided additional life insurance, with the amount to be determined by the city council, with full premium paid by the city. Some or all of this benefit may be taxable for IRS purposes.
- c. Group Life Insurance is provided to full-time employees through Advance Insurance and KPERS. The amount of excess life insurance as defined by IRS regulations is considered a taxable benefit and will be calculated and taxed yearly through the payroll system.

H-9. Health Care Program.

- a. All full-time employees shall be eligible for the city's group health care insurance program effective the first day of the month following the first full month of employment.
- b. The city's paid participation in the group health care insurance plan shall be the amount necessary to pay the premium for single coverage for an employee at 100%, for family coverage for an employee at 85%, or as set out from time to time by council resolutions.
- c. When an individual employee is required to contribute because of participation in the city's group health care program, the amount of such contribution shall be a payroll deduction.
- d. All costs for health care insurance shall be paid by the employee during any period the employee is on extended leave without pay, is on suspension without pay, is on unauthorized leave, or is participating in any unlawful work stoppage.
- e. Should an employee be temporarily disabled and drawing workers' compensation for a period after the six-month period, the total and entire premium costs from employee and dependent coverage shall be paid by the employee. The employee must be following the prescribed on-the-job injury leave policies. (See Section E-8 (d)).
- f. No employee shall be entitled to a cash payment in lieu of health care insurance coverage.
- g. The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under our health plan when a "qualifying event" occurs that would normally result in the loss of eligibility. "Qualifying events" include resignation, termination of employment, or death of an employee; a reduction in an employee's hours; employee's leave of absence; employee's divorce or legal separation; and when a dependent child no longer meets the eligibility requirements as a dependent. Under COBRA, the employee or beneficiary pays the full cost of coverage at Marysville's group rates plus an administration fee. When you become eligible for Marysville health insurance, we will also give you a written notice describing the rights granted under COBRA. Because the COBRA notice contains important information about your rights and your obligations, please read it carefully.

H-10. Swimming Pool Pass. All full-time, part-time, reserve police officers, fire fighters, and elected officials of the city are eligible for a single or family swimming pool pass thirty (30) days after hire date. Seasonal employees are eligible for a single swimming pool pass each season, with the option to “upgrade” to a family pass, remitting the difference in cost to the city. All swimming pool passes are considered a taxable fringe benefit; the applicable taxes will be collected through the payroll system.

H-11. Health and Fitness Benefit. A membership to a local Marysville health and fitness facility will be offered to all full-time employees, elected officials, fire fighters, and reserve police officers as authorized by city administration. If the employee attends the facility a minimum of seven (7) times each month, the entire monthly membership will be paid for by the city. Employees that utilize the fitness center less than seven (7) times monthly will be required to remit the cost difference to the facility. This is considered to be a taxable fringe benefit; the applicable taxes will be collected through the payroll system.

H-12. Commercial Driver’s License (CDL). The City of Marysville requires those employees who will be operating vehicles, which by Kansas Law require a commercial driver’s license, to obtain the appropriate license *after* completion of the six (6) month probationary period. Employees must submit a claim for reimbursement with the paid receipt showing the cost. First time CDL licenses and any special endorsements required by the city shall be paid by the city. Since a CDL is required by the city for employment and to perform the required duties, the reimbursement is excludable as a wage to the employee, and will not be taxed.

H-13. Employee Assistant Program (EAP). The goal of the Employee Assistance Program (EAP) is to offer assistance to employees of City of Marysville who may experience personal or emotional difficulties that may affect job performance. The EAP is available to all employees of the City of Marysville and their immediate family members (during open enrollment all employees will receive a description of the program; employees may request a description of the program at any time from the city clerk).

- a. The City of Marysville recognizes that personal and emotional problems including but not limited to alcoholism, drug abuse, marital and family difficulties, stress, anxiety, depression, and other nervous and mental disorders, may affect any employee.
- b. The City of Marysville recognizes that illnesses and personal difficulties can contribute to deteriorating job performance.
- c. The City of Marysville encourages employees to utilize the counseling services available through “Support Line.” In addition, employees who supervise others may utilize the resources of the EAP as an integral part of an intervention program when underlying problems are suspected of causing poor job performance.

- d. The City of Marysville acknowledges that use of the EAP does not in any way alter management's responsibility or authority as an employer.
- e. Participation in the EAP will not in any way jeopardize future employment or career advancement; participation will not, however, protect the employee from disciplinary action or substandard job performance or rule infractions.
- f. The City of Marysville also recognizes and encourages employee use of the EAP on a self-referral basis. The City of Marysville therefore agrees to help promote the EAP for such self-referral.
- g. The City of Marysville recognizes that success of the EAP will be enhanced by protecting the confidentiality of those employees utilizing the program.

H-14. Eligibility of Benefits. The City of Marysville offers all full-time employees, group health, dental, life, and supplemental insurances such as: AFLAC and Loyal American, thirty (30) days after hire date. Full-time employees are also eligible for city pool passes thirty (30) days after hire date through the payroll system.

ARTICLE I. DISCIPLINE

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

I-2. General Policy. The purpose of discipline is to ensure high standards of performance and efficiency, to maintain good working relationships among employees, and to provide the citizens of the city with the highest possible level of courteous and professional public service. It is the duty of employees to make conscientious effort to work and behave in accordance with the values, service standards, policies and guidelines of the city and the department in which they work. Each employee is expected to be self-disciplined and to work hard at being the best at what he or she does, and in helping the city provide a high level of public service. When an employee does not exercise adequate self-discipline or is not successful in meeting the requirements of their job, it may be necessary for his or her department head to consider disciplinary actions to correct the problem.

An employee is subject to disciplinary action if:

- a. The employee violates these personnel policies and guidelines or any other written guidelines or procedures applicable to the department in which the employee works.
- b. The employee's conduct discredits the city or hinders the effectiveness or efficiency of city operations.

- c. The employee has performed an act of misconduct or has failed to perform an act which results in misconduct.
[PLEASE NOTE: Termination can be carried out for ANY reason except a discriminatory reason. Kansas is an at-will employment state.]

I-3. Disciplinary Actions. The following types of disciplinary actions are officially recognized by the governing body:

- a. Verbal Warning. A verbal warning is an oral reprimand given to an employee by his or her supervisor or department head. A record of the warning shall be recorded in the employee's file.
- b. Reprimand. A reprimand is a written censure to an employee by his or her supervisor or department head, a copy of which shall be recorded in the employee's file.
- c. Probation. Probation is a trial period of specific length of time during which an employee is required to fulfill a set of conditions, or to improve work performance, or to improve on-the-job behavior. Failure to meet the probationary requirements may result in additional disciplinary actions.
- d. Salary Reduction. A salary reduction is the lowering of an employee's rate of pay within the pay range to which the employee's position is assigned.
- e. Demotion. A demotion is the placement of an employee into a position of a lower pay range.
- f. Suspension. A suspension is the removal of an employee from service, with or without pay, for a specific period of time.
- g. Termination. Termination is the removal of an employee from city employment.

I-4. Procedure for Disciplinary Action. Whenever the misconduct of an employee occurs that in the judgment of the employee's department head justifies the application of disciplinary actions other than a verbal warning, the department head shall:

- a. Document the misconduct in writing.
- b. Determine the appropriate disciplinary action to correct the problem.
- c. Within 10 business days, meet with the employee to review the problem and the proposed disciplinary action. The meeting should be private and include only the employee, supervisor, department head or other persons requested to be present by the department head.
- d. Give the employee an opportunity to refute the facts or argue against the proposed disciplinary action. The employee may submit comments in writing to be attached to the record of the disciplinary action.
- e. Within 10 business days from the employee meeting, make a final decision as to the disciplinary action.

- f. Notify the employee of the action in writing, except for verbal warnings. A copy of the documentation of misconduct and a note as to the form the disciplinary action taken shall be provided to the city administrator for insertion in the employee's personnel file.
- g. At the time a disciplinary action commences, the employee's department head shall notify the employee in writing of his or her right to file a grievance under the city's grievance procedure as set out in Article I. The process for Article I can only start after the employee has been notified in writing, or in a verbal warning what the final decision is for disciplinary action.

I-5. Misconduct Subject to Disciplinary Action Including Termination. The following is a list of misconduct which may subject an employee to disciplinary action, including termination. The list is not exclusive; it is only representative of the types of misconduct that subject an employee to disciplinary action.

- a. Conviction of a violation of any state or federal criminal law.
- b. Conviction of a violation of any city law.
- c. Failure to follow prescribed safety procedures, including failure to notify his or her department head of unsafe working conditions.
- d. Negligent or willful damage to public property or waste of public supplies or equipment.
- e. Taking or using any funds or property, including buildings and equipment, of the City for personal use without prior approval of the City Administrator or for the sale or gift to others or the making of false claim against the City.
- f. Violation of personnel policies and guidelines or departmental policies and guidelines.
- g. Inattention to duty, carelessness, breakage or loss of public property or funds.
- h. Incompetency or inefficiency in the performance of the duties of his or her position.
- i. Insubordination or other breach of discipline.
- j. Discourteous or disruptive conduct or other offensive behavior in public, to the public or to employees and officers of the city.
- k. Abuse of leave, excessive absenteeism, or tardiness. Claiming leave under false pretenses or falsifying attendance records for oneself or another employee.
- l. Temporarily leaving the workplace without the approval of his or her department head.
- m. Failure to give proper notice of absence.
- n. Sleeping on the job.
- o. Use of alcohol or drugs, off the job, to the extent that the employee's job performance or effectiveness as a city employee is impaired.
- p. Including or attempting to induce any officer or employee of the city to commit an unlawful act or to act in violation of any lawful or official order or regulation.
- q. Unauthorized possession of firearms or other weapons on the job.

This is not exclusive nor does it abrogate the employee-at-will relationship between employee and the City, it is only representative of the types of misconduct which subject an employee to disciplinary action.

In the case of acts of violence or other flagrant misconduct, serious safety violations, or criminal offense, any employee may be terminated or suspended immediately, with or without pay, pending an investigation and review of the matter.

An employee may be suspended with or without pay when he or she has been arrested for a crime and is awaiting legal adjudication. An employee may be suspended with or without pay when he or she has been charged with misconduct while on the job and an internal investigation is being conducted.

I-6. Other Causes for Termination. Examples of serious misconduct for which an employee may be terminated, following notice and an opportunity for a hearing as provided for in Article I, are listed below. *The following list is not exclusive; it is only representative of the types of misconduct which subject an employee to termination.* Causes for termination under this section also constitute misconduct for which an employee may be subjected to disciplinary action other than termination.

- a. Conviction of a felony or conviction of driving under the influence while operating a city vehicle.
- b. Willful or continued violation of city or departmental safety policies and procedures or willful or negligent creation of unsafe conditions in the workplace.
- c. Willful or continued violation of personnel policies and guidelines or departmental guidelines.
- d. Negligent or willful damage to public property or waste of public supplies or equipment.
- e. Taking or using any funds or property of the city for personal use or for sale or gift to others or the making of any false claim against the city.
- f. Gross incompetency, neglect of duty or willful or continued failure to render satisfactory service.
- g. Refusal to abide by any lawful official regulation or order, failure to obey any proper direction made by department head, or knowingly making a false statement to any employee, officer of the city, or public.
- h. Claiming leave time under false pretenses or falsifying attendance records for oneself or another employee.
- i. Absence without leave.
- j. Possession or use of alcohol or drugs, except where prescribed by a physician, after being afforded the opportunity to seek professional attention, or use of alcohol or

drugs, except where prescribed by a physician, while on duty. Sale of or offering for sale or giving away alcohol or drugs while on duty or at the workplace.

- k. Sexual harassment or other harassment.
- l. Disclosing confidential records or information unless directed to do so by his or her department head.
- m. Revocation or suspension of a certification of license, including a driver's license, when such is required as a condition of city employment.
- n. Material falsification of application for city employment or making a false statement or report in regard to any test, certification or appointment or any attempt to commit any fraud that violates the merit principles of personnel administration.
- o. Giving or attempting to give any monetary consideration or the delivery of undeserved service to or from any person or organization for, or in connection with, any test or appointment.
- p. Taking or offering to take from any person for the employee's personal use, any fee, gift or other thing or service of value, in the course of his or her work or in connection with it, when such gift or other valuable thing or service is given in the hope or expectation of receiving a favor or better treatment than that accorded any other person; accepting a bribe, gift, money or other thing of service or value intended to perform or refrain from performing any official act; engaging in any act of extortion or other means of obtaining money or other things or service of value through his or her position in the service of the city.
- q. Discharge of duties in a manner which results in discrimination or harassment to any person on the basis of race, color, sex, disability, religion, age, national origin or ancestry, retaliation, veteran's status.

ARTICLE J. GRIEVANCES AND HEARINGS

J-1. General Policy. Any employee has the right to present a complaint or grievance concerning an appeal of any disciplinary action taken pursuant to these policies. A sincere attempt should be made by each employee and department head to resolve any grievance before it becomes necessary to resort to the grievance procedure. Disciplinary grievance applies only to disciplinary action Section I-3 (a thru f).

J-2. Grievance Procedure. The following grievance procedure is established.

- a. Any complaint or grievance shall initially be filed by the employee with any and/or designee department head within 10 business days of the alleged incident giving rise to the grievance. An answer to the grievance shall be provided by the department head to the employee in writing within 10 business days. If the employee disagrees with the decision of the department head, the employee may forward the complaint or grievance

in writing to the city administrator within 10 business days of the receipt of answer from department head, who shall provide an answer to the employee within 10 business days.

- b. If the complaint or grievance cannot be satisfied by the city administrator, the employee may forward his or her written complaint or grievance to the grievance committee specifying the nature of the complaint or grievance and request a hearing thereon within 10 business days of city administrator's decision of the complaint or grievance.

J-3. Hearing Procedure. A grievance committee will be appointed and confirmed by the city council which will consist of three members of the governing body. The grievance committee may conduct hearing in accordance with the following procedures:

- a. The hearing shall be held within 15 business days from receipt of the employee's request for such a hearing.
- b. At the hearing, all concerned parties shall be given an opportunity to present their respective side of the grievance together with any pertinent evidence or witness as deemed relevant by the grievance committee. All parties shall have the right to cross-examine adverse witnesses and evidence.
- c. All parties shall be allowed the right to have legal counsel present.
- d. The grievance committee may call for additional evidence as it deems proper.
- e. The grievance committee shall not be bound by any legal policies of evidence.
- f. No city employee, serving as a witness, shall be subject to any restraint, interference, discrimination, or reprisal for any of his or her testimony in such hearing.
- g. The grievance committee shall render a decision in writing within 10 business days of the hearing's conclusion and such decision shall be supported by the evidence. A copy of the finding shall be provided to the employee and the department head and filed in the employee's personnel file.
- h. Any employee or department head may appeal a finding of the grievance committee to the city council by filing a written notice of intent with the city clerk no later than 10 business days from the date the grievance committee has submitted its findings. No grievance shall be considered by the city council until the grievance committee has reviewed the complaint and made a finding thereon. The city council shall consider the appeal within ten (10) days after filing and shall give not less than one (1) day's notice of the time and place of the meeting. A decision on the appeal shall be rendered within 10 business days after the close of the hearing, and such finding shall be final and subject to appeal to the District Court of Marshall County, Kansas.
- i. The hearing shall not be open to the public unless the employee and the city both agree in writing to a public hearing.

ARTICLE K. VOLUNTARY SEPARATION.

K-1. Resignation. An employee who terminates his or her employment voluntarily shall be terminated in good standing, providing the employee gives a minimum of two weeks written notice to his or her department head. All employee voluntary terminations are final. Under appropriate circumstances, a shorter period of notice may be approved by the city administrator.

K-2. Reinstatement. An employee who was terminated in good standing and who is re-employed within a period of 30 days following separation may be reinstated. Accumulated sick leave benefits will be forfeited; however, there will be no waiting period for health or life insurance coverage that was provided prior to termination. Seniority will be retained for the purposes of determining annual leave and longevity benefits.

ARTICLE L. SEXUAL HARASSMENT/HARASSMENT.

L-1. Purpose. It is the policy of the city to maintain a work environment free of intimidation, insult, and harassment based upon race, color, sex, disability, religion, age, national origin, or ancestry, retaliation, or veteran's status. To ensure that this policy is strictly adhered to, the city will not tolerate harassment of any of its employees and will take immediate disciplinary action if such behavior occurs. The city will also take steps to address harassment of employees by customers, vendors, and the public.

L-2. Definition.

Harassment is defined as:

- a. Threat or insinuation by one employee or group of employees regarding someone's, race, color, sex, disability, religion, age, national origin or ancestry, retaliation or veteran's status will adversely affect employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development; and
- b. The subjecting of an employee, by another employee to unsolicited and unwelcome overtures or conducts, either verbal or physical, so as to create a harassing work environment.

Sexual harassment is defined as:

- a. The threat or insinuation by one employee or group of employees, either explicitly or implicitly, that the refusal to submit to sexual advances will adversely affect

employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development; and

- b. The subjecting of an employee, by another employee, to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical, so as to create an intimidating, hostile, or offensive working environment.
- c. Sexual harassment includes but is not limited to:
 - 1. Unwelcome touching, propositions, advances.
 - 2. Abusive and/or vulgar language of a sexual nature.
 - 3. Suggestive jokes or comments about an employee's body or clothing.
 - 4. Displaying of sexually graphic or suggestive pictures, photographs, cartoons, etc.

L-3. Policy.

- a. No employee, whether supervisory or nonsupervisory, may harass or sexually harass another employee.
- b. Any employee who believes that he/she is the victim of unwelcome behavior that would constitute sexual harassment shall immediately report all incidents to any department head.
- c. All complaints involving claims of sexual harassment or other harassment shall be promptly and confidentially investigated in accordance with L-5.
- d. Any employee, supervisory or nonsupervisory, found to have engaged in the sexual harassment or other harassment of another employee will be disciplined, up to and including termination.

L-4. Complaint Procedure. Any employee who feels he/she is being subjected to sexual harassment or any harassment based on race, color, sex, disability, religion, age, national origin or ancestry, retaliation or veteran's status should immediately contact one of the persons listed below with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

- a. Employee's supervisor or department head.
- b. Other city supervisor or department head.
- c. City administrator
- d. City clerk

The employee should be prepared to provide the following information:

- a. Employee's name, department, and position title.
- b. Name of the person or persons committing the harassment.
- c. Date(s) and approximate time(s) of the harassment.

- d. Address the nature of the 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 as a result of the harassment, or any other threats made against him/her as a result of the harassment.
- e. Witnesses to the harassment, if any.
- f. Whether the employee has previously reported such harassment and, if so, when and to whom.

After receiving a harassment complaint, the person receiving the complaint shall assist the employee filing the complaint by documenting the incident in writing. The employee shall sign the written complaint, attesting to the accuracy and truthfulness of the incident. All information disclosed in the complaint procedure will be held in strictest confidence and will be disclosed only on a need-to-know basis in order to investigate and resolve the matter.

L-5. Review of a harassment complaint. It is the responsibility of the city administrator to coordinate the investigation of harassment complaints. If the city administrator is the subject of the complaint, the mayor shall coordinate the investigation utilizing a third-party investigator or outside council. The following procedures shall apply to the handling of such complaints:

- a. The person to whom the complaint is made shall immediately present it to the City Administrator.
- b. An investigation of the alleged incident shall be promptly started.
- c. The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to investigator by the person complaining of harassment, witnesses interviewed during the investigation, the person against whom the complaint of harassment was made, and any other person contacted by the investigator in connection with the investigation. All city employees are required to cooperate with the investigation. City employees shall keep all information regarding the investigation confidential.
- d. The investigator shall notify the employee accused of the harassment as promptly as possible of the complaint and the severity of the allegations (immediate notification would be jeopardizing the investigation).
- e. The employee accused of the harassment shall be given appropriate opportunity to refute the allegation and present information and/or witnesses on their behalf.
- f. Based upon the investigative report, the city administrator shall determine whether the conduct of the person against whom a complaint has been made constitutes harassment. In making that determination, the city administrator shall look at the record as a whole and the totality of the circumstances, including the nature of the

conduct in question, and the context in which the conduct, if any, occurred. Determination of whether harassment occurred will be made on a case-by-case basis.

- g. If the city administrator determines the complaint of harassment is founded, he/she shall see that immediate and appropriate disciplinary action be taken against the employee involved in the harassment.
- h. The disciplinary action shall be consistent with the nature and severity of the offense. This shall include whether a supervisory relationship exists, and any other factors the city administrator believes relate to fair and efficient administration of the city, including the effect of the offense on employee morale, public perception of the offense, and the light in which it casts the city. The disciplinary action may include demotion and/or suspension, dismissal, warning, or reprimand. A determination of the level of disciplinary action shall also be made on a case-by-case basis.
- i. If the city administrator determines the complaint of harassment is unfounded, he/she shall notify the employee accused of harassment of the determination and advise that no disciplinary action is warranted.
- j. The employee making the complaint shall be notified of the results of the investigation and the discipline, if any, to be administered.
- k. If the city administrator determines after reviewing the investigation report that the complaint was intentionally falsified by the employee filing the complaint, the city administrator shall report such action to the employee's department head and will implement immediate and appropriate disciplinary action.

L-6. Appeal of the decision. Within ten (10) business days of written notification to the employee of the city administrator's decision, the complainant or respondent may follow the grievance process.

L-7. Records of a harassment complaint. All records concerning a harassment complaint shall be confidential and kept in a separate locked file except those affected by Kansas Open Records Act. Access to these records shall be given only with the city administrator's approval to parties who have a direct and relevant need to know.

ARTICLE M. POLITICAL ACTIVITY

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

- a. As private citizens, employees may participate in all political activities, including holding public office, except for activities involving the election of candidates for any city office

and where holding an appointive or elective public office is incompatible with the employee's city employment.

- b. City employees are not prohibited from supporting candidates for office or from contributing labor to candidates and organizations that endorse candidates. Employees are not permitted to be candidates for city elective office or to make public endorsements of a candidate for city elective office.
- c. Any employee desiring to become a candidate for city elective office shall first take leave of absence without pay or resign. Should an employee on leave of absence without pay be unsuccessful in seeking such elective office, he or she shall be returned to employment on the same terms and conditions as any other employee who has taken leave of absence without pay. An employee is considered to be a candidate for elective office once all statutory requirements have been met to qualify as a candidate.
- d. Political activity must not interfere with job attendance or performance. Employees are not permitted to solicit or handle political contributions in city elections. They are not permitted to wear or display political badges, buttons, or signs on their person or on city property during on-duty hours.
- e. No department head or other person in authority shall solicit any city employee for contributions of money or labor for any candidate for elective office, or otherwise compel, or attempt to compel, any employee to support a candidate for elective office or to engage in any political activity.
- f. The purpose of this policy is to prevent and avoid the appearance of impropriety on the part of any city employee. City employees are neither appointed to nor retained in the city's service on the basis of their political affiliations or activities.

ARTICLE N. OUTSIDE EMPLOYMENT

N-1. Outside Employment. Outside employment constitutes a city employee holding a second job with another employer. Outside employment by a full-time employee is permitted only when such outside employment: (1) is considered secondary to service with the city; (2) does not interfere with the performance of duties for the city; and (3) no legal, financial, or ethical conflict of interest results from such dual employment. Employees with secondary employment shall notify the department head of such employment within 5 days of taking the secondary employment.

ARTICLE O. WORKER SAFETY.

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

O-2. Safety. Employees are expected to obey all safety rules and use caution in your work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. If you violate safety standards, cause a hazardous or dangerous situation, or fail to report or, where appropriate, remedy such situations, you may be subject to disciplinary action, up to and including termination of employment.

In the case of an accident that results in an injury, regardless of how insignificant the injury may appear, you should immediately notify the appropriate supervisor and city hall. Prompt reporting can ensure legal compliance and quick initiation of insurance and worker's compensation benefits procedures.

O-3. Working Conditions - Health. Employees who are concerned about their health may bring to the employers' attention issues that their doctors have been consulted with regarding working conditions. Upon presentation of medical evidence, the city administrator shall attempt to reduce or eliminate the risk to the employee through an employment action that is least disruptive to the employee and employer, such as a change in job responsibilities, transfer, or authorized leave of absence.

ARTICLE P. RESIDENCY

P-1. Residency.

- a. All regular full-time department supervisors are encouraged to maintain residency within the area that is zoned by the city during their period of employment.

ARTICLE Q. MISCELLANEOUS

Q-1. Employee Work Clothing. General Taxation Rule: Work clothing provided by the city will not be considered a taxable fringe benefit if the following three conditions are met:

1. The employee is required to wear the clothing as a condition of employment, and.
 2. The clothing shows the words "City of Marysville," and/or city logo.
 3. The clothing is not worn or adaptable to general off-duty usage as ordinary clothing.
- a. Shirts with the City of Marysville logo are provided by the city to full-time, part-time, and seasonal employees. No more than six (6) shirts for full-time employees and five (5) shirts for part-time and seasonal employees, will be issued to any one employee annually. The uniform shirt shall not be worn off-duty and will be returned upon termination. Therefore, they will be a non-taxable fringe benefit.

- b. Protective Clothing and Gear: Protective clothing and accessories as required and provided by the city are not considered to be taxable benefits (i.e., work gloves, safety goggles, hard hats).
- c. Casual Office Wear Clothing: With city logos are provided by the city to full-time office employees. These employees include city hall employees and police support staff. No more than (1) shirt will be issued to any one employee annually. These shirts shall not be worn off-duty, and therefore will be a non-taxable fringe benefit.
- d. Annual Boot Allowance: As a safety requirement full time employees are eligible for an annual boot allowance immediately after hire date. Required footwear will be defined in department safety manuals. A stipend of up to \$150.00 for the boot allowance will be issued on an annual basis. The applicable taxes are collected through the payroll system at the time of issuance. The employee will be required to reimburse the city for any overage above the allowance within three (3) weeks of the shipping date. If the employee does not complete the six (6) month probationary period, the full amount of the stipend (less tax collected) shall be reimbursed to the city.

Q-2. Meals

- a. No meal reimbursement is allowed for same-day travel/training.
- b. Overnight Travel: Meals reimbursed by the City of Marysville when overnight travel is required, is *not* considered a taxable benefit to the employee. Reimbursement to the employee shall be made through the accounts payable system and/or petty cash only upon presentation of receipt(s). Receipts are required for reimbursement and must be submitted to the city clerk no later than 10 days after the date of return.

c. Meal Allowance Rates – Maximum

Breakfast:	\$15.00	
Lunch:	\$16.00	Somewhat
Dinner:	\$29.00	Mirror
Incidental:	\$5.00	GSA.gov

Q-3. Cellular Phones

- a. City Furnished Phones: Private use of business cellular phones furnished by the City of Marysville is prohibited, except in the case of an emergency. Monthly charges for personal calls are to be reimbursed to the city by the employee, with the exception

of law enforcement officers and the city administrator. Personal calls are highlighted, and the applicable tax collected through the payroll system on this fringe benefit.

- b. Personal Phones: Any city (business) phone calls made from a full-time employee's personal phone are eligible for reimbursement. The employee must provide the city with their monthly phone statement, highlighting the city business phone calls. Reimbursement to full-time employees will be made through the accounts payable system.
- c. Reimbursements: Reimbursements will be made to full-time employees in the ratio of city use calls to the total amount of minutes used per billing period, regardless of the time and plan charges that may apply to any respective plan.

For example: 225 Minutes for city use
 778 Minutes total plan use
 $225/778 = 28.92\% = \text{Reimbursement Rate}$

This policy shall apply to all business calls made on personal cell phones. Employees must submit reimbursement requests within forty-five (45) days from the statement date of the phone bill, or they will not be eligible for reimbursement. All full-time employees are eligible for this fringe benefit thirty (30) days after hire date.

Q-4. Mileage. The City of Marysville may provide employee(s) with a city vehicle or a rental car when out of town travel is required for city business. If the situation arises that a city vehicle or rental vehicle is not available, the employee, upon submitting a mileage record, will be paid mileage at the prevailing federal standard mileage rate. This reimbursement is excludable as a taxable benefit.

Q-5. City Provided Vehicles. The personal use of a city owned vehicle (unless marked for safety), will be taxable benefit to the employee. The city will determine the rule which will be used to value this benefit based on IRS regulations in effect when the vehicle is assigned to an employee. Any supervisors and/or "on-call" employees who are required to take city issued vehicles home for on-call purposes due to the need of tools and communications equipment in the vehicle is excludable as a taxable benefit.

Q-6. Gift Certificates. Gift certificates or any other item which can be redeemed or considered as cash shall be a taxable fringe benefit to the employee. The applicable taxes will be collected through the payroll system.

Q-7. Personal Purchasing Policy. It shall be the policy of the city of Marysville that full-time, part-time, seasonal employees and Law Enforcement Personnel **NOT** purchase any personal

items and/or services (excluding Law Enforcement boots) with city credit cards or business vendors/accounts in the name of the City of Marysville, or its departments. This includes but is not limited to items for annual boot allowance. Violation of this policy may result in corrective action as deemed necessary by city administration.

Q-8. Equipment and Vehicles. Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using city property, employees will exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Employees should notify their department head if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or other people. Your department head can answer any questions about your responsibility for maintenance and care of equipment or vehicles you use on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, may result in disciplinary action, up to and including termination of employment.

Q-9. Workplace Respect. All employees, including department heads and temporary employees, part-time employees and seasonal employees should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. We prohibit firearms, weapons, and other dangerous or hazardous devices and substances from the premises of the City of Marysville without proper authorization (and except for authorized Police personnel). The City of Marysville will not tolerate conduct that threatens, intimidates, or coerces another employee, a member of the public at any time, including off-duty periods. This includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law. All threats of (or actual) violence, either direct or indirect, should be reported as soon as possible to a supervisor, the city administrator, or the city clerk. This includes threats by employees as well as threats by customers, vendors, solicitors, or anyone else. When reporting a threat of violence, be as specific and detailed as possible.

Be sure to report any suspicious person or activities as soon as possible to a supervisor or person of authority. Do not place yourself in peril. If you see or hear a commotion or disturbance near your work area, do not try to intercede or see what is happening.

All reports of threats of (or actual) violence and of suspicious individuals or activities will be promptly and thoroughly investigated. The identity of the person who made the report will be protected to the extent practical. To maintain workplace safety and the integrity of its

investigation, the City of Marysville may suspend an employee, either with or without pay, pending investigation.

Any person who violates these guidelines will be subject to disciplinary action, up to and including termination of employment. Violations include making a threat of violence or actually committing a violent act.

If you are having a dispute or differences with another employee, we encourage you to discuss it with your supervisor or the city administrator before the situation escalates into potential violence. The City of Marysville is eager to assist in the resolution of employee disputes, and we will not discipline an employee for raising these types of concerns.

CONVENTION AND TOURISM

DATE	EVENT	FUND USE	AMT	PREV. AMT	COMMENTS
11/15/2022	Black Squirrels on Parade	signs for new squirrels	\$180.50	\$ 337.89	Idntiteez will do the squirrel signs for less so they changed suppliers
11/15/2022	Small Business Saturday 12/3/22	advertising	\$500.00	\$ -	Chamber & Main Street
11/15/2022	Black Squirrels on Parade	new pictures of all the squirrels	\$300.00	\$ -	Caitlyn Graham Photography

\$980.50

LastName	FirstName	Status	Dept	\$\$	
ADMINISTRATION					
HOLLE	LUCINDA	A	101	\$	75.00
RALPH	SAMANTHA	A	101	\$	75.00
RALPH	WILLIAM	A	101	\$	75.00
SCHWINDAMANN	DEBRA	A	101	\$	75.00
ST. JOHN	WILLIAM	A	101	\$	75.00
POLICE					
CLARK	NALANI	A	102	\$	75.00
ESCALANTE	ANTHONY	A	102	\$	75.00
ESCALANTE	ANNE	A	102	\$	75.00
FRERKING	BRYANT	A	102	\$	75.00
KERN	JAMES	A	102	\$	75.00
LEIS	JAMES	A	102	\$	75.00
SALCEDO	FERNANDO	A	102	\$	75.00
SIMPSON	MATTHEW	A	102	\$	75.00
ESCALANTE	HAILEY	A	102	\$	50.00
ESCALANTE	PEYTON	A	102	\$	50.00
MASCHMEIER	RUTH	A	116	\$	75.00
STREET					
ARGO	SEVERY	A	104	\$	75.00
CADWELL	AUSTIN	A	104	\$	75.00
EVENSON	KEVIN	A	104	\$	75.00
GUENTHER	BRIAN	A	104	\$	75.00
GUNDELFINGER	GARY	A	104	\$	75.00
LOGAN	LARRY	A	104	\$	75.00
PARKS					
HORMANN	WILBUR	A	105	\$	75.00
KNECHT	PATRICK	A	105	\$	75.00
WOHLBRANDT	RUSTY	A	105	\$	75.00
CEMETERY					
CERCONE	DOMINIC	A	106	\$	75.00
MORLEY	DANIEL	A	106	\$	75.00
WATER TD					
BARGMAN	KENT	A	202	\$	75.00
GIBSON	ERNEST	A	202	\$	75.00
GROSS	DELMAR	A	202	\$	75.00
LIERZ	JEFFREY	A	202	\$	75.00
WATER COMM OFFICE					
KOS	JEFFERY	A	203	\$	75.00
SEWER WASTEWATER TRMT					
OLLER	ANTHONY	A	302	\$	75.00
MUSIL	NATHAN	A	302	\$	75.00
CREEKMUR	RODNEY	A	302	\$	75.00

\$ 2,575.00

CITY OF MARYSVILLE
APPLICATION FOR CONSUMPTION OF ALCOHOL BEVERAGES
PERSONAL INQUIRY WAIVER
CONSENT TO RELEASE RECORDS

Full Name (Responsible Party):

Maschmeier Ruth E
Last First Middle

Address:

[REDACTED]
Marysville KS
666508

Home Phone #:

[REDACTED]

Work/Cell Phone #:

[REDACTED]

Event Sponsor (i.e. Main Street, Bank, Etc.):

DATE OF EVENT:

12-24-22

LOCATION:

Artcenter

Reason for Event (i.e. Chamber Mixer, Art Show, Open House, Etc.)

Christmas Party

I, Ruth Maschmeier, do hereby authorize a review and full disclosure of all records concerning myself to any duly authorized agent of the City of Marysville, whether the said records are public, private or confidential nature. The intent of this authorization is to give my full and complete disclosure of the records of educational institutions, employment, and pre-employment records including background reports, efficient ratings, complaints, or grievances filed by or against me and the records and recollections of attorneys, or of other counsel whether representing me or another person in any case, either criminal or civil in which I presently have, or had an interest. I understand that any information obtained by a personal history background investigation which is developed directly or indirectly, in whole or in part, upon this released authorization will be consideration for determining suitability of this application by the City of Marysville. I also certify that any person(s) who may furnish such information concerning me shall not be held accountable for giving this information; and I do hereby release said person(s) from all liability which may be incurred as a result of furnishing such information. A photocopy of this release will be valid as an original thereof, even though the said photocopy does not contain an original writing of my signature.

Ruth Maschmeier
Signature of Responsible Party

12-16-22
Date

APPROVED BY COUNCIL THIS _____ DAY OF _____, 20__.

NOTE: FORMS MAY BE REJECTED IF NOT FILLED OUT COMPLETELY!!

Please Attach A Copy Of A Valid Driver's License Or Identification Card

NOVEMBER 28, 2022 -----ORDINANCE NO. 3785

TOTAL OF EXPENDITURES IN FUNDS AS FOLLOWS:

FUND		
100	GENERAL	\$ 99,794.22
200	WATER REVENUE	61,176.71
300	SEWAGE REVENUE	34,650.37
405	SEWAGE REPLACEMENT	2,987.50
512	LIBRARY REVOLVING	10,621.88
600	SWIM POOL SALES TAX	81.00
707	KOESTER BLOCK MAINTENANCE	447.40
711	EMPLOYEE BENEFIT	33,950.82
715	TRANSIENT GUEST TAX	686.47
800	SALES TAX IMPROVEMENT	<u>33,430.41</u>
	TOTAL ORDINANCE	\$ 277,826.78

INVOICE APPROVAL LIST REPORT - SUMMARY BY VENDOR

ORD #3785 11/28/22

Date: 11/22/2022

Time: 3:20 pm

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City of Marysville

Vendor Name	Vendor No.	Invoice Description	Check No.	Check Date	Check Amount
ADVANCE INSURANCE COMPANY	997	LIFE INSURANCE PREMIUM-DEC	0	00/00/0000	309.92
				Vendor Total:	<u>309.92</u>
AFLAC-REMITTANCE PROCESS SE	528	INSURANCE PREMIUM-NOVEMBER	0	00/00/0000	1,625.75
				Vendor Total:	<u>1,625.75</u>
AIR & FIRE SYSTEMS	2482	ANNUAL FIRE EXTINGUISHER TEST & MAINTENANCE	0	00/00/0000	2,143.71
				Vendor Total:	<u>2,143.71</u>
AQUA TAP	2555	CARBIDE CUTTERS-TAP MACHINE	0	00/00/0000	430.00
				Vendor Total:	<u>430.00</u>
AXON ENTERPRISE, INC.	2590	(8) TASER BATTERY PACKS-X26P	0	00/00/0000	697.84
				Vendor Total:	<u>697.84</u>
BLUE CROSS BLUE SHIELD INSUR	0091	HEALTH INSURANCE PREMIUM-DEC + Dental	0	00/00/0000	42,534.13
				Vendor Total:	<u>42,534.13</u>
BLUE VALLEY DOOR CO, INC	1390	REPLACE 1 ROLL UP DOOR-OLD FIRE STATION STORM DAMAGE + 1 at Street Shop	0	00/00/0000	12,245.00
				Vendor Total:	<u>12,245.00</u>
BOND & INTEREST ACCOUNT #1	0066	TRANSFER WATER TOWER PJT	0	00/00/0000	13,250.00
				Vendor Total:	<u>13,250.00</u>
BOND & INTEREST ACCOUNT #1A	332	TRANSFER LAGOONS	0	00/00/0000	4,115.00
				Vendor Total:	<u>4,115.00</u>
BRUCE'S BODY SHOP, INC.	0158	WRECKER SERVICE-TURN BACKHOE BACK OVER-WATER DEPT	0	00/00/0000	250.00
				Vendor Total:	<u>250.00</u>
BRUNA IMPLEMENT CO	0006	MILWAUKI IMPACT KIT, FAN BLADE & BOLTS-BUSH HOG	0	00/00/0000	793.96
				Vendor Total:	<u>793.96</u>
CAPITAL IMPROVEMENTS FUND	1990	TRANSFER PER BUDGET	0	00/00/0000	1,000.00
				Vendor Total:	<u>1,000.00</u>
CENTURY BUSINESS SYSTEMS	2009	SAVIN COPIER-POLICE DEPARTMENT ADDITIONAL COLOR COPIES-NOV	0	00/00/0000	123.60
				Vendor Total:	<u>123.60</u>
CES GROUP P.A.	0172	HWY 36 MANHOLE PJT-ENGINEER PRELIM SERV-30% LUMP SUM FEE + 10% preliminary serv. 8th St. Water line pjt	0	00/00/0000	2,885.50
				Vendor Total:	<u>2,885.50</u>
CITIZENS STATE BANK	0050	EMPLOYEE PAYROLL #661	49236	11/16/2022	50,517.11 H
				Vendor Total:	<u>50,517.11</u>
CNH CAPITAL	1783	WEED EATER&HEDGE TRIMMER HEAD, & SEAL KIT FOR SKID STEER#2000	49240	11/21/2022	730.23 H
				Vendor Total:	<u>730.23</u>
CONVENTION & TOURISM	0680	REIMBURSE FACEBOOK ADS FOR BLACK SQRL 50TH ANV-A. KRACHT	0	00/00/0000	160.00
				Vendor Total:	<u>160.00</u>
CORE & MAIN LP	2599	ANGLE VALVES & COUPLINGS	0	00/00/0000	2,527.89
				Vendor Total:	<u>2,527.89</u>
CRAFCO, INC	2686	120 BAGS OF COLD PATCH	0	00/00/0000	1,530.00
				Vendor Total:	<u>1,530.00</u>
CROME LUMBER INC.	2235	TREATED LMBR,SCREWS,UTILITY KNIFE,BLADES,BUCKET,BITS,ETC	0	00/00/0000	890.59
				Vendor Total:	<u>890.59</u>
DANKO EMERGENCY EQUIP. CO.	702	PUMP TEST/MAINTENANCE-FIRE TRUCKS&COMPRESSOR MAINTENANCE	0	00/00/0000	3,996.68

INVOICE APPROVAL LIST REPORT - SUMMARY BY VENDOR

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City of Marysville

Vendor Name	Vendor No.	Invoice Description	Check No.	Check Date	Check Amount
				Vendor Total:	<u>3,996.68</u>
DBT TRANSPORTATION SERV, LLC	2565	AWOS AT AIRPORT-2023 CONTRACT	0	00/00/0000	1,100.00
				Vendor Total:	<u>1,100.00</u>
EFT-FEDERAL TAX,FICA,MEDICAR	2025	FEDERAL TAX, FICA, & MEDICARE	0	00/00/0000	15,257.56
				Vendor Total:	<u>15,257.56</u>
EMC INSURANCE COMPANIES	905	INSURANCE-ADD 2020 BACKHOE WATER DEPT #2003	0	00/00/0000	523.00
				Vendor Total:	<u>523.00</u>
ENVIRONMENTAL & PROCESS SY:	890	2 HOFFMAN HEATERS FOR LIFT STATIONS	0	00/00/0000	1,192.60
				Vendor Total:	<u>1,192.60</u>
EVANGELICAL U.C.C.	1619	RECYCLING OPERATIONS-NOVEMBER	0	00/00/0000	150.00
				Vendor Total:	<u>150.00</u>
EVERGY	1401	ELECTRICITY KOESTER APARTMENT 909 1/2 BROADWAY 10/11-11/9	49238	11/21/2022	21.67 H
				Vendor Total:	<u>21.67</u>
FASTENAL	1894	HARDWARE TO INSTALL DOG PARK WATER FOUNTAIN	0	00/00/0000	30.73
				Vendor Total:	<u>30.73</u>
FIRE EQUIPMENT RESERVE FUND	1988	TRANSFER PER BUDGET	0	00/00/0000	3,000.00
				Vendor Total:	<u>3,000.00</u>
FOLEY EQUIPMENT	2171	REPAIR BACKHOE #2003-FENDER, CAB,DOOR,ETC-INSURANCE CLAIM	0	00/00/0000	7,353.13
				Vendor Total:	<u>7,353.13</u>
GALLS, AN ARAMARK COMPANY	0266	2 PAIR BOOTS & THUDERSLEDGE	0	00/00/0000	316.40
				Vendor Total:	<u>316.40</u>
GENERAL FUND	1986	TRANSFER PER BUDGET	0	00/00/0000	37,496.00
				Vendor Total:	<u>37,496.00</u>
GLOCK PROFESSIONAL, INC	2280	ARMORER'S COURSE-FERNANDO SALCEDO + Anthony Escalante	0	00/00/0000	500.00
				Vendor Total:	<u>500.00</u>
HALL BROTHERS INC	0200	72.62 TON FILL SAND-REPAIR WATER LEAKS	0	00/00/0000	544.66
				Vendor Total:	<u>544.66</u>
HAUG COMMUNICATIONS, INC	22	BATTERIES&SPEAK MICROPHONES FOR HANDHELD RADIOS-ST&FIRE	0	00/00/0000	771.00
				Vendor Total:	<u>771.00</u>
HOMETOWN LUMBER, INC.	987	HAMMER DRILL,PAINT,LIGHTS, CONDUIT,PAINT SUP,SCRAPER,ETC	0	00/00/0000	3,246.15
				Vendor Total:	<u>3,246.15</u>
HONEYMAN AUTO SALES & SERVI	2694	CHANGE HEADLIGHT #1001	0	00/00/0000	93.23
				Vendor Total:	<u>93.23</u>
IDNTITEEZ	1957	(28) 3X5' BLACK SQRL FLAGS,NO PARKING SIGNS,T-SHIRTS,&ENGRAVING	0	00/00/0000	1,460.00
				Vendor Total:	<u>1,460.00</u>
JEREMY HENDERSON	2749	JANITORIAL SERVICE CITY HALL OCTOBER X5	0	00/00/0000	375.00
				Vendor Total:	<u>375.00</u>
JOHNNY'S WELDING INC	2745	REPAIR OUTRIGGER CYLINDER#4533	0	00/00/0000	659.45
				Vendor Total:	<u>659.45</u>
K.P.E.R.S. EFT	0103	RETIREMENT CONTRIBUTIONS	0	00/00/0000	10,642.18
				Vendor Total:	<u>10,642.18</u>

INVOICE APPROVAL LIST REPORT - SUMMARY BY VENDOR

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KANSAS DEPT OF COMMERCE & F	3006	STUDENT LOAN REPAYMENT 50% M. SIMPSON & ANTHONY ESCALANTE	0	00/00/0000	3,000.00
				Vendor Total:	3,000.00
KANSAS ONE-CALL SYSTEM, INC	838	LOCATES FOR OCTOBER (72)	0	00/00/0000	86.40
				Vendor Total:	86.40
KANSAS PAYMENT CENTER	1238	WITHOLDING ORDER MS20DM000070	0	00/00/0000	363.69
				Vendor Total:	363.69
KANSAS RETAILERS' SALES TAX	867	SALES TAX DUE OCTOBER	49239	11/21/2022	1,251.85 H
				Vendor Total:	1,251.85
KANSAS WITHHOLDING TAX	0299	STATE TAX WITHHELD	0	00/00/0000	2,773.59
				Vendor Total:	2,773.59
KANSAS! MAGAZINE	0969	1 YEAR SUBSCRIPTIONS RENEWAL 2023 FOR C&T OFFICE	0	00/00/0000	18.00
				Vendor Total:	18.00
STEVEN ALLEN KRAUSHAAR	0974	COURT APPOINTED SERVICES DREW OLDEHOEFT&HUNTER BOYLE	0	00/00/0000	200.00
				Vendor Total:	200.00
LAMPTON WELDING SUPPLY CO, I	2878	REPAIR WELDER-STREET DEPT	0	00/00/0000	330.01
				Vendor Total:	330.01
LANDOLL COMPANY LLC	0093	ANGLE IRON-CATCH BASIN/DRAIN AT 6TH & KOESTER	0	00/00/0000	102.87
				Vendor Total:	102.87
LINK MEDIA OUTDOOR	2786	BILLBOARD RENT HWY 24 NOVEMBER	0	00/00/0000	200.00
				Vendor Total:	200.00
LUSH LAWN SPRINKLERS, LLC	2715	REPAIR SPRINKLER SYSTEM-WATER LEAK RPR DAMAGED 406 N 11TH	0	00/00/0000	125.00
				Vendor Total:	125.00
MARSHALL CO TRANSFER STATIC	664	LANDFILL FEES-SWEEPER BROOMS	0	00/00/0000	15.95
				Vendor Total:	15.95
MARYSVILLE ADVOCATE	0017	AD-BLACK SQUIRREL 50TH ANNIVERSARY CELEBRATION, Ord 1914, QRTLY Rep, + AD	0	00/00/0000	390.63
				Vendor Total:	390.63
MARYSVILLE ROTARY CLUB	0165	MEALS,POLO,&FOUNDATION PAYMENT ST. JOHN 4TH QTR 2022	0	00/00/0000	150.00
				Vendor Total:	150.00
MAYER SPECIALTY SERVICES LLC	1811	TELEVISE STORM SEWER PIPE 14TH/CENTER-NORDHUS MOTORS	0	00/00/0000	2,987.50
				Vendor Total:	2,987.50
MUNICIPAL SUPPLY, INC	579	COPPER,POLY,PVC,COUPLINGS,VLV, RINGS,REDUCERS,BENDS,ETC	0	00/00/0000	13,013.10
				Vendor Total:	13,013.10
NEMAHA MARSHALL R E C	1044	ELECTRICITY AT BILLBOARD SAM CASSIDY, wells, Lift Stations, + St. Lights	49237	11/21/2022	1,727.65 H
				Vendor Total:	1,727.65
NETWORK COMPUTER SOLUTION	2223	INSTALL/SET UP NEW FIREWALL AT CITY HALL,&TECH SUPPORT + monthly fees	0	00/00/0000	1,649.92
				Vendor Total:	1,649.92
PETTY CASH FUND (GENERAL)	0063	POSTAGE MAIL WATER SAMPLES & CODE LETTERS	0	00/00/0000	179.20
				Vendor Total:	179.20
PITNEY BOWES RESERVE ACCOU	2477	POSTAGE FOR METER	0	00/00/0000	1,000.00

INVOICE APPROVAL LIST REPORT - SUMMARY BY VENDOR

ORD #3785 11/28/22

Date: 11/22/2022

Time: 3:20 pm

Page: 4

City of Marysville

Vendor Name	Vendor No.	Invoice Description	Check No.	Check Date	Check Amount
				Vendor Total:	<u>1,000.00</u>
PRAIRIE FIRE COFFEE SYSTEMS	0229	COFFEE-POLICE DEPARTMENT	0	00/00/0000	105.80
				Vendor Total:	<u>105.80</u>
SEWER REPLACEMENT FUND	1987	TRANSFER PER BUDGET	0	00/00/0000	8,333.00
				Vendor Total:	<u>8,333.00</u>
SLUPS REPAIR	2282	2 NEW TIRES FOR HUSTLER MOWER & 2 NEW TIRES FOR TRAILERS	0	00/00/0000	404.50
				Vendor Total:	<u>404.50</u>
TMHC SERVICES, INC.	1907	ALCOHOL/DRUG TESTING, ADMIN FEE&ANNUAL QUERY CDL DRIVERS	0	00/00/0000	279.68
				Vendor Total:	<u>279.68</u>
TRUCK COMPONENT SERVICES	2628	SWITCH-FRONT BROOM STREET SWEEPER #4004	0	00/00/0000	75.35
				Vendor Total:	<u>75.35</u>
TRUCK REPAIR PLUS, INC.	1715	RPR BRAKES/HARNESS,RPL ICP SENSOR,RPR TIE RODS/CYL ETC	0	00/00/0000	3,607.42
				Vendor Total:	<u>3,607.42</u>
VERNON MANUFACTURING	1792	2" & 4" CROSS CONNECTION CONTROL DEVICES	0	00/00/0000	1,010.00
				Vendor Total:	<u>1,010.00</u>
MEGHAN K VORACEK	2720	COURT-LEGAL SERVICES 9/28/22-11/12/22	0	00/00/0000	1,881.00
				Vendor Total:	<u>1,881.00</u>
WATER UTILITY RESERVE FUND	1989	TRANSFER PER BUDGET	0	00/00/0000	5,000.00
				Vendor Total:	<u>5,000.00</u>
WICHITA STATE UNIVERSITY	2016	2023 CCMFOA MEMBERSHIP-CINDY HOLLE	0	00/00/0000	75.00
				Vendor Total:	<u>75.00</u>
				Grand Total:	<u>277,826.78</u>
				Less Credit Memos:	0.00
				Net Total:	<u>277,826.78</u>
				Less Hand Check Total:	<u>54,248.51</u>
				Outstanding Invoice Total :	<u>223,578.27</u>
	Total Invoices:	84			

Street Committee

11/21/2022

The street committee had a meeting on Monday, November 21st at 6 pm to discuss improvements to 12th Road. After discussion of the various options, the street committee is recommending the city sends out a request for proposal (RFP) to a variety of engineers for various options on improvements to 12th Road and Keystone Road. The requests would be asking engineers to provide proposals to design 12th Road just south of Highway 36 through the entrance of Hometown Lumber. This project would look at either adding a turn lane or improving the road at its current width. In addition, the engineers would be asked to provide a proposal for Option A: Design 12th Road south of the entrance of Hometown Lumber to Keystone, west on Keystone to the planned entrance of the Keystone Addition and adding the planned road connecting Ashbury Ln to Keystone Road, and Option B: Keystone Road from 11th Road to 11th Terrace.

The RFP would inform the engineers that the city is looking into two different types of surface material (concrete and asphalt) and the use of a concrete infused base. The RFP would also inform the engineers of the requirement of the selected engineer to provide engineers estimates on the options the city is interested in so that the city can make an informed decision on how to move forward.

Included is a map showing what was discussed as far as improvements and what the Main Project is and what Option A and B are.

Map Key

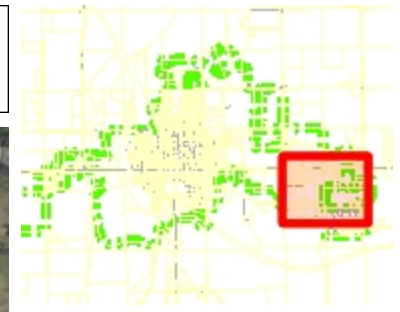
Green: Main Project from Highway 36 through the entrance of Hometown Lumber.

Orange: Option A - 12th Road from south of Hometown Lumber to Keystone Road, west on Keystone Road to the planned entrance of Keystone Addition and the addition of a planned road connecting Ashbury to Keystone.

Purple: Option B - Keystone Road from 11th Road to 11th Terrace.

Yellow: Current technical boundaries of city maintenance.

Street Committee Request RFP



Legend

- Parcel
- Roads

Notes

The street committee had a meeting on 11-21 to discuss 12th Road. The committee is recommending we send a request for proposal to engineers for the highlighted areas. 83

1,360.5 0 680.24 1,360.5 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION