

# City of Aurora Missouri



## Personnel Handbook

## **CHAPTER 1 - INTRODUCTION**

### **1.0 INTENT**

This Personnel Policy is intended to establish employment policies and procedures and other administrative provisions through this Personnel Policy to ensure that the employees of the City may be treated equitably and fairly. It is also established to protect and clarify the rights and responsibilities of employees and to provide a uniform system of personnel and human resource administration throughout the organization.

Although every attempt has been made to create a Personnel Policy that is comprehensive, it is not possible to cover every aspect of employment. As such, this policy may be amended, rescinded or changed in any manner or matter from time to time by the City Council by appropriate ordinance or action as the Council shall deem to be in the best interest of the citizens of the City, employees of the City and in consideration of budgetary or financial constraints or other relevant circumstances existing from time to time.

The City understands that every situation is unique and reserves the right to apply these policies as deemed appropriate, in any particular situation. The City reserves the exclusive right to interpret its rules and policies, both set forth in this booklet and not set forth herein, as it deems appropriate in any given situation.

Please contact your supervisor or Department Head for clarification on the content of this policy or for any questions that you may have concerning the policies established in this policy.

### **1.1 PURPOSE**

The following rules, regulations and other administrative provisions for personnel administration are established to:

1. Promote and increase efficiency and economy in the City service;
2. Foster a positive, respectful and collaborative work environment that ensures that all City employees, elected officers, and appointed board or commission members, are treated equitably, fairly, and consistently across all City departments;
3. Clearly communicate guidelines and practices for the management of employees;
4. Clearly communicate management expectations for all City employees, elected officers, appointed board or commission members, and volunteers;
5. Provide fair and equal opportunity to all qualified citizens to enter City employment and all occupations on the basis of demonstrated merit and fitness as ascertained through fair and practical methods of election without regard to race, creed, color, religion, national origin, sex, ancestry, marital status or handicap or any other characteristic protected by law;
6. Develop a program of recruitment, advancement and tenure which will make the City service attractive as a career;

7. Establish and maintain a uniform plan of evaluation and compensation based upon the relative duties and responsibilities of positions in the City service to ensure a fair and equitable wage or salary to all employees;
8. Establish and promote high morale by providing good working relationships, uniform personnel policies, opportunity for advancement without regard to race, color or sex, national origin, religion, marital status or any other characteristic protected by law and consideration for employee needs and desires.

## **1.2 AT-WILL EMPLOYMENT**

The City of Aurora is an Employer at Will. The policies set forth in this Personnel Manual or in the City of Aurora Position Classification Pay Plan does not and shall not create an employment contract between the City and any employees and cannot be altered to become a contract.

Employment with the City of Aurora is strictly at-will pursuant to Missouri law, and is not governed by an oral or written contract, and can be terminated at any time, with or without cause or advance notice by either party. The continued employment of any employee is not guaranteed and is influenced by economic conditions and the individual's interaction with the organization, its policies, and other employees.

## **1.3 SCOPE**

This Personnel Policy and Procedure Manual applies to all City of Aurora employees, and as applicable, elected officials, appointed board or commission members, and independent contractors. In the event of conflict between this manual and any law, ordinance or resolution, that law, ordinance or resolution shall supersede this manual.

## **1.4 AMENDMENTS OF PERSONNEL RULES AND REGULATIONS**

The City of Aurora Personnel Rules and Regulations are adopted by Resolution of the City of Aurora City Council and shall be amended from time to time in the same manner in which they were originally adopted. No City department shall be exempt from the rules and regulations in this personnel manual.

This manual shall be reviewed periodically and amended as necessary. The City of Aurora reserves the right to repeal, modify or amend this manual at any time, with or without notice.

The City will provide a printed manual to each department and provide access to the manual in electronic format on the internal website. In addition, a copy will be made available to individual employees upon request. Failure of the employee to receive or acknowledge receipt of the manual or the amendments will in no way excuse the employee from compliance with this policy or any amendments to this policy.

Any changes to this manual must be approved by an affirmative vote of the City Council. The changes will be recorded in the minutes of the meeting at which the vote took place, be published in the format of this manual and a printed copy will be provided to each department. The newly revised manual will also be maintained in electronic format on the City of Aurora website. Copies of the amendments will be made available to individual employees at the time of revision, and upon request. Amendments to this manual will supersede the original policy it is intended to replace.

## **1.5 EMPLOYEE'S RESPONSIBILITY**

Each City of Aurora employee is expected to read, understand and comply with this Personnel Policy. Employees are encouraged to ask questions and get clarification from their immediate supervisor regarding any part of this manual that is not understood. An electronic copy of the manual is available to all employees on the City of Aurora's website. Each Department will maintain a hard copy of the Personnel Policy for employee reference as well. Employees may print a hard copy if desired. It is the employee's responsibility to review the manual regularly and to be informed of revisions made to the manual.

## **1.6 EXPECTATIONS OF EMPLOYEES**

This organization expects all employees to be at their assigned work location, be on time, and ready to begin work when scheduled (unless excused), to expend the defined effort and diligence toward assigned tasks, and to constantly strive to meet our citizens' needs. Work hours are determined by the City Manager to ensure the needs of the City is being met.

## **1.7 EXPECTATIONS OF MANAGEMENT**

The management of this organization will diligently work to manage the public's resources in order to continue efficient and effective operations to serve the public, providing the best service possible in a financially responsible manner and in all regards, strive to serve the public interest.

Management will also work to ensure that employees have the tools and resources they need to complete their duties and responsibilities in an efficient and effective manner. Management will also endeavor to be a model employer within the community, and in all regards, treat City employees in a fair, and equitable manner.

## **1.8 ADMINISTRATIVE RESPONSIBILITY**

1. The personnel manual consists of the sum total of all policies and procedures related to personnel administration in the service of the City and shall be administered by the City Manager. The policies and procedures of the personnel program shall apply to all City employees. Additionally, certain policies and procedures contained in this manual also apply to various representatives of the City such as: elected officers of the City, appointed board or commission members, volunteers, and Independent Contractors as applicable.
2. The City Manager shall be responsible for the administration and execution of the employee pay plan and shall ensure advancement of City employees on the basis of performance, knowledge, skills, ability and fitness for duty.
3. The City Manager may also periodically recommend changes, revisions or amendments to the Employee Pay Plan (see Appendix C, CITY OF AURORA EMPLOYEE POSITION CLASSIFICATION & PAY PLAN) to the Aurora City Council for approval and implementation.
4. These policies and procedures will govern the administration of the Employee Pay Plan and include rules and regulations regarding the Employee Pay Plan, set criteria for periodic employee

evaluations, establish general administration of the Employee Pay Plan, and establish classifications and descriptions for each employment position within the City of Aurora

### **1.9 DEPARTMENTAL REGULATIONS**

The head of any department may formulate reasonable administrative or operational department regulations pertinent to the needs of their department to supplement the provisions of this manual.

Departmental regulations may enhance the provisions of this manual but may not conflict with these provisions, conflict with established written policy set forth by the Aurora City Council or decrease the rights and benefits established in this manual. A copy of any supplemental regulations formulated pursuant to this section shall be provided to the City Manager for review and approval.

Department Heads shall provide a written copy of any departmental regulations to all departmental employees. This manual and/or established written policy approved by the Aurora City Council supersedes any departmental regulation in the event of a conflict.

Nothing in this Section shall be construed as granting any department authority to adopt regulations in violation of or in conflict with personnel regulations approved and adopted by the Aurora City Council.

## **CHAPTER 2 - EMPLOYMENT - RECRUITMENT, SELECTION, PLACEMENT**

### **2.0 EMPLOYMENT DEFINITIONS**

The following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

**EMPLOYEE:** Any individual working for the City in a regular full time, part-time, temporary or seasonal classified position except elected officials.

All City employees are designated as one of the following employment or volunteer types:

**REGULAR FULL TIME EMPLOYEE:** For purposes of the employer shared responsibility provisions as defined by regulations of the Internal Revenue Service, a full-time employee is defined as an employee employed on average at least 30 hours of service per week, or 130 hours of service per month.

An employee will be considered Regular Full-Time if they are regularly scheduled on an annual basis for not less than 1560 hrs. and who has completed a six (6) month or longer evaluation period.

Regular Full-Time employees shall be eligible for all benefits described herein. Leave benefits (including Holiday Leave) for Regular Full Time Employees that are regularly scheduled on an annual basis for less than 2080 hrs. shall have leave benefits prorated based on the number of hours they are scheduled to work. In certain circumstances an employee may be considered a Regular Full-Time employee for a defined period of time (Example: filling a vacant position for a Regular Employee who has been deployed for the U.S. Military) but not considered a permanent employee. Such arrangements must be approved by the City Manager prior to employment, and the arrangement must be defined in writing or as an offer of employment.

**REGULAR PART-TIME EMPLOYEE:** An employee will be considered a Regular Part Time employee if they are scheduled to work on an annual basis for not less than nineteen and one quarter (19) hours in a standard work week of seven (7) days (not less than 1000 hours per year) and who has completed a six (6) month or longer evaluation period. In no circumstance will any Regular Part Time Employee work more than 1300 hrs. in any budget or calendar year.

Regular Part Time employees shall receive Holiday Leave. Holiday Leave shall be prorated based on the number of hours the Regular Part-Time Employee is scheduled to work on a weekly basis. Holiday Leave will only be granted for days where the Regular Part-Time Employee is normally scheduled to work.

**NON-REGULAR PART TIME:** An employee will be considered a Non-Regular Part Time employee if the hours they work are periodic and scheduled on an as needed basis and where the employee works less than forty (40) hours in a work week of seven (7) days. The actual work hours of a Non-Regular Part Time employee may vary during the year. In no circumstance will any Non-Regular Part Time Employee work more than 1300 hrs. in any budget or calendar year. Non-Regular Part Time employees are not eligible to receive any benefits or accrue service time.

**TEMPORARY AND SEASONAL:** An employee is designated as a Temporary or Seasonal employee if hired for a pre-designated period of time which is less than 1000 hours annually. Temporary or Seasonal employees are not eligible to receive any benefits or accrue service time. Salaries for Temporary and Seasonal employees shall be set by the Department Head following consultation with the City Manager but must

be consistent with the Grade and Step requirements and Position Description as described in the Appendix C, Item I, CITY OF AURORA EMPLOYEE POSITION CLASSIFICATION & PAY PLAN. Time spent as a Temporary or Seasonal employee will not be credited to service and accrual of benefits will not be retroactive to include time in a Temporary or Seasonal status.

**SHIFT EMPLOYEES:** An employee is designated as a Shift Employee if the employee works hours other than the standard Monday through Friday work week, with the general operating hours of 7 a.m. to 5 p.m. This includes employees that are normally scheduled irregular working hours or hours outside of regular daytime hours and outside of 7 a.m. to 5 p.m., Monday through Friday. Evening shifts, night shift, rotating shifts, split shifts, that include the week and the weekends to accomplish 24/7 coverage for assigned departments.

**VOLUNTEER:** One who performs a service for the City at their own free will generally without any sort of compensation.

- The following will be required for any potential volunteers prior to performing any Volunteer work/service for the City:
  - Completed W-2 form for Human Resources
  - Background Check (at Department Head discretion)
  - Employee Application
  - New Employee Checklists and Acknowledgement Forms
  - Pre-Employment Drug Screening/Testing
  - Driving Record Check
- In certain circumstances, volunteers may receive a reasonable stipend to off-set out-of-pocket expenses i.e. volunteer firefighters.

## 2.1 FAIR LABOR STANDARDS ACT (FLSA)

Each City of Aurora position description is reviewed to determine compliance and designation under the Fair Labor Standards Act (FLSA). The definitions are as follows:

1. Non-Exempt Employee: Employees that do not meet the legal definitions of an exempt employee are designated as non-exempt or hourly. Non-exempt employees are paid by the number of hours they perform their job, including compensation for hours worked of overtime. Most City employees are in this category and shall receive overtime compensation for hours worked in excess of forty (40) hours in seven-day period, with the exception of Police and Fire Department Personnel.

Non-Exempt Commissioned Law Enforcement Personnel shall receive overtime compensation at 1.5 times their normal rate of pay for all hours worked in excess of eighty-six hours (86) in a 14-day work period as allowed under the 7(k) exemption of the U.S. Fair Labor Standards Act.

Non-Exempt Commissioned Fire Protection Personnel shall receive overtime compensation at 1.5 times their normal rate of pay for all hours worked in excess of one hundred and six (106) hours in a 14-day work period as allowed under the 7(k) exemption of the U.S. Fair Labor Standards Act.

2. Exempt Employee: Employees legally classified as exempt from overtime compensation due to their occupational designation as executive, professional, technical or administrative are “salary-exempt” employees. These employees are paid for fulfillment of job responsibilities on salary basis and are not paid an hourly rate or overtime pay. Typically, non-elected City Officials and other positions meeting the FLSA definition of exempt are designated exempt employees.

## **2.2 QUALIFICATIONS FOR EMPLOYMENT**

### **APPLICATION AND RECRUITMENT**

All recruitment for Aurora City employees shall be conducted through the Human Resources Office of the City Clerk’s Office in order to obtain the best match between applicants and the position as described by the position description in Appendix C, CITY OF AURORA EMPLOYEE POSITION CLASSIFICATION & PAY PLAN as well as to ensure compliance with federal, state, and local laws, policies and procedures concerning employment.

The following process will be used for application and recruitment:

1. The City will promote from within whenever appropriate. The Department Heads and Supervisors are encouraged to consider current City employees before considering other applicants whenever a position becomes available.
2. All new applicants for any position with the City shall meet the minimum qualifications for the position as set forth in the job description. Each applicant shall complete a job application on forms provided by the Human Resources Department. All applicants shall submit complete information relating to experience, training, residence and other necessary information. Applicants may be required to pass a background check before eligibility for employment is determined. The applicant also shall successfully pass a physical examination and other tests when deemed necessary by the City Manager.
3. Failure to accurately and fully complete the application form(s) may be reason for disqualification or dismissal.
4. Completed application forms, including resumes and other documents and correspondence, shall become the property of the City and shall not be returned to applicants.

## **2.3 DISQUALIFICATIONS**

1. Applications may be rejected if the applicant has made any misstatements of any material fact; has practiced any deception or fraud regarding the application; or has been convicted of a crime which is detrimental to the conduct of business in the position for which applying.
2. Defective applications may be returned to the applicant with notice to amend the same. Failure to submit the application within the time limit prescribed by the Human Resources Department shall be cause for disqualification.

## **2.4 PRE-EMPLOYMENT CHECKS**

The following will be required for any prospective employee prior to performing any work/service for the City:

- Employee Application
- New Employee Checklists and Acknowledgement Forms
- Completed W-4 Forms and State Tax Forms
- Federal I-9 form
- E-Verify Verification
- Background Check
- Pre-Employment Drug Screening/Testing
- Driving Record Check

## **2.5 SPECIAL REQUIREMENTS**

The City may require applicants to meet and maintain specific certifications, standards and possess special experience and training necessary to perform the duties of the position.

## **2.6 EQUAL EMPLOYMENT OPPORTUNITY**

Equal Employment Opportunity has been, and will continue to be, a fundamental principle with the City of Aurora, where employment is based upon personal capabilities and qualifications without discrimination because of race, color, religion, sex, age, national origin, disability, or any other protected characteristic as established by law.

Equal Employment Opportunity applies to all policies and procedures relating to recruitment and hiring, compensation, benefits, termination and all other terms and conditions of employment. The Human Resources Office of the Administration Department has overall responsibility for this policy and maintains reporting and monitoring procedures and will ensure compliance with all applicable state and Federal regulations.

## **2.7 DISABILITY ACCOMODATION**

Employees requiring accommodation for a medical condition or disability shall notify their Supervisor or Department Head in order to determine how to accommodate the employee's needs. Every effort will be made to handle the disability accommodation with sensitivity and protect the confidentiality of the information shared by the employee requiring accommodation.

## **2.8 APPOINTMENT AND DISCHARGE**

1. The City Manager shall hire all employees except those officers named by the City Council.
2. Department Heads shall have the authority to hire staffing for their respective departments with the review and approval of the City Manager.
3. The City Manager shall have the same authority to fire or terminate an employee within the context of the policies outlined within this Personnel Policy.

## **2.9 RESIDENCY**

1. Recruiting for the existing City employment openings will be done from a geographic area as wide as necessary to obtain qualified candidates.
2. All firemen (including volunteers) are required to live within five (5) miles of the City limits
3. At their discretion, the City Council, upon initial employment with the City of Aurora, may require Administrative Officers of the City and/or Department Heads to maintain residency within the corporate city limits of the City of Aurora.

## **2.10 PROMOTION**

1. It is the policy of the City to fill all vacancies for supervisory, skilled and upper-level positions from the ranks of present employees whenever possible. All employees seeking promotion shall be expected to meet the minimum qualifications for the classification to which they seek promotion, including a physical examination and other tests when deemed necessary by the City Manager.
2. It is the policy of the City to provide a 2.5% minimum salary increase to an employee upon promotion. In all cases of promotion, the employee's salary will be moved, at a minimum, to the base salary of the pay grade assigned to the new position the employee is being promoted to.
3. All promoted employees shall be placed on a probationary status for the new position while in training and during an assessment of the employee's fitness for the position. Such probationary status shall be for a term of 6 months. A Department Head may extend the Probationary Period for a promotion for a period of up to six (6) additional months with approval of the City Manager. Any employee that has his/her Probationary Period for a promotion extended will be notified in writing, which will provide an explanation for the extension and how long the Probationary Period for a promotion will be extended by.
4. This policy does not include seasonal or part-time employees.

## **2.11 PROBATIONARY PERIOD**

If an employee who has been transferred or promoted to a new position does not perform acceptably during the evaluation period, the employee may be returned to the former position or a similar position at the previous salary range if an appropriate vacancy exists (*see Appendix C, "Reclassification" section of the CITY OF AURORA EMPLOYEE POSITION CLASSIFICATION & PAY PLAN*).

## **2.12 INITIAL EMPLOYMENT PERIOD**

### **INITIAL EMPLOYMENT PERIOD PURPOSE**

Every Regular Full Time and every Regular Part Time employee initially employed by the City shall be in an evaluation period for six (6) months. The evaluation period allows Department Heads and Supervisors to observe and determine the ability and willingness of the employee to carry out the duties of the position as described in the Position Descriptions and provides the employee the opportunity to determine that the position meets their skills and goals.

### **INITIAL EMPLOYMENT PERIOD POLICIES**

A new employee will accumulate vacation and sick leave during the Initial Employment Period of six (6) months. During the Initial Employment Period the employee will not be entitled to use accumulated vacation leave. Sick leave may be used as it is accrued. At the conclusion of the Initial Employment Period the new employee's performance will be evaluated using the employee evaluation form.

A Department Head may extend the Initial Employment Period for a period of up to six (6) additional months with approval of the City Manager. Any employee that has his/her Initial Employment Period extended will be notified in writing, which will provide an explanation for the extension and how long the Initial Employment Period will be extended by.

No employee will be eligible to use accumulated vacation leave until an employee evaluation form is completed by the Department head or his/her designee on the probationary employee, and a copy of the completed evaluation form is submitted to Human Resources for review and filing.

Employees who do not satisfactorily complete the initial employment period shall not receive compensation for accumulated vacation or sick leave.

A new employee may be terminated without recourse to the grievance procedure at any time during the initial period of employment.

### **2.13 NEPOTISM**

The City of Aurora shall not employ two (2) or more members of the same family if it would result in one family member directly supervising the other. Additionally, two (2) members of an immediate family shall not be employed under the same supervisor or department except if both employees are seasonal or temporary.

For purposes of this policy, "family" shall include, but not be limited to parent, step-parent, parent-in-law, sibling, step-sibling, son-in-law, daughter-in-law, brother-in-law, sister-in-law, child, step-child, spouse, grandparent, grandchild, aunt, uncle, niece, nephew or first cousin.

This policy applies to promotions, demotions, transfers, reinstatements, and new appointments.

If two (2) employees of the same department subsequently marry, one of them must resign or at the sole discretion of the City Manager, may be reassigned to a different department if any appropriate vacancy exists.

Any City Officer who by virtue of his/her office or employment, names or appoints a member of his/her immediate family to City office or employment shall there by forfeit his/her office or employment.

The provisions of this Section shall not be retroactive, and no action is to be taken concerning those members of the same family employed on or before March 12, 1990.

### **2.14 CITIZENSHIP REQUIREMENT**

The City of Aurora is required to participate in the federal government's E-Verify program. With E-Verify we are able to confirm the employment authorization of all newly hired employees and most existing employees through an electronic database maintained by the Social Security Administration and Department of Homeland Security. With respect to new hires, the E-Verify process is completed in

conjunction with a new hire's completion of the Form I-9, Employment Eligibility Verification upon commencement of employment. E-Verify is not used as a tool to pre-screen candidates.

It is the intent of the City of Aurora to comply with all U.S. immigration policies.

As a condition of employment, each new City employee must:

1. Properly complete, sign and date the first section of the Immigration and Naturalization Service Form I-9.
2. Provide appropriate documentation as required for the I-9 to City of Aurora Human Resources. The Immigration Reform and Control Act of 1986 requires this documentation to be in the City Administration, Human Resources Office, no later than the first day of employment.

### **2.15 RIGHT TO SEARCH**

City of Aurora has the right to inspect and search City property at any time, including, but not limited to, lockers, desks, vehicles, files, computer files or other City owned property that may be assigned to a particular employee.

Search of personally assigned areas must be authorized by the City Manager.

### **2.16 MEMBERSHIP ON BOARDS AND COMMISSIONS**

City employees, except temporary and seasonal employees, are not permitted to be members of Councils, Boards or Commissions that are advisory or administrative to the City except where such membership is specifically authorized by City ordinance. No elected official of the City shall be in direct charge of any department of the City.

### **2.17 OUTSIDE EMPLOYMENT**

Outside employment constitutes a City employee holding a second job with another employer.

Outside employment is permitted only when the outside employment is considered secondary to service and employment with the City, it does not interfere with the performance of duties in the employee's position with the City, and no legal, financial or ethical conflicts of interest exist concerning the dual employment.

Employees engaged in outside employment must notify their immediate supervisor of any outside employment and provide additional information to their supervisor regarding the outside employment if it is requested.

A City employee shall not use any City property for outside employment. The only exception is that of Police Officers will be permitted to wear their uniforms off-duty to work security for schools, City functions, or other community functions. All security activity involving wearing a City uniform will be pre-approved by the Police Chief.

City employees may engage in employment outside normal duty hours if:

1. There is no conflict in working hours;

2. The employee's efficiency is not reduced;
3. There is no conflict of interest that could cause embarrassment to the City or the employee (See Section **2.18 – Conflict of Interest**)

Any violation of these policies may result in disciplinary action up to, and including, termination of employment.

## **2.18 CONFLICT OF INTEREST**

No City employee shall engage in any activity or enterprise which conflicts or interferes with his/her duties as a City employee or with the duties, functions and responsibilities of the department in which he is employed.

The following activities shall be considered a conflict of interest with City employment:

1. Any employment, activity or enterprise which involves the use, for private gain, of the City's time, facilities, equipment or supplies;
2. Involves the receipt or acceptance of any money or other consideration from anyone other than the City for performance of an act which would be expected to be rendered in the regular course of City employment or as part of the duties of a City employee;
3. Involves the performance of an act in other than his/her capacity as a City employee which may later be subject, directly or indirectly, to the control, inspection, review, audit or enforcement by such employee or the department by which he is employed;
4. Involves so much of the employee's time that it impairs his/her attendance or efficiency in the performance of his/her duties as a City employee.

## **2.19 EMPLOYEE RECORDS POLICY**

In accordance with the Missouri Sunshine Law, individually identifiable personnel records pertaining to officers and employees in the City's service shall be deemed records closed to the public, except that information/records pertaining to the names, positions, salaries and lengths of service of officers and current and previous employees in the City's service shall not be closed. However, this Section shall not be in violation of Section 590.118, RSMo., regarding Peace Officers.

The City Manager or his/her delegate representative shall maintain records on each employee to include pertinent personal data such as name, address, telephone number, title of position held, the department to which assigned, current salary and changes in employment status. Records shall also include information relative to completion of training schools as well as professional and technical courses, accomplishment of work, evaluations, awards, and such other information as shall be deemed relevant. Each employee shall be advised of the content of his/her personnel record upon request of the employee.

Employees shall report to their Department Head or to the City Clerk's office any change of name resulting from a change in marital status and any change of dependents. Employees must also report if

there are any changes in address, telephone number or information which will change the personnel record of the employee. This information is required for insurance and tax purposes.

Access to personnel files is restricted to authorized employees of the Administration, Department Heads or Departmental Managers on a need-to-know basis.

Requests for information from employee files received from other departments and inquiries from outside the City, including requests for references of current or former employees, shall be directed to the Human Resources Office. Supervisors and other employees are prohibited from providing personal or employment references on former or current employees.

### **INFORMATION REQUESTS**

The following information will be provided by the Human Resources Office via telephone or Computer inquiry (Email or Fax):

1. Date of hire and date of separation
2. Job title

### **WRITTEN INQUIRIES**

If the request for information is in writing, all the above information will be verified. This verification will be in writing and a copy retained in the employee's file.

### **REFERENCES WITH WRITTEN APPROVAL**

With written approval of the current or former employee, salary, job chronology, and performance information may be released in writing only.

### **EXAMINATION OF EMPLOYEES PERSONNEL FILE**

Inspection of an employee's personnel file may be accomplished at reasonable times during office hours under the following conditions:

- **EMPLOYEE:** All City of Aurora employees will have the right to view the contents of their personnel file. Any request made by the employee to view their personnel file will be during normal working hours. The employee may request to inspect his or her personnel file and may do so in the presence of the Human Resources Officer or City Manager. The employee is NOT allowed to remove or alter any contents of the file.
- **DEPARTMENT HEAD:** Should a Department Head outside of the employee's chain-of-command need access to the employee's personnel file, (i.e., in the case of a hiring situation) the employee must first give written approval.
- **GOVERNMENT INQUIRIES:** The City will cooperate with federal, state, and local government agencies investigating an employee if the investigators furnish a written request, proper identification and proof of legal authority to investigate. The Human Resources Office may permit a government investigator to review a personnel file on City premises, but the investigator will not be allowed to remove or reproduce this information without consent of the employee.
- **SUBPOENAS:** In the event that an employee file is subpoenaed, the City will provide all information it is legally required to provide in the subpoena.

## 2.20 EMPLOYEE PERFORMANCE EVALUATION POLICY

### INTRODUCTION

Completing performance evaluations is a best practice that affords both supervisors and employees time to review job performance, share successes, establish goals, discuss professional development, and open lines of communication. Employees typically both want and need feedback on their performance in order to be successful at their job.

### CITY PERFORMANCE EVALUATION FORM

Evaluation forms should clearly provide performance ratings on categories involving essential job duties and general work ethic such as punctuality; attendance; customer service; communication; and efficiency and accuracy. The standard evaluation form is available through the City Clerk/Human Resources Office.

### EVALUATION CYCLE

***Probationary Employees*** – the immediate supervisor, after establishing probationary goals & objectives, should provide the probationary employee with a final written evaluation at the conclusion of the probationary period. The final evaluation needs to occur PRIOR to the conclusion of the probationary period. The evaluation at the conclusion of the probationary period will include a recommendation as to whether the employee’s employment with the City of Aurora should continue, or to extend their Initial Probationary Period. The justification for either action must be documented on the evaluation form and approved by the City Manager in accordance with Section 2.12 of the City of Aurora Personnel Handbook.

***Disciplinary Probation*** – An evaluation form will be completed for all employees that have been placed on Disciplinary Probation in accordance with Chapter 7 of the City of Aurora Personnel Handbook when at the conclusion of their Disciplinary Probationary Period. If the Department Head recommends removal of an employee from Disciplinary Probation or conversely, recommends the extension of Disciplinary Probation, the justification for either action must be documented on the evaluation form and approved by the City Manager in accordance with Section 7.1 of the City of Aurora Personnel Handbook.

***Permanent Employees*** – employees shall be evaluated annually and establish new goals & objectives for the upcoming year mutually agreed upon with the immediate supervisor and/or Department Head.

The City Clerk/Human Resources Department oversees the overall employee performance evaluation program for the City. It is the Department Head’s responsibility to ensure all employees are evaluated annually, as well as at the conclusion of Initial Probationary Periods and any Disciplinary Probationary periods. The Department Head is responsible for ensuring that the performance ratings issued by the immediate supervisor reflect the employee’s actual performance.

Annual evaluations must be completed on all employees yearly. Completion of annual performance evaluations is a vital component of the management and supervision of a department and the employees of that department. It is the responsibility of the Department Heads to ensure that all performance evaluations are completed as assigned and returned to the Human Resources Coordinator in a timely manner. Department Heads who fail to meet this expectation are subject to disciplinary action.

Department heads may delegate the task of completing performance evaluations of employees to an immediate supervisor. The immediate supervisor must provide at least 50% oversight of the employees being evaluated and have direct observational knowledge of the employee's job performance. However, Department Heads remain responsible for ensuring that all employees in their department are evaluated annually.

### **EVALUATING PERFORMANCE**

Performance evaluation results should not be a surprise to the employee. Open communication with clearly communicated expectations should occur on an ongoing basis throughout the year between the employee and the supervisor. The selected performance scores by category should be fair and reflect the year-long effort made by the employee in the area measured by the scoring criteria. Examples should be provided to affirm and justify the ranking selected, and supervisors should outline specific areas where the employee can improve as appropriate. Supervisors may, at their discretion, request employees to complete a self-evaluation and/or develop a series of professional goals.

Employees will have a clearer understanding of expectations if reasonable goals and objectives are agreed upon annually with the immediate supervisor and documented within the Annual Evaluation. This step establishes the framework of future evaluations targeting areas where changes are needed to improve performance.

The City encourages all supervisors seek initial and refresher training on completing evaluations, coaching/mentoring employees, and improving communication skills. Additionally, supervisors should avoid the following rating pitfalls:

- ***The "Halo Effect"***: Employees that are liked are seen as excellent in every area; if disliked, deficient in every area.
- ***Overweighing of Recent Occurrences***: This includes either favorable or unfavorable ones.
- ***"Central Tendency"***: Supervisor, reluctant to rate an employee either high or low, rates the employee average to avoid the need for justification.
- ***The "Sunflower Effect"***: All employees are rated high in order to look good to the supervisor's boss.

### **EVALUATION MEETING**

In advance of the evaluation meeting, the supervisor and employee should select a meeting time and place when a relaxing, uninterrupted, private discussion can take place. Supervisors should use discretion to avoid outlining areas needing improvement in an overly empathic manner and should attempt, when possible, to offer strong or positive examples to provide a balanced review. Additionally, employees should feel comfortable providing the supervisor feedback and/or discussing potential inaccuracies in the performance evaluation. Employees should be granted the latitude to provide a timely written response if desired, and such response is to be attached to the evaluation form.

An employee's signature on the evaluation form documents that the evaluation was completed and reviewed with them; it does not necessarily indicate agreement.

If there are items that are unresolved, the Supervisor should make every effort to promptly follow-up and close the item in a reasonable time period.

**WORK PLANS**

When behavior and/or performance fall below the satisfactory rank, supervisors may implement a specific work plan for the employee. Work plans focus on current behavior, why it's unacceptable, and what the desired result should be within a clearly established timeframe. Work plans should be both objective and measurable. The plan may specify the consequences for not meeting stated objectives within the prescribed timeframe.

## **CHAPTER 3 - COMPENSATION**

### **3.0 POSITION CLASSIFICATION PLAN**

City of Aurora employee compensation is based on a salary schedule comprised of pay ranges related to the requirements of the position descriptions. The City of Aurora Salary Schedule is attached as *Appendix C, Item I CITY OF AURORA EMPLOYEE POSITION CLASSIFICATION & PAY PLAN.*

The Employee Position Classification and Pay Plan Policy addresses the administration of pay, the pay schedule, and the City of Aurora Pay Ranges for Classified Positions. Position Descriptions are available for each City classified position through the Administration/Human Resources office.

Each position in the City Government shall, based on 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 (2) or more positions.

### **3.1 RETIREMENT SYSTEM**

#### **EMPLOYEES COVERED**

The City hereby elects to have covered by the Missouri Local Government Employees Retirement System (MOLAGERS) all its eligible employees in the following classes:

1. Present and future general employees;
2. Present and future Police Officers;
3. Present and future Firemen.

### **3.2 MISSOURI LOCAL GOVERNMENT EMPLOYEES RETIREMENT SYSTEM (LAGERS) EMPLOYEE AND EMPLOYER PARTICIPATION AND CONTRIBUTIONS**

1. The City Council on behalf of the City of Aurora, an employer under the Missouri Local Government Employees Retirement System (LAGERS), hereby elects to adopt a change in the contributions from covered employees, changing to the requirement of no contributions for covered employees in accordance with the provisions of Sections 70.705(6) and 70.730, RSMo., as amended.
2. All eligible employees of the City shall be members of the Missouri Local Government Employees Retirement System and shall be subject to all laws and supplemental regulations governing such membership.
3. The City of Aurora participates in the L-12 (1.75%) contribution rate with LAGERS.
4. After completion of probation, full-time employees or employees who work at least fifteen hundred (1,500) hours per year are automatically placed on the Retirement System.
5. A member wishing to retire must file his/her application for retirement with LAGERS at least thirty (30) days, but no more than ninety (90) days, from the date it is to be effective.

6. All LAGERS retirements are effective the first (1st) day of the month and all retirement checks are mailed from the LAGERS office in Jefferson City on the first (1st) working day of the month for that month.
7. The City of Aurora adopted a change in the method of determining a member employee's final average salary, changing to a thirty-six (36) consecutive month period for determining a member employee's final average salary in accordance with Sections 70.600 and 70.656, RSMo., 1994, as amended by RSMo. 1998 supplement
8. MOLAGERS has provisions for full retirement at age 60 and early retirement based upon age and time of service. Eligibility requirements for retirement benefits subject to Missouri State Statutes. Please contact MOLAGERS for program eligibility requirements and specific information relating to your individual circumstances.

For more information concerning the City's retirement program, please contact the Human Resources Office; more information can also be obtained at the Missouri Local Government Employees Retirement System website at: [www.molagers.org](http://www.molagers.org)

### **3.3 INSURANCE COVERAGE**

#### **ELIGIBILITY REQUIREMENT FOR BENEFITS**

The City will comply with the mandates of the Affordable Health Care Act when determining an employee's eligibility for insurance benefits. However, no employee will be eligible for employee benefits if they do not work a minimum of 1,500 hours annually, or the number of hours required under State law, or contractual requirements.

Following initial eligibility insurance coverage becomes effective on the first (1st) day of the month following thirty (30) days of regular employment for eligible employees or as stipulated through contractual requirements with benefit providers.

#### **HEALTH INSURANCE**

Any City employee who meets the eligibility requirements of the group's health insurance program in place at the time of the employee's hire with the City of Aurora may participate. Employee contribution rates will be reviewed on an annual basis and approved by the City Council as needed, based on the financial condition of the City and budgetary considerations. A copy of the approved employee contribution rates will be maintained in the City Manager's Office and will be available to employees at New Hire Orientation, during annual open enrollment or upon request.

Policy and plan designs are subject to change. Refer to your current insurance policy manuals or contact the Human Resources department to obtain current information.

Health coverage shall cease per the group's health insurance contractual agreement in place at the time of the employee's separation from employment.

The City cannot guarantee coverage or benefits in any way. The City specifically reserves the right to change or eliminate benefits when the City deems it necessary based on the financial condition of the City and budgetary considerations.

### **LIFE INSURANCE**

The City of Aurora will provide a basic life insurance benefit for all full-time employees. In addition, the City will pay a portion of the premium for Basic Dependent Life/AD&D if the employee elects such coverage to be determined annually based on the financial condition of the City and budgetary considerations. (See the Human Resources Office for additional details).

### **SUPPLEMENTAL INSURANCE AND BENEFITS**

The City may make available other insurance/benefits to employees on an optional basis. An example of these supplemental insurance/benefit offerings are: Vision, Dental, Short-Term and Long-Term Disability, Optional Life Insurance, Identity theft/credit protection and other various programs. Representatives from these vendors visit the City employees at least one time per year to offer plans and answer questions that employees may have.

These optional insurance and benefits products may be available to the employee at reduced group rates and the City reserves the option to cover a portion or all of the costs associated with these optional coverages to be determined annually based on the financial condition of the City and budgetary considerations.

Most policies are available on a pretax basis (see the Human Resources Office for additional details).

### **3.4 WORKERS COMPENSATION**

The City provides Workers' Compensation coverage for all City employees, as required by Missouri Law, with no cost to the employee. Workers' Compensation provides for payment of medical bills, physical and vocational rehabilitation, and financial compensation while the employee is disabled, either temporarily or permanently, and is unable to work due to injuries sustained in the course of employment.

When an employee is absent from work due to a job-related injury for seven consecutive calendar days, the employee becomes eligible for workers' compensation salary benefits at the rate of 66 2/3% of base salary or the maximum allowable under state law. A worker injured on the job has a right to file a claim with the City and all claims will be settled in accordance with state law. State law and applicable City policies for management of workers' compensation issues are retained in the Human Resources Office and disseminated to each City department.

The City will pay, as temporary total disability, that part of the employee's salary not covered by weekly compensation benefits. It is the duty of the employee to report all work-related injuries or illnesses, no matter how insignificant, to their department head immediately, or within at least twenty-four (24) hours of the occurrence.

### **3.5 FMLA AND WORKERS COMPENSATION**

When an employee is injured on the job and the injury qualifies the employee for benefits under FMLA (Family Medical Leave Act), the employee shall be placed on FML (Family Medical Leave) by notification of Human Resources staff. After notification, any qualifying time shall be counted towards the entitlement of FML (Family Medical Leave). For more information, please reference the Family Medical Leave Act (FMLA) section in this manual.

### **3.6 SOCIAL SECURITY**

The City and employee contribute an amount in accordance with the Federal actuarially determined amounts. Participation begins immediately upon initial employment.

### **3.7 GROUP HEALTH INSURANCE (COBRA)**

An employee separated from City Service is eligible to continue to receive any health insurance coverage so required by the Conciliatory Omnibus Budgetary Reconciliation Act (COBRA) or laws governing the Act. Continued coverage will be at the expense of the separated employee and within the requirements of the COBRA Act and laws governing the Act. At the time of employee separation, the company contracted by the City of Aurora for health insurance administration will provide notification in writing, by mail, of the separating employee's eligibility to receive continued health coverage.

### **3.8 HOLIDAYS**

#### **GUIDELINES**

1. Regular Full-Time employees will receive eight (8) hours pay for established holidays as designated in these Personnel Rules and Regulations. For Regular Full Time Employees that are regularly scheduled for less than 40 hrs. per week, Holiday Leave shall be granted on a prorated based on the number of hours the Regular Full-Time Employee is regularly scheduled to work on a weekly basis.
2. Regular Part Time employees shall receive Holiday Leave. Holiday Leave shall be granted on a prorated based on the number of hours the Regular Part-Time Employee is regularly scheduled to work on a weekly basis. Holiday Leave will only be granted for days where the Regular Part-Time Employee is normally scheduled to work.
3. Regular Full-time or Regular Part-time employees who are required to work on a City designated holiday shall receive time and one-half (1½) overtime pay for time actually worked on a City holiday.
4. Employees on unpaid leave of absence will not receive holiday pay.
5. If a legal holiday occurs during an employee's vacation, that day will not be charged to the employee's accrued vacation time.
6. If a City holiday falls on the regularly scheduled day off of an employee, that employee will receive a day (8 hours) of holiday pay for that day.
7. If a City Holiday falls on a regularly scheduled workday for an employee, that employee will receive 8 hours of pay in lieu of time off, or the employee may choose to accrue 8 hours of Compensatory Time at the discretion of the City Manager.

8. City employees regularly scheduled to work a holiday who, instead use other leave on the holiday, will not receive holiday pay. Under no circumstances will the employee be paid both holiday pay and leave pay.
9. When any City holiday falls on a Saturday or Sunday, the preceding Friday or following Monday shall be declared a holiday. In certain instances, the City Manager may direct a holiday to be observed on alternative days in order to accommodate a more practical and beneficial schedule for employees.
10. When an employee is scheduled to work both the actual holiday and the day observed by the City in lieu of the holiday, only one (1) day will be considered the holiday for which holiday pay will be paid.
11. In no case will pay for a holiday exceed eight (8) hours.
12. Salaried employees are allowed time off on a holiday.
13. To be eligible to receive pay for an observed holiday an employee must not have been absent without pre-approved authorized leave either on the workday before or after the holiday.

#### **APPROVED HOLIDAYS**

The following days shall be holidays for all City employees:

1. New Year's Day, January 1<sup>st</sup>
2. Martin Luther King Jr. Day, third (3<sup>rd</sup>) Monday in January
3. Washington's Birthday, third (3<sup>rd</sup>) Monday in February
4. Memorial Day, last Monday in May
5. Juneteenth, June 19<sup>th</sup>
6. Independence Day, July 4<sup>th</sup>
7. Labor Day, first (1<sup>st</sup>) Monday in September
8. Veterans Day, November 11<sup>th</sup>
9. Thanksgiving Day, fourth (4<sup>th</sup>) Thursday in November
10. Day following Thanksgiving Day
11. Christmas Eve, December 24<sup>th</sup>
12. Christmas Day, December 25<sup>th</sup>

From time to time, on special occasions, the City Council may designate other days as special holidays. In those instances, employees will be paid in the same manner as any other holiday as established in these policies

**Recreation Center Approved Holidays and Hours**

<b>Recreation Center</b>	<b>Holiday Hours</b>
New Years Day	CLOSED
Martin Luther King Jr. Day	Normal Hours
President's Day	Normal Hours
Memorial Day	Limited Hours
Juneteenth Day	Normal Hours
Independence Day	Limited Hours
Labor Day	Limited Hours
Veterans Day	Normal Hours
Thanksgiving Day	CLOSED
Day after Thanksgiving	Normal Hours
Christmas Eve	Limited Hours
Christmas Day	CLOSED
New Year's Eve (Non-Holiday)	Limited Hours

**3.9 CALL OUT AND ON-CALL STATUS****WASTEWATER ON-CALL STIPEND**

A stipend of \$150 per week will be paid to the designated on-call wastewater employee. The stipend is paid to the employee assigned to on-call duty for that specific week.

**On-Call Expectations**

Employees assigned to on-call status are required to maintain a **maximum two (2) hour response time** after regular work hours. This includes, but is not limited to:

- Emergency utility locates
- Sewer System callouts
- Wastewater treatment plant callouts

Due to the required response time, on-call employees are considered engaged to wait and must remain available 24/7 during their assigned on-call week, outside of normal working hours.

**Call-Out Pay**

If an on-call employee is called in to work, all actual hours worked will be compensated for the applicable overtime rate, in addition to the weekly on-call stipend. This stipend is not a replacement for overtime pay; it is an incentive for being on-call and helps offset the impact of being scheduled approximately every three weeks.

### **Timekeeping and Tracking**

- The on-call stipend will be reflected in the employee's timesheet records.
- Employees are required to note on-call weeks and any callouts in their timesheet notes.

### **Eligibility**

- The weekly on-call stipend applies only to eligible on-call employees.
- Salaried employees are exempt from on-call stipend pay.

### **WORKING WHILE ON-CALL**

Typically, "Working While On-Call" would not be required beyond an employee's normal shift. In certain limited emergency occasions, however, "Working On-Call" might be utilized with the approval of the City Manager. Such time is compensable in accordance with the Fair Labor Standard.

### **NOT WORKING WHILE ON-CALL**

- Employees are not required to remain on the City's premises but are required to leave word at their home or with their supervisors where they may be reached.
- Employees are not required to remain on the City's premises or so close thereto that they cannot use the time effectively for their own purposes. Employees must, however, be able to report to work within a reasonable period of time.
- Employees must be in a fit condition to report to work.
- Employees may pursue personal activities while on "Not Working" On-Call.
- Supervisors should not call back an employee so frequently as to make effective personal use of on-call time impractical, or where the On-Call system is so distracting or cumbersome as to seriously inhibit personal activities.
- Supervisors should implement a priority call-in roster that creates a share of calls an employee is required to answer.

An employee who is called back after normal duty hours for overtime work shall be paid for such overtime in accordance with the provisions set out above except that the employee shall receive a minimum payment of two (2) hours.

Employees called back during a holiday shall be paid a minimum payment of three (3) hours at one and one-half (1 ½) times the employee's regular hourly pay rate.

Fire Protection Employees shall receive one hour minimum.

Call back time does not include an employee being called to begin regular shift work an hour early.

### **3.10 OVERTIME WORK**

The Department Head may prescribe and schedule periods of overtime work when necessary to meet operating needs. All overtime work must be pre-authorized by the Department Head or Immediate Supervisor. Overtime pay is intended and authorized for emergency situations only where public service

must be performed in the best interests of the City. The granting of overtime pay shall never be used to affect pay adjustments nor in payment for work that can be scheduled in a routine manner.

Overtime is considered a condition of employment, and refusal to accept it when reasonable notice has been given is cause for disciplinary action, up to and including termination.

At the supervisor's discretion, an employee's work schedule may be adjusted during a workweek to avoid overtime (Flex Time).

### **NON-EXEMPT EMPLOYEES**

Non-exempt employees who are required to work more than forty (40) hours in a given work week shall be compensated at the rate of one and one-half (1 ½) time their regular salary rate for all hours worked beyond forty (40) hours. Law Enforcement and Fire Protection Personnel are subject to provisions in accordance with the FLSA 7(k) exemption and is discussed below.

### **GENERAL GUIDELINES REGARDING OVERTIME**

1. All time in excess of 40 hours shall be paid overtime and no compensatory time shall be granted.
2. The base workweek for computing overtime compensation will be the actual hours worked, as well as hours of vacation, holiday pay and funeral leave. Sick leave is not included as hours worked in the calculation of overtime except for scheduled overtime in the Fire Department.
3. For overtime pay purposes, partial hours worked shall be rounded off to the nearest quarter hour.
4. Employees who are exempt under the Fair Labor Standard Act do not receive overtime compensation.
5. Working overtime without prior approval by the department head or City Manager may result in disciplinary action.

### **COMMISSIONED LAW ENFORCEMENT AND FIRE PROTECTION PERSONNEL**

In accordance with the FLSA 7(k) exemption:

1. Commissioned Law Enforcement shall be compensated at the rate of one and one-half (1-½) time their regular salary rate for all hours worked beyond eighty-six (86) over a fourteen (14) day period.
2. Fire Protection Personnel shall be compensated at the rate of one and one-half (1 ½) time their regular salary rate for all hours worked beyond one hundred and six (106) hours over a fourteen (14) day period. Additionally, this does not include imbedded calculated overtime that is included in annual salary for fire Protection personnel.
3. Sick leave is not included as "hours" worked in the calculation of overtime except for Scheduled Overtime in the Fire Department.

### **3.11 PAY COMPUTATION**

Hourly rates of pay for City personnel paid on a monthly salary (Exempt Employees) shall be computed by multiplying the monthly rate of pay by twelve (12) and dividing by two thousand eighty (2,080) (52 weeks x 40 hours). Net pay shall be computed by subtracting applicable deductions.

### **3.12 SHIFT DIFFERENTIAL**

Shift Differential is used by the City of Aurora as an employee recruitment and retention tool provided for Law Enforcement Personnel within the Aurora Police Department. Shift Differential is based on market conditions, budget constraints and staffing needs. The City Manager and Human Resources Office shall make recommendations to the Aurora City Council for final determination of policy regarding shift differential rates, applicability, and necessity. Changes to Shift Differential shall be made in accordance with Section 1.4 of this manual.

General Policies:

1. Eligible Staff – Certified Law Enforcement Staff within the Aurora Police Department.
2. Hours – Shift Differential Eligible Hours are hours actually worked by Certified Law Enforcement Staff between 6:00 PM and 6:00 AM, Monday through Sunday.
3. Calculation of employee timesheets for Vacation, Comp Time, Sick Leave, Funeral Leave, Overtime and Holiday pay shall not include Shift Differential.
4. Shift Differential Rate – The Aurora City Council will periodically confer with the City Manager and the Human Resources Director regarding the Shift Differential Pay and adjust the Shift Differential as deemed appropriate.

### **3.13 PAY PERIODS, WORKWEEK & BI-WEEKLY PAYDAYS**

1. City employees shall be paid on a Bi-Weekly basis, every other Friday.
2. The workweek for the City for each pay period begins on Monday morning at 12:00 a.m. and ends at midnight on the following Sunday.
3. Pay for the pay period will normally be issued the following Friday by Direct Deposit.
4. The workweek for Fire Department Employees shall begin at 8:00 a.m. on Monday and ends at 8:00 a.m. the following Monday.

### **3.14 DIRECT DEPOSIT**

The City utilizes Direct Deposit for issuing payroll for full-time, part-time, temporary and seasonal employees. City employees are expected to make proper arrangements for the timely deposit of their pay into the financial institution (Bank, Credit Union, etc.) of their choosing.

Employees must provide Direct Deposit information for your financial institution to the Human Resources office in a timely manner upon initial employment, and anytime the employee makes a change

in their financial institution that may affect their Direct Deposit. Changes to Direct Deposit may take up to two weeks to become effective.

The City is not responsible for incorrect information that is provided to the Human Resources office regarding Direct Deposit and is not responsible for banking policies or changes in those policies regarding Direct Deposit that are beyond the control of the City of Aurora.

In rare instances, the City will issue individual payroll checks, but only with the approval of the City Manager.

### **3.15 WAGES IN ADVANCE**

It is the policy of the City that no advance in future wages including accrued annual leave shall be made except in cases of resignation or dismissal.

### **3.16 PAY RECORDS**

The City Clerk shall be required to keep adequate records of all persons employed, their pay scale, timesheets recording time worked, accrued vacation and sick leave, all absences for vacation and sick leave, accrued overtime and all absences for other reasons.

### **3.17 WORKING OUT-OF-CLASSIFICATION**

When an employee is temporarily assigned to work out of their normal pay classification in a higher pay classification for a period of 30 calendar days or more, they shall be paid up to an additional five percent (5%) above their regular rate of pay.

Non-exempt employees working out-of-classification in a higher pay classification are eligible for overtime pay for actual hours worked in addition to pay received when working out of classification. The overtime rate will be based on the out-of-classification pay rate.

### **3.18 FLEX TIME**

Department Heads are asked to use Flex Time whenever possible in order to minimize overtime. Flex time is a way to adjust an employee's hours throughout the workweek to prevent the employee from exceeding forty hours in a single workweek. Department Heads may limit or use flex time in a way that is most beneficial to the workplace needs. Employee work time cannot be flexed over more than one workweek (even if it is in the same two-week pay period), or it goes into overtime status.

Flex time may be used retroactively (when an employee has worked extra hours already) in order to avoid overtime hours or can be used proactively (when an employee is scheduled to work extra hours later in the week) in order to avoid overtime hours.

### **3.19 COMPENSATORY TIME**

Compensatory time may be accrued by any non-exempt employee. The following rules govern the accrual, disposition, and required record keeping of compensatory time.

All employees who are designated as wage-hour non-exempt under the Federal Fair Labor Standards Act (FLSA) must record all hours worked and must receive extra compensation for hours worked in excess of their regular schedule.

It is City policy to give time off in lieu of monetary compensation except as required below.

Hours worked in excess of the employee's regular schedule fall into two categories: extra hours at straight time (gap hours) and extra hours at time and a half (overtime hours).

### **GAP HOURS**

1. In general, gap hours are extra hours worked outside of the regular work schedule that do not result in the employee working more than 40 hours in the workweek. For law enforcement employees, gap hours are those specified in sections of this policy that specifically address public safety employees, i.e., Law Enforcement and Fire Protection Employees. Employees who work gap hours receive gap hours compensatory time.
2. Gap hours compensatory time may be accrued for a maximum 160 hours (straight time). At any point that gap hours compensatory time exceeds 160 hours, the excess must be paid in the next payroll cycle. Also, any gap hours compensatory time that is not taken by December 1st of each year, must be paid in the next payroll cycle.

### **OVERTIME HOURS**

1. Overtime hours are hours worked by FLSA non-exempt employees in excess of 40 in the designated workweek, which must be compensated at time and one half. Non-exempt employees may not work overtime without receipt of prior approval from their supervisor. Departments are responsible for managing work time so that non-exempt employees so that unscheduled overtime work is minimized.
2. Overtime compensatory time may be accrued for a maximum of 160 hours (108 hours straight time). At any point that overtime compensatory time exceeds 160 hours, the excess must be paid in the next available payroll. Also, any overtime compensatory time that is not taken by December 1st of each year, must be paid in the next payroll cycle.
3. The hourly rate of pay is obtained by dividing the annual salary by 2080 hours (52x40), prorated if less than full time. The hourly rate used in computing overtime must include all remuneration for employment paid to, or on behalf of, the employee, except payments specifically excluded by the FLSA.

### **MAXIMUM ACCRUAL AMOUNTS**

1. The maximum amount of compensatory time that may be accumulated by wage-hour non-exempt employees is 160 hours.
2. The maximum accrual of compensatory time includes Gap Hours and Overtime Hours in any combination thereof.

### **EXCEPTIONAL AMOUNT OF COMPENSATORY TIME ACCRUED**

1. Any scheduled work that results in overtime or compensatory time accrual should only be authorized as necessary to meet operational needs.

2. If at any time an employee has built up an exceptional amount of comp time, a department may elect to pay all or part of the comp time rather than award time off based on business need and the availability of funds (not employee preference). Additionally, departments may manage comp time by requiring the employee to take accumulated compensatory time off.

#### **SEPARATION OR DEPARTMENT TRANSFER**

All unused comp time for wage-hour non-exempt employees must be paid when the employee separates from the City. It must also be paid by the department where the comp time was earned if the employee transfers to another department within the City (unless the receiving department agrees to accept the comp time.)

#### **LAW ENFORCEMENT AND FIRE PROTECTION PROVISIONS**

Because of the varied nature of public safety activities, Wage and Hour Law permits a 14-day work period, as opposed to the standard one-week period. The City has elected the 14-day work period pursuant to section 207(k) of the FLSA and 29 CFR Part 553.

The following provisions apply:

1. The “work period” for Law Enforcement and Fire Protection employees will consist of 14 consecutive days.
2. The Law Enforcement employees shall receive compensation at a rate of one and one-half times the regular hourly rate at which employed for hours worked in excess of 86 during a work period.
3. Fire Protection employees shall receive compensation at a rate of one-half times the regular hourly rate at which employed for hours worked in excess of 106 during a work period.
4. Nonexempt employees in Law Enforcement positions who work more than 86 hours in a work period may be given compensatory time off in lieu of cash payment for these overtime hours worked.
5. Nonexempt employees in Fire Protection positions who work more than 106 hours in a work period may be given compensatory time off in lieu of cash payment for these overtime hours worked.
6. Any overtime compensatory time that is not taken by December 1st of each year, must be paid in the next payroll cycle.
7. Law Enforcement and Fire Protection employees cannot accumulate more than 240 hours of compensatory time. Any compensatory time earned in excess of 240 hours must be paid in cash as earned.
8. For non-exempt law enforcement employees, gap hours are those hours between 80 and 86 hours worked before overtime compensation begins. Such employees may accrue gap hours

compensatory time for hours worked between 80 and 86 in accordance with previous sections of this policy.

### **3.20 BOOT/HOLSTER/FLASHLIGHT REIMBURSEMENT**

Footwear is very important when handling heavy equipment, tools, and materials. Employees should wear adequate footwear, such as composite toed boots or shoes, steel toed boots or shoes as job requirements dictate. Footwear will be outlined by Department policy.

#### **Public Works:**

The City will reimburse to each full-time employee of the Public Works, Parks and the Wastewater Department up to \$150 annually for work boots designed to protect the foot; this would include safety boots designed to protect the instep and toes, or other appropriate boots. Receipts shall be turned into the Treasurer for reimbursement.

#### **Public Safety:**

The City will reimburse to each full-time employee of the Police, Animal Control and Fire Department up to \$150 every two years for appropriate duty boots. The holster/flashlight reimbursement will only be accessible every three (3) years for commissioned officers up to \$150. Receipts shall be turned into the Treasurer for reimbursement.

#### **Community Development:**

The City will reimburse each full-time Building Official and Building Inspector up to \$150 every 2 years for appropriate duty boots. Receipts shall be turned in to the Treasurer for reimbursement.

### **3.21 PHONE ALLOWANCE**

The City of Aurora recognizes the need for certain city personnel to own and/or use cell phones to complete and enhance their job performance. This policy establishes the procedures for cell phone authorization, allowance, and usage for certain personnel.

Criteria used in determining appropriate personnel to receive cell phone benefits include:

1. The employee is a key staff member needed in the event of an emergency.
2. Where the job function requires continuous accessibility beyond scheduled or normal working hours (i.e., on-call responsibilities for critical City services.)
3. The nature of the employee's work is critical to the operation of the department and immediate response is required.
4. The anticipated level of business use is significant.
5. Where the job function requires access to e-mail outside of the office or beyond normal scheduled working hours, and it is essential for the City that the employee has the ability to receive and send email during those times.
6. The related cost is justified when compared with alternative communication choices.

#### **Employee Phone Stipend**

This policy provides for the periodic and incidental use of employee-owned phones for City business where the City compensates the employee for such use.

Employees whose job duties include the frequent need and use for a cell phone may receive a stipend, in the form of a monthly cell phone allowance to cover City-related usage on their personal cell phone.

**Allowance Amount**

(Level 1) – The standard monthly cell phone allowance amount shall be \$35.

(Level 2) – Based upon the recommendation of a department head and with approval of the City Manager, a monthly allowance of \$60 may be provided to any employee whose necessary city business use of a cell phone justifies the need for a greater number of plan minutes or additional data. No further reimbursement for cell phone costs is available to employees who receive an allowance. Typically, this level will be Department Heads, Public Safety Administrative Staff, and the City Manager.

**Allowance Payment**

The approved cell phone allowance will be paid monthly as part of the employee’s paycheck and will be subject to all applicable payroll taxes. This allowance does not constitute an increase to base pay, and will not be included in the calculation of percentage increases to base pay due to salary increases, promotions, etc.

**City Issued Cell Phones**

The City maintains a very limited number of cell phones assigned to specific departments or employees as specified below. It is the policy of the City to issue a cell phone to employees only when there is a reasonable or substantial need for the employee to have a cell phone issued to them in order to facilitate communication with that employee. These phones are to be used only for City business and personal use of these phones is strictly prohibited.

Fire Department..... Fire Chief

Police Department..... Police Chief

Police Department..... Animal Control Officer

Wastewater Department..... Wastewater Dept. On Call Personnel

**Phone Allowance Agreement**

No phone allowance will be processed for payment until the employee that will be receiving the monthly phone allowance submits the required City of Aurora Phone Allowance Agreement for approval by the Human Resources Director, and the City Manager.

**Missouri Sunshine Law**

Employees receiving a monthly phone allowance are hereby notified that data and information associated with the usage of their personal phone for City business may be subject to the Missouri Sunshine Law. Such data and information disclosures may include, but not be limited to, billing statements, usage history, call history, call logs, call duration reports, and data usage reports. In those instances, Employees will strictly adhere to the guidelines set forth by the Missouri Sunshine Law and City of Aurora Policy.

**3.22 EMPLOYEE ASSISTANCE PROGRAM**

## **ADMINISTRATION**

The Employee Assistance Program will be administered by a person as designated by the City Manager. The City Manager and the EAP administrator shall develop necessary procedures to maintain confidentiality of records and to ensure that the functions of the Employee Assistance Program are properly carried out.

## **FUNCTIONS**

The Employee Assistance Program will function primarily as an intake and referral service for those employees who have either voluntarily sought help for substance abuse problems or who have been directed by the appointing authority to seek assistance through the program. Under the supervision of the City Manager, the administrator of the EAP will compile and maintain all information and records necessary to the task of referring employees to substance abuse treatment services, programs, and institutions in the community. The administrator will monitor the progress of employees seeking treatment through the EAP to the extent necessary to document and verify proper administration of employee health care or other applicable benefit plans, including use of leave time.

## **EMPLOYEE LEAVE WHILE SEEKING AND RECEIVING TREATMENT THROUGH THE EAP**

Employees who are receiving treatment for substance abuse problems through the EAP are entitled to use all forms of accumulated leave time available to them, including sick leave, vacation time, and compensatory time. Should an employee who is receiving treatment through the EAP prefer to take a leave of absence without pay rather than utilize accumulated leave time; or should an employee exhaust all available leave time prior to receiving medical clearance to return to his/her work duties, the employee may request a leave of absence without pay, in accordance with the Personnel Rules and Regulations. Such a request will be considered in light of all the circumstances of the case, including but not limited to the manpower needs of the affected City department, the medical needs of the employee, and the degree of good faith effort displayed by the employee in dealing with his/her substance abuse problem. Nothing herein shall be construed to require that a leave of absence without pay must be granted in such case.

## **EAP RECORDS TO BE HELD IN CONFIDENCE**

All information regarding voluntary and mandatory referrals to the Employee Assistance Program shall be confidential. Records of the EAP shall not be placed in an employee's general personnel file but shall be kept in a separate confidential folder that will be securely kept by the administrator of the EAP under the supervision of the City Manager. The administrator is authorized to release the contents of the confidential folder only on a strict need-to-know basis to management-level members of the staff of the City Manager; to the City Attorney; to the Department Head of the employee's department; to the City Council upon request of the Council; and to the employee upon request.

Disclosure without employee consent is also authorized if:

1. Production of the information is compelled by law, or by judicial or administrative process;
2. The information has been placed at issue in a formal dispute between the City and the employee;

3. The information is to be used in administering an employee benefit plan;
4. The information is needed by medical personnel for the diagnosis or treatment of the employee, and he/she is unable to authorize disclosure.

## Chapter 4 - Leave

### 4.0 VACATION LEAVE

Vacation Leave is earned by the pay period and may be used after successful completion of the Initial Employment Period when authorized by the Department Head. Following successful completion of the Initial Employment Period, employees will continue to earn vacation hours each month which will be added to their total remaining balance until the maximum of 240 hours has been reached.

Vacation leave must be taken in one-hour increments. Vacation hours will not accrue for an employee who is on unpaid leave of absence.

In special circumstances such as high departmental vacancies, insufficient staffing to ensure normal work/shift coverage, or emergency situations, the City Manager may approve an employee to accrue more vacation hours than the maximum 240 hours at the request of the employees Department Head. This approval will not exceed an additional accrual of 30 hours of vacation time beyond the 240-hour maximum. The approval will only allow the employee to exceed 240 vacation hours accrued for a maximum of 60 days from the time of accrual. Failure of the employee to use Vacation Leave in a timely manner throughout the year is not an acceptable justification for this approval.

#### VACATION LEAVE – ACCRUAL AMOUNTS

1. Regular Full Time Employees: Shall earn and receive vacation leave with pay as follows:
  - Years of Service 1 – 4: 08 hours per Month
  - Years of Service 5 – 9: 10 hours per Month
  - Years of Service 10 – 14: 12 hours per Month
  - Years of Service 15 – 20: 14 hours per Month
  - Years of Service 20 and Up: 16 hours per Month
  
2. Employees working twenty-four (24) hour shifts: Shall earn vacation leave as follows:
  - Years of Service 1 – 4: 12 hours per Month
  - Years of Service 5 – 9: 14 hours per Month
  - Years of Service 10 – 14: 16 hours per Month
  - Years of Service 15 – 20: 18 hours per Month
  - Years of Service 20 and Up: 20 hours per Month

#### VACATION LEAVE – GENERAL GUIDELINES

1. Vacation will be scheduled so as to meet the operating requirement of the City, departmental seniority rights, and insofar as possible, the preference of the employees. The minimum period that a non-exempt employee can take as vacation time is one hour. The maximum vacation leave that can be used is the balance of the employee's earned but unused leave. Unearned leave time of any sort shall not be given.
  
2. An Employee's use of vacation leave is subject to the approval of the Department Head. Employees should make every effort to schedule vacation leave in advance. Department Heads will make every effort to accommodate the employee's requests for leave, however, the approval

will depend upon several factors including, but not limited to current scheduling, pending projects, workload, availability of other staff and general staffing levels. An employee's attempted use of vacation leave without first receiving approval may be deemed an unexcused absence thus subjecting the employee to disciplinary action up to and including termination.

3. Temporary, seasonal or part-time employees shall not receive vacation leave.
4. Initial Employment Period: Employees on probationary status during their Initial Employment Period shall not be permitted to use any vacation until they have successfully completed their Initial Employment Period. Employees terminated prior to attaining regular full-time status shall not be paid for any accrued vacation leave.
5. Carryover Vacation/Maximum Accrual: Eligible employees may carry a maximum of 240 hours of unused vacation hours.
6. An employee who works less than twelve (12) days in any month shall accrue no vacation for such month of service, provided the limit of twelve (12) days shall not apply to an employee on vacation or sick leave.
7. Holiday During Vacation: Paid holidays which occur during a vacation leave are not counted as a day of vacation.
8. Termination Pay: Upon termination of employment an employee is entitled to receive pay for unused accrued vacation leave.

#### **4.1 SICK LEAVE**

The City of Aurora provides sick leave in the form of paid time off for personal illness, medical appointments, or injury. Sick leave is not an entitlement but rather a benefit to be used only in time of actual need. All eligible Regular Full-Time employees shall be eligible for paid sick leave.

##### **GUIDELINES FOR SICK LEAVE USAGE**

**NOTICE OF ILLNESS:** When an employee finds it necessary to be absent, due to his/her own illness, the employee's Supervisor or Department Head shall be notified within one hour of the employee's regular starting time for reporting to work or in accordance with specific departmental procedure.

Employees shall be required to call and speak directly to their immediate supervisor, or the supervisor on duty. Texting, Direct Messaging (DM), or other means of electronic messaging shall not be used to notify supervisors when an employee needs to be absent from work due to illness.

An employee must keep his/her Supervisor informed of their condition if the absence is longer than three (3) days. In such instances the Supervisor may require documentation of such condition from a medical professional and a medical notification of fitness to return to work may be required from a medical professional at any time.

An employee who is absent from work for five (5) consecutive working day due to a job-related injury or any other incapacity must have a medical release from a physician and an interview with the Department Head to determine fitness to return to work. This procedure is required to protect the employee's second injury rights under the Missouri Workers' Compensation Statutes.

The City reserves the right to request, at the expense of the City, a special physical examination by a physician selected by the City. In the event an employee is unable to fulfill employment duties for medical reasons, the City may reassign or terminate the employee.

#### **SICK LEAVE ACCRUAL**

An employee begins earning sick leave from the first full month of employment. The maximum accrual of sick leave shall be 960 hours. Employees will not accrue sick leave during the period the employee is in unpaid status.

1. Regular Full-Time employees will earn sick leave at the rate of eight (8) hours per month.
2. Employees working twenty-four (24) hour shifts will accrue sick leave at the rate of twelve (12) hours per month.

#### **USE OF SICK LEAVE**

1. Sick leave must be earned before it can be used.
2. Sick leave may be taken after an employee has completed their first 30 days of employment and sick leave has been accrued.
3. Sick leave must be taken in half-hour increments
4. For personal illness or injury.
5. To keep a medical or dental appointment with the approval of the Department Head.
6. An employee may use available sick leave to provide care to an eligible family member due to illness or injury. Eligible family members include spouse, father, mother, grandmother, grandfather, children, foster children, step-children, grandchildren, or the same relative of the spouse.

#### **COMPENSATION FOR UNUSED SICK LEAVE**

An employee whose position is eliminated due to a reduction in force or voluntarily leaves the service of the City in good standing shall receive compensation as follows for all credited and unused sick leave.

1. 10% after 15 Years of service
2. 15% after 20 Years of service
3. 20% after 25 Years of service

Unused Sick Leave Compensation will be based on the maximum amount of sick leave hours employees are authorized to accrue, 960 hours.

An employee in good standing is one who is not terminated by the City, gives two weeks written notice of intent to leave City of Aurora employment and uses no leave during that two-week period without prior advanced scheduling and prior departmental approval.

#### **ABUSE OF SICK LEAVE**

An employee who improperly uses sick leave may be subject to disciplinary action, up to and including dismissal. Sick leave shall not be taken for any reason other than illness or injury of the employee or a member of his/her immediate family requiring his/her presence.

#### **4.2 LEAVE WITHOUT PAY**

For employees that are without available leave and may or may not yet qualify for Family Medical Leave, the Department Head, with approval of the City Manager, has the authority to grant regular full-time or regular part time employees leave without pay for a period of up to five (5) cumulative or consecutive working days annually in so long as the leave is for a good or sufficient reason and doesn't interfere with the fulfillment of the department's effectiveness. Such leave may be granted when it is in the best interest of the City of Aurora and the department.

Valid reasons for the leave, to include supporting documentation, must be provided to the Department Head, City Manager and Human Resources. Under no circumstances shall leave without pay be granted to allow an employee to take a position with another employer. Except in extenuating circumstances, all leave without pay shall be requested in writing by the employee and shall require written approval of the Department Head and City Manager prior to taking the leave.

#### **ADDITIONAL GUIDELINES**

1. No leave without pay shall be granted to an employee so long as he/she has unused sick or vacation leave available.
2. To extend a leave without pay request beyond five (5) working days, the employee must submit another request to the Department Head no less than two (2) working days prior to the expiration of the former leave request. Additional extensions must be approved by the City Manager.
3. Employees on unpaid military leave will not have his/her anniversary date adjusted.
4. An employee on unpaid leave of absence will not accrue leave benefits for the period of time in unpaid status.
5. If the leave without pay is related to a medical condition, the Department Head and/or City Manager may require the employee to provide, at any time, documentation from a medical professional regarding the employee's medical condition and/or a medical notification of fitness to return to work. Failure to return to work at the expiration of an authorized leave of absence, or upon notice by the Department Head that a leave has been terminated, shall be deemed a resignation. Before terminating an employee for failure to return from leave, the Department

Head shall make a reasonable effort to contact the employee. If the Department Head is unable to contact the employee, Human Resources shall make a reasonable effort to contact the employee.

6. An employee currently serving a probationary period due to a promotion, or reinstatement may be granted leave without pay if approved by the City Manager. The employee's initial employment period shall be continued effective with his/her return from leave until the total initial employment period is actually served.

### **4.3 FUNERAL LEAVE**

The City of Aurora provides up to three (3) working days off with pay to aid in coping with loss of an "Immediate Family" member and up to one (1) working day for "Other Family Members." Time off for bereavement is available at the time of death. With Administrative approval, time may be staggered leave, based upon the individual circumstance. Written requests to use staggered bereavement leave must be approved by the City Manager when the initial request for bereavement leave is submitted. An employee may request vacation leave or time without pay for additional time off if needed.

1. Immediate Family: Employees shall be allowed three (3) days leave with pay per funeral for the following family members: spouse, child, foster child, step-children, parent, Step-parent, grandparent (including great-parents), grandchild (including great grandchild), brother, sister (step-brother, step-sister), the same relative of the spouse, or any relative residing in the same household.
2. Other Family Members: Other Family Members include aunt, uncle, niece, nephew, cousin, or the same relative of the spouse.
3. Co-Workers: Employees may be allowed two (2) hours off with pay to attend the funeral of a co-worker or a former co-worker or spouse of a coworker or former coworker. Department Heads may allow additional time not to exceed one hour to permit employees to clean up in order to attend the funeral. If further time is desired an employee may request vacation leave.
4. For bereavement leave other than that which is stated in this policy, approval must be authorized by the City Manager.
5. Fire Department Personnel shall be limited to one (1) twenty-four (24) hour shift.

### **4.4 CIVIL LEAVE**

A Regular Full Time and Regular Part-time employees shall be granted civil leave with pay when required to do any of the following:

1. Perform jury duty;
2. Appear in court as a witness by subpoena;

3. Appear in court as a party in a civil law suit related to the performance of the employee's official duties with the City;
4. Serve as an expert witness because of professional knowledge related to the employee's City position;
5. Serve as a witness before equal opportunity or civil rights commission or bodies;

An employee granted civil leave for the purposes shown above shall receive full pay and benefits for the time absent from work provided the employee had been scheduled to work during the time missed. If the employee receives pay or fees for the jury duty or required appearances, that pay, or fee shall be returned to the City. The employee may retain any amount paid for mileage expenses in traveling to and from the place of the jury duty or required appearance.

If an employee is involved in a court case as either the plaintiff or defendant, and their involvement is not resulting from their duties with the City, the employee will not be granted civil leave with pay. Any absence from work in these cases shall be charged to the employee's accrued vacation leave or to leave of absence without pay.

In the case of volunteer firefighter, volunteer certified emergency medical service attendant, volunteer reserve law enforcement officer or volunteer part-time law enforcement duty, the employee must have been trained and/or certified in the specific field. In each instance, granting of civil leave will be at the discretion of the Supervisor or Department Head with consideration being given to departmental workload and schedules.

## **4.5 OTHER LEAVE**

### **MEETING AND SEMINARS**

Any City employee may be granted leave with pay to attend meetings, seminars and conventions or professional and technical organizations when such attendance is properly authorized by the Department Head and/or the City Manager.

## **4.6 FAMILY MEDICAL LEAVE POLICY**

It is our policy to grant family and/or medical leave to employees eligible under the Family and Medical Leave Act of 1993 ("FMLA") or any other applicable law.

### **DEFINITIONS**

**Alternative Position:** A position to which an eligible employee may be temporarily reassigned during a period of intermittent or reduce-schedule leave. The alternative position will have the same pay and benefits as the employee's original position.

**Child:** For purposes of FMLA leave that is not military family leave, the son or daughter of an eligible employee who is under 18 years of age, or 18 years or older and incapable of self-care as a result of physical or mental disability. For purposes of this policy, "child" includes the eligible employee's biological child, adopted child, foster child, stepchild, or legal ward. It also includes a child for whom the employee assumes or intends to assume the role of parent by providing day-to-day care or financial

support. For purposes of military caregiver or qualifying exigency leave, "child" includes children of any age.

**Eligible Employee:** An employee who has: (1) been employed by the City of Aurora for at least 12 months; (2) worked at least 1,250 hours in the 12 months immediately preceding the start date of requested family or medical leave; and (3) worked at a worksite within a 75-mile radius of 50 or more employees of the City of Aurora as of the date of the leave request.

**Equivalent Position:** A position; (1) which pay equivalent to the employee's original job; (2) with benefits equivalent to the employee's original job, (3) with job duties and responsibilities and substantially similar to the employee's original job; (4) with a schedule that is the same as or equivalent to that of the employee's original job; and (5) located at the same worksite or one that is geographically proximate to the employee's original worksite.

**Family Member:** The eligible employee's spouse, child, or parent. For purposes of military caregiver leave, "family member" includes next of kin.

**Health Care Providers:** Doctors or osteopathy, podiatrists, dentists, optometrists, chiropractors (Only for manual manipulation of the spine to treat a subluxation of the spine-that is, misalignment of vertebrae-identified by X-ray), physician assistants, clinical psychologists, nurse practitioners, nurse midwives, clinical social workers, and Christian Science practitioners.

**Key Employee:** A salaried employee in the highest-paid 10% of the City of Aurora's employees working within 75 miles of the employee's worksite.

**Military Caregiver Leave:** Leave to care for a family member who suffers or aggravates a serious illness or injury in the line of duty on active duty.

**Military Caregiver Leave Year:** The 12-month period beginning on the first date an eligible employee takes military caregiver leave.

**Next of Kin:** For purposes of military caregiver leave, an employee is "next of kin" to a covered service member if the employee is a blood relative and the service member has so designated the employee for purposes of military caregiver leave. If the service member has not designated a next of kin, the nearest blood relative is next of kin, in the following order of priority:

- Blood relatives who have been granted legal custody of the service member
- Siblings
- Grandparents
- Aunts and Uncles, and
- First cousins

**Parent:** The eligible employee's biological, adoptive, or foster parent, or an individual who assumed the role of parent by providing day-to-day care or financial support when the employee was a child.

**Parenting Leave:** Leave following birth, adoption, or foster placement of an eligible employee's child, including bonding leave.

**Qualifying Exigency Leave:** Leave taken to handle the following matters when a family member is on active duty or called to active duty in the military:

- Short-notice deployment
- Military events and related activities
- Child care and school activities
- Financial and legal arrangements
- Counseling
- Rest and recuperation
- Post deployment activities, and
- Parental care.

**Reinstatement:** Restoration of employee to his/her original position when the employee returns from family or medical leave.

**Serious Health Condition:** Illness, injury, impairment, or physical or mental condition that involves one of the following: (1) inpatient care at a hospital, hospice, or residential medical care facility; (2) incapacity of more than three full days with continuing treatment by a health care provider; (3) incapacity due to pregnancy or prenatal care; (4) incapacity or treatment for a chronic serious health condition; (5) permanent or long-term incapacity for a condition for which treatment may not be effective (Such as terminal illness); (6) absence for multiple treatments for either restorative surgery following an injury or accident or a condition that would require an absence of more than three days if not treated.

**Serious Illness or Injury:** For purposes of military caregiver leave, a serious illness or injury is one that may render a current service member unfit to perform the duties of his/her office, grade, rank, or rating, and for which the service member is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is on the temporary disability retired list. For a veteran, a serious illness or injury is (1) a continuation of a serious illness or injury (as defined above) incurred or aggravated when the veteran was in the military, which rendered the veteran unable to perform the duties of his/her office, grade, rank, or rating; (2) a physical or mental condition for which the veteran has received a Veterans Affairs Service Related Disability Rating (VASRD) of 50 percent or greater, at least in part because the condition requires caregiver leave; (3) a physical or mental condition that substantially impairs the veteran's ability to get or maintain a substantially gainful occupation due to a service-related disability (or would create such an impairment without treatment); (4) an injury (including a psychological injury) for which the veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

**Spouse:** A person to whom the eligible employee legally married in any state (or country), if the marriage could have been entered into in a least one state).

**Twelve-Month Leave Year:** The rolling 12-month period measured backward from the first day that an eligible employee takes family or medical leave.

#### **LEAVE AVAILABLE**

An eligible employee may take up to 12 weeks (60 work days) of family medical leave in the 12-month leave year for any of the following reasons:

- Because the employee's own serious health condition makes the employee unable to work
- To care for a spouse, child, or parent who has a serious health condition

- To care for a newborn, newly adopted child, or a recently placed foster child, or
- For a qualifying emergency related to a family members active duty or call to active duty.

If you have questions about how much leave time is available to you, please contact the Human Resources Department at 417-678-5121 Ext. 23.

An eligible employee may take a none-time leave of up to 26 weeks in a single 12-month period for military caregiver leave. This is a per-service member, per-injury entitlement; it does not renew every year.

#### **SERIOUS HEALTH CONDITION – EXAMPLES**

Here are some examples of serious health conditions for which an eligible employee may take family or medical leave (Note: this is not an exhaustive list, but is for purposes of illustration):

- A condition requiring inpatient care, such as medically necessary surgery.
- A condition that results in incapacity for more than three full days and treatment by a health care provider, such as a stroke.
- Incapacity due to pregnancy or prenatal care, such as hypertension requiring bed rest.
- A chronic condition, such as epilepsy.
- A condition for which treatment may not be effective, such as terminal cancer.
- Absence for multiple treatments for restorative surgery, such as skin grafts following a burn.
- A condition that could require an absence of more than three days if not treated, such as kidney disease requiring dialysis.

#### **NOTICE REQUIREMENTS**

To request family or medical leave, you are required to give notice of the need for leave at least 30 days in advance of the start date of the leave if the need for leave is foreseeable. If you fail to do so, we may delay the start of your leave. If the need for leave is unforeseeable, or you are using qualifying exigency leave, you must give as much notice as is practicable under the circumstances, usually the same or the next business day after you learn you will need leave.

To request family or medical leave, inform the Human Resources Department that you need leave, when the leave will begin, and the reason for the leave (for example, for a serious medical condition or for parenting leave).

#### **CERTIFICATION**

You may be required to provide a form from a health care provider certifying the need for leave when you request leave for your own or a family member's serious health condition or for a family member's serious illness or injury for which you need military caregiver leave. We will request certification from you in writing and provide you with a form to be used for this purpose. The City of Aurora also has the right to seek a second opinion and periodic re-certifications if you take leave for a serious health condition.

You may also be required to submit a certification form when you request qualifying exigency leave, along with a copy of your family member's active duty orders or other military documentation. We will provide you with a form to be used for this purpose.

The City of Aurora may also require that employees provide documentation or certification of parental status when requesting parental leave, qualifying exigency leave, or military caregiver leave. Such documentation includes, for example, birth certificates, adoption decrees, court orders, or a statement signed by the employee.

#### **NOTICE AND DESIGNATION OF LEAVE**

Soon after you request FMLA leave, we will provide you with notification as to your eligibility for leave and a statement of your right and responsibilities under the FMLA. If we determine that you are eligible for FMLA leave, we will provide you with a designation notice informing you whether or not your leave is approved as FMLA leave and, if so how much time will be counted against your available FMLA leave time, if known. If the amount of FMLA leave you will need is unknown when we provide the designation notice, we will provide you with an accounting of the time counted against your available FMLA leave time, upon your request, no more often than every 30 days. These notice forms will also provide information about other requirements that may apply to you during or after your leave.

#### **SUBSTITUTION OF PAID LEAVE**

FMLA leave is unpaid leave. However, under this policy, if you are an eligible employee who has accrued paid time off, you must use these benefits to receive pay for all or a portion of family or medical leave.

If you take paid sick leave, vacation leave, or other leave for a reason that qualifies for family or medical leave under the FMLA, the City of Aurora will designate that time off as family or medical leave under the FMLA. The City of Aurora will designate that time off as such and will count it against your 12-week leave entitlement.

In order to use accrued paid time off, you must meet all requirements of our paid leave policies. Your reason for leave must be covered by the paid leave program. In addition, you must meet all the usual notice and other requirements in order to use paid leave. If you don't meet these requirements, you may be ineligible to substitute paid leave (but you will still be eligible for unpaid FMLA leave as long as you meet the notice requirements set forth in Section 3, above).

#### **PARENTING LEAVE**

An eligible employee taking parenting leave must be completed within one year of the birth, adoption, or foster placement of the employee's child.

Married parents of a new child who are both employed with the City of Aurora may take a combined 12 weeks of leave in connection with the birth, adoption, or foster placement of their child and for a parent's serious health condition.

#### **MILITARY CAREGIVER LEAVE**

An eligible employee may take up to 26 weeks of military caregiver leave in the 12-month period beginning on the first day of leave; this may be different from the usual 12-month leave year. Any unused portion of the 26-week leave is lost; it may not be used for other types of FMLA leave, nor carried over to a new 12-month period. Employees who are eligible for military caregiver leave may take no more than 26 total weeks of FMLA leave for all purposes during the military caregiver leave year, and no more than 12 of those weeks for all other types of FMLA leave in the 12-month caregiver leave year.

Employees who are married to each other and need military caregiver leave may take a combined total of 26 weeks of leave for military caregiver leave, parental leave, and leave to care for a parent with a serious health condition in the military caregiver leave year.

#### **INTERMITTENT AND REDUCED-SCHEDULED LEAVE**

An eligible employee may take leave all at one time or intermittently – that is, hours or days at a time – for his/her own serious health condition, to care for a family member with a serious health condition (for example, to attend doctor appointments or chemotherapy), or for military caregiver leave, if it is medically necessary to do so. An eligible employee may also take leave in the form of reduced hours for his/her own serious health condition or to care for a family member with a serious health condition, if it is medically necessary to do so (for example, to recover from an illness or medical treatment).

An eligible employee may take intermittent or reduced-schedule leave for a qualifying exigency related to a family member's active military duty or call to active duty.

If you need intermittent or reduced-schedule leave for planned medical treatment, we may temporarily reassign you to an alternative position that is better able to accommodate your need for intermittent or reduced-schedule leave. You must make a reasonable effort to schedule your intermittent or reduced-schedule leave, so it doesn't unduly disrupt the City of Aurora's operations.

Intermittent and reduced-schedule leaves are not available to employees seeking parental leave.

#### **EMPLOYEES WHO WORK PART-TIME OR IRREGULAR HOURS**

An eligible part-time employee or an employee who works variable or irregular hours may take intermittent or reduced-schedule leave in proportion to the amount of time he or she normally works. For example, if you usually work 20 hours per week and need a work schedule reduction to ten hours per week due to a serious health condition, that amounts to one-half of your normal working hours. You would use up your 12-week leave entitlement in 24 weeks under that reduced-schedule leave.

If your schedule varies from week to week, the leave workweek is measured by calculating the weekly average hours worked in the 12 months prior to the start of the leave. We will calculate this average and put it in writing for your review and signature.

#### **HEALTH INSURANCE**

During an approved family or medical leave, the City of Aurora will continue your health care benefits. You must continue to pay any share of the premium for which you are currently responsible by the usual due date of payment. If your premium payments are more than 30 days late, we may discontinue your coverage for the rest of your leave. If you choose not to return to work at the end of your leave, you will be required to reimburse the City of Aurora for its share of the premiums paid during your leave.

#### **OTHER BENEFITS**

In addition to the health care benefits discussed above, employee's benefits continue and accrue during the family or medical leave period. You will be required to reimburse the City of Aurora for the portion of the benefits premiums for which you are usually responsible for but which the City of Aurora paid during the leave.

**PREMIUM PAYMENTS**

Any premiums for which you are responsible during the leave period must be paid on or before your regular payday. If you fail to make timely payment of the premiums, your benefit coverage, including insurance coverage, may be discontinued.

**STATUS REPORT**

You must periodically contact the human resources manager during your leave and inform the manager of your status and intent to return to work.

**MOONLIGHTING**

You may not work for another employer while on family or medical leave. Such outside employment is grounds for immediate termination.

**REINSTATEMENT**

When you return from family or medical leave, you have the right to return to your former position or an equivalent position, except;

- You have no greater right to reinstatement than you would have had if you had not been on leave. If your position is restructured for reasons unrelated to your leave, for example, you have no right to reinstatement to the exact same position you held before leave.
- The City of Aurora is not obligated to reinstate you if you are a key employee-that is, if you are among the highest-paid 10% of our workforce-and reinstating you after your leave would cause the City of Aurora substantial economic harm. If the City of Aurora classifies you as a key employee under this definition, you will be notified soon after your request leave.

Two weeks prior to your intended return date, you should notify the human resources manager of your intent to return to work. And, if anything has changed concerning your return to work while you have been on leave, you should notify human resources of the change.

If you are returning from leave for your own serious health condition, the City of Aurora may ask you to provide a fitness for-duty report from your health care provider before you return to work. We will provide a form to be used for this purpose.

**4.7 MILITARY LEAVE OF ABSENCE****DEFINITIONS**

As used in this Section, the following terms shall have these prescribed meanings:

**Military Service:** Includes the Army, Navy, Air Force, Marine Corps, Coast Guard and the United States Public Health Service, as well as all auxiliary branches of the said services as civilian employees of the services.

**National Emergency:** Shall exist during such period as designated by the President or Congress.

**Military Leave of Absence:** An employee entering the active military service of the United States during a national emergency through induction or enlistment or at any time when inducted into military services under the protection granted by the Uniformed Services Employment and Reemployment Rights

Act (USERRA) shall be granted a leave of absence without pay and may extend that leave beyond the date of termination of active military service according to the following schedule:

1. Service of 1 to 30 days. The employee must report to work by the beginning of the next regularly scheduled day after release from service, taking into account safe travel home plus an eight (8) hour rest period.
2. Service of 31 to 180 days. The employee must submit an "Employee's Active Duty Return Notification Letter to Employer" for re-employment to the Human Resources Department within fourteen (14) days of release from service. If eligible for re-employment, the Human Resources Department will report the information to the concerned department head who will advise the employee when and where to report for duty.
3. Service of 181 or more days. The employee must submit an "Employee's Active Duty Return Notification Letter to Employer" for re-employment to the Human Resources Department within ninety (90) days of release from service. If eligible for re-employment, the Human Resources Department will report the information to the concerned department head who will contact and advise the employee when and where to report for duty.

**Initial Notification to Employer:** Notification of upcoming military service must be given to the concerned department head by submitting an "Employee's Active-Duty Absence Notification Letter to Employer" as soon as possible unless military necessity prevents advance notice, or it is otherwise impossible or unreasonable. The concerned department head will forward the information to the Human Resources Director upon receipt.

**Forms Availability:** The "Employee's Active-Duty Absence Notification Letter to Employer" and the "Employee's Active-Duty Return Notification Letter to Employer" can be obtained in the Human Resources office.

**Accrued Paid Time Off:** Accrued paid time off, such as vacation, sick leave or compensatory time off, may be used before going on leave of absence without pay. Employees shall indicate in the "Employee's Active Duty Absence Notification Letter to the Employer" if they desire to use any accrued paid time off and, if so, how many days they desire to use.

**Continuation of Health Care Benefits:** Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is eligible. Employees can request in the "Employee's Active Duty Absence Notification Letter to the Employer" if they desire to continue their health care insurance, per Title 38, United States Code Section 4317, during the military leave period.

**Employee's Notification to Return to Work:** The employee shall inform the Human Resources Department of his/her willingness and ability to return to City employment. The employee must submit the "Employee's Active Duty Return Notification Letter to the Employer" to the Human Resources Department (see Subsection (B)). The Human Resources Department shall review the request for re-employment and will determine the employee's eligibility for re-employment. The employee must provide evidence of an honorable release from military service. If the employee applies, according to the

above schedule, the employee will be eligible for re-employment and will be reinstated in the same or substantially similar position, unless the employee is no longer qualified for the position.

#### **4.8 MILITARY TRAINING LEAVE**

The City of Aurora recognizes the important role of the National Guard and all Military Forces Reserves. The City of Aurora supports employee participation and has the following provisions for military leave of absence when an employee is required by a branch of the armed forces to attend an annual training session or to serve under emergency mobilization orders.

##### **MILITARY LEAVE WITH PAY**

Employees will be granted leave with pay, not to exceed a total of one hundred twenty (120) hours in any calendar year.

##### **EMERGENCY MOBILIZATION**

In the event of an emergency mobilization order, the employee is eligible to be retained on leave of absence status without pay for the duration of the length of mobilization orders.

##### **ACCRUED PAID TIME OFF**

An employee may choose, but is not required, to use accumulated vacation leave, sick leave or compensatory time off before going on leave of absence without pay.

##### **EMPLOYEE RESPONSIBILITY**

Employees shall furnish the concerned department head with a copy of their official orders to receive paid military leave or approved unpaid leave of absence status. Department heads shall forward a copy of the official orders to the Human Resources Department and submit appropriate time keeping records according to established procedures.

#### **4.9 INCLEMENT WEATHER POLICY**

##### **Policy Statement:**

In the event of inclement weather conditions, unless otherwise notified by the City Manager or authorized designee, employees are to consider City offices open and operating during normally scheduled business hours. Employees should prepare for winter weather by:

- Ensuring their personal vehicle is safe or finding alternate sources of travel such as public transportation, arranging car pools or other alternate means of transportation.
- Anticipating weather conditions and weatherize automobiles accordingly.
- Making every attempt to report to and remain at work.

**IMPORTANT NOTE:** It is not the intent of this policy to suggest that employees should risk danger or possible injury to person or employee property in order to travel to and from work.

##### **Applicability**

In the event inclement weather conditions hamper or prevent travel, the following compensation

guidelines will apply to all full-time regular employees and (regular) part-time employees with the understanding that said employees shall be compensated only for regularly scheduled work hours on any given day.

### Definitions:

- **Inclement/Adverse Weather** – Weather conditions that can make travel in and around the City limits of Aurora hazardous for the employee or weather that may endanger the public, including weather causing major disruption to transportation and the operation of businesses and schools. Some examples of inclement weather include Severe Thunderstorms, localized and widespread flooding, blizzards, heavy snow/ice storms, and excessive heat.
- **Critical Need Employees** – An employee whose job functions require that he/she be at work during normally scheduled work hours (regardless of environmental factors) to provide essential service to the public or provide direct leadership or support. These are departments that typically operate on a 24-hour a day rotating schedule or play a critical role in maintaining the safety and services to the City.
- **Secondary Employees** – Made up of both non-exempt and exempt personnel who are not classified as a critical need employee and are typically considered working in an administrative or in non-public safety function.

### Critical Need Departments and Functions:

- **Police Department** – All sworn/public safety personnel are designated as Critical Need employees. Sworn administrative personnel may be assigned to patrol functions or other duties to assist with maintaining traffic control or public safety. Civilian personnel may be designated by the Chief of Police as neither Critical need or secondary, based on support needed for the police department to remain functional.
- **Fire Department** – All public safety personnel are designated as Critical Need employees. Civilian personnel may be designated by the Fire Chief as either Critical Need or secondary based on support needed for the fire department to remain functional.
- **Public Works and Wastewater Departments** – All are assigned and expected to report to work as part of the response team based on the type of adverse weather forecasted.

### Procedure:

- The City Manager or designee has the responsibility for making the determination regarding closure of City facilities no later than two (2) hours before City Offices/Facilities are scheduled to open to allow sufficient time for notifications. In making such determination both the continuance of service to the public and the safety of employees will be taken into consideration.

- If the City Offices/facilities will be closed for an entire day, the City Manager or designee will notify media and post an alert on the City's webpage and Social Media sites one and one half hours (1.5 hours) before a facility is scheduled to open.

**Compensation:**

<p><b>1. Employee arrives late to work due to adverse weather</b></p>	<p>As stated above, employees are expected to make every attempt to report to and remain at work. If an employee follows the guidelines of this policy and makes a good faith effort in reporting to work, while using discretion about their personal safety and the safety of others, they will not be charged leave for being tardy.</p> <p>If one's tardiness is outside what is determined to be a good faith effort or if one has not followed the guidelines of this policy, absence is charged to vacation time, comp time or unpaid leave if no appropriate accrued leave is available.</p>
<p><b>2. Employee does not report to work due to adverse weather</b></p>	<p>Absence for the full day is charged to vacation or comp time (with employee permission) or unpaid leave if no appropriate accrued leave is available for the number of hours of scheduled work for the day. Employees remain responsible for notifying their immediate supervisor of any absence.</p>
<p><b>3. Supervisor approves employee's request to leave early due to adverse weather</b></p>	<p>Remaining scheduled work hours are charged to vacation leave or comp time (with employee permission) or unpaid leave if no appropriate accrued leave is available.</p>
<p><b>4. Employee is sent home early by supervisor by the direction of the City Manager or designee due to adverse weather</b></p>	<p>Affected Employees are paid for the entire scheduled workday. There is no charge to leave if, you are at work and the office closes (time sheet shows inclement weather.)</p>
<p><b>5. City offices are closed or there is a delayed opening due to adverse weather by direction of the City Manager</b></p>	<p>Affected Employees are paid for entire scheduled work day, with no charge to leave accrual (time sheet shows inclement weather.)</p>
<p><b>6. Employee is unable to leave after their work shift due to adverse weather and, with permission of their supervisor, continues to work.</b></p>	<p>This should only occur in rare circumstances. Employee is paid for all actual hours worked, including overtime if applicable. At the discretion of the employee's supervisor, the employee may be allowed to flex within the same pay period and report late or leave early from work on a subsequent day to make up for the additional hours worked.</p>
<p><b><i>Misc:</i></b></p> <p><b><i>1. An employee who has previously scheduled, submitted, and been approved for paid leave prior to a paid time-off inclement weather event, will have his/her</i></b></p>	

***absence charged against the originally approved leave accrual.***

- 2. The granting of inclement weather paid time-off is based on actual necessity during a weather event in order to safeguard the safety and welfare of non-critical need employees, and that closing City Offices is the best way to achieve that goal. Instances such as these occur rarely, and as such, should not be considered an "employee benefit".***

## CHAPTER 5 - WORKPLACE POLICIES AND ATTENDANCE

### 5.0 HOURS OF WORK

Normal Working Hours for each City of Aurora Department are as follows:

Department	Hours	Days
Administration	8:00 a.m. to 5:00 p.m.	Mon. – Fri.
Finance/Utility Billing	8:00 a.m. to 5:00 p.m.	Mon. – Fri.
Fire – Administration	8:00 a.m. to 5:00 p.m.	Mon. – Fri.
Fire – Response	24 hours	Mon. – Sun.
Municipal Court	8:00 a.m. to 5:00 p.m.	Mon. – Fri.
Parks & Recreation	7:00 a.m. – 4:00 p.m.	Mon. – Fri.
Parks & Recreation – Pool	1:00 p.m. – 6:00 or as scheduled	Seasonal
Planning & Zoning	8:00 a.m. to 5:00 p.m.	Mon. – Fri.
Police – Administration	8:00 a.m. to 5:00 p.m.	Mon. – Fri.
Police – Animal Control	8:00 a.m. to 5:00 p.m. & On Call	Mon. – Sun.
Police – Dispatch	24 Hours	Mon. – Sun.
Police – Patrol	24 Hours	Mon. – Fri.
Public Works - Street	6:00 a.m. – 4:30 p.m.	Mon. – Thur.
Public Works – Wastewater	6:00 a.m. – 4:30 p.m.	Mon. – Thur.
Recreation Center	6:00 a.m. – 9:00 p.m. 8:00 a.m. – 8:00 p.m. 12:00 p.m. – 6:00 p.m.	Mon.-Fri Saturday Sunday

Employees are not to conduct any work-related duties before or after normal working hours without prior notice by or approval from their Supervisor and in accordance with departmental regulations.

#### 5.1 MEAL BREAKS

Unpaid meal breaks will be taken around the noon hour (or according to departmental policy for second and third shift employees) but will be flexible and will be scheduled by Department Heads according to a staggered schedule which will allow offices to remain staffed throughout the noon hour. If it is determined by the Department Head that the demand for public availability is such that there is no justification for staffing through the Noon hour, the City Manager may authorize that the office be closed through the hour.

#### 5.2 REST BREAKS

Rest breaks are recognized as important to the productivity and efficiency of the employee. Rest breaks, not to exceed 15 minutes, are encouraged, when possible. One break is allowed in the morning and one break is allowed in the afternoon.

Breaks are not an employee “right” or “entitlement benefit” and may not be combined with lunch period or “saved” for extra paid time off. If workload does not allow time for a rest break on a particular day, no extra compensation or consideration shall be granted to the employee. Employees should remain on City premises during rest breaks unless prior approval to leave has been obtained from their supervisor.

### **5.3 ABSENTEEISM**

Employees will report to their workstations sufficiently early to enable them to prepare to conduct their duties by the beginning of normal work hours, or as defined by departmental regulations. Any absence which does not conform to the City’s leave policy will be considered unauthorized and may be grounds for corrective action. If an employee has a history of unauthorized absences, such absences may constitute the basis for discipline up to and including dismissal.

### **5.4 DRESS CODE**

It is the policy of the City that each employee’s dress, grooming, and personal hygiene should be appropriate to the work situation.

#### **GENERAL GUIDELINES**

The City of Aurora and you, as an employee, will be in daily contact with residents, business managers, community leaders and representatives of other governmental agencies. Throughout these various contacts, we as employees are under observation by those various members of the community. As representatives of the City, Employees are expected to always present a professional, business like image to customers, vendors and contractors, and the public. Acceptable personal appearance is an on-going requirement of employment with the City.

Radical departures from conventional dress or personal grooming and hygiene standards are not permitted.

#### **DRESS AND APPEARANCE**

Office workers and any employees who have regular contact with the public must comply with the following personal appearance standards:

1. Employees are expected to dress in a manner that is normally acceptable in similar business establishments.
2. Hair should be clean, combed and neatly trimmed or arranged. shaggy, unkempt hair is not permissible regardless of length.
3. Sideburns, moustaches and beards should be neatly trimmed.
4. Tattoos and body piercing (other than earrings) should not be visible unless approved by the Department Head or City Manager.

In general, dress and grooming which might be considered faddish, extreme, slovenly, overly casual or seductive should be avoided. As far as grooming, hairstyles and length should be by individual choice and avoid extremes. Personnel of each department will be required to follow departmental regulations regarding hair length or beards. All clothing accessories, hats and shoes are to be functional, safe and appropriate for the type of work performed.

### **UNIFORMED PERSONNEL**

Uniforms, which are required or provided to many City employees, are expected to be neat, fresh and clean when employees report for duty. Uniforms will be complete and appropriate for the season. Each department head is responsible for assuring that employees in his/her department wear the proper uniform as provided as well as related accessories and equipment including safety equipment.

### **NON-UNIFORMED PERSONNEL**

Employees who are not provided uniforms should wear clothing which is neat, clean, attractive and suitable for business, except when field work is required. The following guidelines will be followed for non-uniformed office employees:

1. No jean material pants or anything that looks like jeans
2. No shorts, no T-shirts (Hi-Viz T-Shirts provided by the City for Public Works Staff are acceptable)
3. No low-rise pants
4. No halter-tops, tank tops, midriff or tube tops
5. No torn or frayed clothing or dirty soiled clothing unless it was caused that day from the job
6. No athletic shoes, tennis shoes or flip-flops
7. No see-through or sheer clothing
8. Skirts and dresses will be of modest length
9. If blouses with spaghetti straps are worn, a blouse or jacket must be worn over the top
10. No leggings or tights (yoga pants) that are worn as pants
11. No sweatshirts or other athletic wear.

Fridays shall be considered casual dress day for office personnel. Jeans will be allowed. Casual dress will still need to be in good taste. The only exception to the above list on Fridays will be jeans, sweatshirts,

and athletic or tennis shoes. Other than these exceptions, the above list remains in effect on Fridays. If an employee must work out in the field, Friday casual day clothing may be worn on those days.

In certain circumstances, the Department Head may allow staff to wear jeans or more casual clothing for the comfort of the employee. Example: allowing office staff to wear jeans and sweatshirts on days other than Friday during periods of extreme cold weather. These exceptions should be temporary in nature and should not be expected to become a routine practice.

Any employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises, returning home to change into clothing that complies with this policy. Non-exempt employees will not be compensated for any work time missed because of failure to comply with this policy.

#### Recreation Center and Program Personnel

Rec Center staff should wear a "Rec Center" branded shirt, either a provided "staff" shirt or one that is self-purchased from Center merchandise. Lanyards with ID badges should always be worn while working.

- No halter-tops, tank tops, midriff or tube tops
- No torn, frayed, or clothing with holes
- No see-through or sheer clothing
- Skirts and dresses will be of modest length
- No sweatpants or overly casual wear
- Jeans, Athletic pants, and leggings/tights (yoga pants) are permitted. Spandex shorts are not permissible work attire
- Sweatshirts/Hoodies should be "Rec Center" or "City" branded, unless it's a Friday
- Athletic Shorts should be limited to wear by Program Staff for the comfort of the employee and should be singularly dark in color. Cargo or golf shorts in lighter colors (tan, gray) are permitted during hot seasons for all staff
- Athletic, closed-toed, non-marking shoes should be worn while working.

This policy is not intended to apply to law enforcement personnel working in undercover operations.

## **CHAPTER 6 - SEPARATION**

### **6.0 SEPARATION FROM CITY SERVICE**

This section addresses separation of an employee from City Service, except as stated elsewhere in this policy concerning dismissals for disciplinary reasons.

#### **6.1 ABSENCE WITHOUT LEAVE/FAILURE TO REPORT**

Any city employee who fails to report to work may be deemed to have vacated their position of employment and thus may be terminated. Extenuating circumstances will be taken into consideration by the Department Head prior to determining to terminate an employee.

1. Any City employee who is absent without leave and who fails to return to duty within twenty-four (24) hours after having received notice to do so shall be dismissed.
2. Absence without leave shall be construed to be any absence in which the employee failed to secure prior approval or, in the case of illness or emergency, has failed to notify his immediate supervisor of such absence no later than the day such absence begins.
3. Any unauthorized absence from duty shall be deemed to be an absence without pay and may be grounds for disciplinary action. Any employee who is absent for three (3) or more days without authorized leave shall be deemed to have resigned without giving proper notice. Such absence may be excused if, upon investigation, the City Manager finds extenuating circumstances to exist.

#### **6.2 RESIGNATION AND REINSTATEMENT**

##### **RESIGNATION**

An employee desiring to resign his/her position in good standing may submit a written resignation to the Department Head at least two (2) weeks prior to the effective date of resignation, giving the proposed effective date.

The two (2) weeks' notice period may be waived by the Department Head. Appropriate notification of resignation shall be sent to the Human Resources Officer.

An employee in good standing is one who is not terminated by the City, gives two weeks' written notice of intent to leave City of Aurora employment and uses no leave during that two-week period without prior departmental approval.

An employee who is salaried shall give a minimum of four (4) weeks' notice to the City Manager. This provision may be waived by the City Manager

##### **REINSTATEMENT**

Following one year of separation, an employee who resigned from City service by choice and in good standing, may be rehired to fill any vacancies that exists, and that the former employee may be qualified for. Only with the City Manager's approval will an employee be allowed to return to employment within the first year of separation.

Upon reinstatement, the employee shall be subject to the policies established for newly hired employees regarding anniversary date, merit compensation, leave accrual, longevity compensation, and benefits. This section does not apply to Seasonal or Temporary employees.

### **6.3 LAYOFF AND REDUCTION IN HOURS**

#### **LAYOFF**

If it becomes necessary to reduce the number of employees employed by the City at any time due to lack of work, lack of funds or changes in work procedures or organization, the City Manager, after consulting with the affected Department Head, may eliminate any position.

When reduction in the number of employees in a department or division of the City government occurs, the required reduction shall be made in such job class or classes as the Department Head may recommend and the City Manager approve.

Selection of employees to be laid off shall be based on job function, performance, length of service, and needs of the City. The last employees to be laid off within a classification shall be the first to be considered for rehiring. The City shall place the names of employees who are laid off on the appropriate eligibility list for recall. Employees who have laid off shall be eligible for re-hire/recall for two (2) years from the date of lay off.

If possible, any employee that is to be affected by a layoff will have the opportunity to transfer to another position, if such vacancy exists and the employee meets the qualifications and job requirements for the vacant position.

If reinstated within two (2) years following a layoff, regular employees will retain any unused or unpaid benefits accumulated prior to being laid off and waiting periods regarding insurance and retirement benefits, if any, would be processed in compliance with contractual agreements and laws at that time. The employee will be entitled to continue his/her elected benefits at the current rate in compliance with contractual agreements and laws at the time of reinstatement. Unless reinstatement is within thirty days of the layoff, the employee's anniversary date will be adjusted in accordance with the period of layoff. Longevity would be calculated from the employee's adjusted anniversary date unless otherwise approved by the City Manager.

A notice of layoff to the employee will be given as far in advance as practical and in no case less than three (3) days prior to the effective date. The notice shall include the reason for the layoff, the effective date, the possibility of re-employment and the expected date of reemployment, and any other information deemed necessary by the City Manager.

#### **REDUCTION IN HOURS**

The City Manager has the discretion to reduce the number of hours worked per week for any classified position. An employee in a regular full-time position or regular part time position whose hours are reduced to no less than one half (1/2) their regular number of hours worked per week shall retain the benefits for which they were entitled to prior to the reduction of their work hours for a period of up to ninety (90) successive calendar days.

The employee will accrue leave monthly at an unchanged rate during this time. The employee will be entitled to continue his/her elected benefits at the same rate in compliance with contractual agreements and laws at the time of reinstatement. In the event it is necessary, the City Manager has the discretion to extend the period of reduced hours for an additional ninety (90) calendar days. The reduction of an employee's hours does not constitute grounds for a grievance or appeal.

#### **6.4 RETURN OF CITY PROPERTY**

Any City employee leaving the service of the City, whether through resignation, layoff or dismissal is responsible for returning any City property which he/she may have in his/her possession. Upon termination, such property must be returned to the Department Head from which the employee is terminating. Failure to return City property may result in the employee's final check being retained or in deductions being taken from the check for the value of the property.

#### **6.5 PAY ON TERMINATION**

1. A terminated City employee shall receive his/her unpaid wages (and benefits, if applicable) accrued to the date of termination. The unpaid wages shall be payable on the first (1st) regularly scheduled payday following termination, or, if requested in writing by the employee discharged, within seven (7) days of the date if so requested.
2. Terminated employees or employees voluntarily resigning without giving the minimum required notice shall not be eligible to receive pay for any accrued benefits other than unused vacations.
3. Employees who voluntarily resign, giving the required notice, shall be eligible to receive pay for unused vacation pay.
4. In case of death, compensation shall be payable to the surviving spouse or such other person designated by the employee.

## **CHAPTER 7 – EMPLOYEE DISCIPLINE**

### **7.0 EMPLOYEE DISCIPLINE POLICY**

The City expects employees to meet standards of high-quality work performance and conduct. Occasionally, an employee will fail to meet those standards and corrective action may be necessary to ensure the effective operation of the City's business. Corrective action by a Department Head or Supervisor shall be exercised discretely and in such a manner as is appropriate to the immediate problem, taking into consideration the employee's past conduct as reflected by the employee's personnel file.

The City prescribes to a policy of progressive discipline. Progressive discipline is a process for dealing with job-related behavior that does not meet expected and communicated performance standards. The primary purpose for progressive discipline is to assist the employee to understand that a performance problem or opportunity for improvement exists. The City reserves the right to skip progressive discipline when deemed necessary and as circumstances dictate.

### **7.1 DISCIPLINARY ACTIONS**

Depending on the conduct, it is our general policy to take disciplinary steps in the following order:

#### **VERBAL WARNINGS**

This action consists of a discussion with the employee during which the supervisor explains in detail the reasons for the warning and advises the employee of the action required to correct the unsatisfactory performance. Documentation of such discussion will be placed in the employee's personnel file.

#### **WRITTEN WARNINGS**

This action consists of a written notification of the performance deficiency or problem provided to the employee. This written notification explains in detail the reasons for the warning and advises the employee of the action required to correct the unsatisfactory performance. Documentation of such discussion will be placed in the employee's personnel file.

#### **DISCIPLINARY PROBATION**

A disciplinary probation may be imposed for a period of up to 6 months but may be extended to a total of one year. This is a designated time period during which the employee must improve in the identified areas of deficiency. Recommendations to place an employee on Disciplinary Probation must be reviewed and approved by the City Manager.

Improvement standards and time frames will be set by the Department Head, will be put in writing and a copy given to the employee. Any extension of disciplinary probation will be considered as a separate disciplinary action.

- Employees on disciplinary probation will not be promoted or granted wage increases. Employees will receive Cost of Living Adjustments while on Disciplinary Probation.

- Employees granted leave while serving disciplinary probation may have their probation extended by the number of days absent on leave. Employees may be removed from disciplinary probation at any time, provided the performance has been documented at a satisfactory level of performance and approved through the City Manager.
- Employees may be dismissed at any time during disciplinary probation if they do not take positive action to correct the conditions which resulted in the disciplinary probation. The serving of disciplinary probation is not a prior requirement for dismissal.

#### **SUSPENSION, WITH OR WITHOUT PAY**

Employees may be suspended without pay for disciplinary reasons. The period of suspension will be for one or more full days, not to exceed ten (10) workdays or eighty (80) hours. Recommendations to suspend any employee (with or without pay) must be reviewed and approved by the City Manager.

- Non-Exempt Employees on suspension will not be granted vacation, sick, holiday leave or pay, nor unused compensatory time off during the suspension period.
- Exempt Employees (Salaried) Employees will have their vacation hours reduced in accordance with FLSA law.

#### **DEMOTION**

The City Manager may demote an employee to a class of a lower pay grade as a disciplinary action. The employee's duties will be changed to reflect the new classification.

Upon demoting an employee for disciplinary reasons, the employee's wage may be reduced. Recommendations to demote any employee must be reviewed and approved by the City Manager.

#### **TERMINATION**

Employee will not continue employment with the City of Aurora. All recommendations to terminate the employment of any employee must be reviewed and approved by the City Manager.

### **7.2 DISCIPLINARY GUIDELINES**

To decide on the appropriate course of action, the City may consider:

- The seriousness of the violation
- Employment record
- Ability to correct the conduct
- Actions the City has taken for similar conduct by other employees
- How an employee's actions affect customers/clients/the public
- Other mitigating circumstances as appropriate

Although it is not possible to list all the forms of behavior that are considered unacceptable at work, the following are some examples of conduct that may result in disciplinary action, up to or including termination of employment.

- Violence or the threat of violence

- Theft of City property
- Excessive tardiness or absenteeism
- Negligence or neglect of duty
- Failure to maintain satisfactory working relationships with Co-Workers or Customers
- Acts or conduct (on or off the job) which adversely affects the employee's performance and/or the City's performance, function, or negatively reflects on the City as an organization
- Being absent without approved leave
- Using or possessing alcohol or illegal drugs at work
- Being under the influence of alcohol, illegal drugs or other substances (including prescription medications) which impair your ability to perform your duties in a safe and competent manner while at work.
- Failing to carry out reasonable job assignments
- Making false statements in a job application
- Violating City rules and regulations
- Unlawful discrimination or harassment
- Incompetence or gross neglect of duty
- Absence without leave
- Operation of City vehicles, or equipment in an unsafe manner
- Receiving traffic citations while operating City Vehicles, or equipment
- Insubordination or serious breach of discipline
- Negligent or willful damage or misuse of public property
- Falsification of time records
- Engaging in outside business activities on City time
- Giving or accepting a bribe
- Failure to maintain a satisfactory attendance record  
Excessive absenteeism. (Approved Family Medical Leave (FMLA) or Worker's Compensation time are excluded from this)

These are only examples and are non-inclusive. Additionally, the City reserves the right to terminate employment at any time without notice or cause.

### **7.3 ADMINISTRATIVE LEAVE/SUSPENSION**

Employees may be suspended for Administrative reasons. Such suspension may be with or without pay at the discretion of the City Manager, based on the nature of the alleged offense. Administrative suspension is not a disciplinary action.

An employee is only placed on administrative leave when it is determined that the employee cannot be allowed to remain in the workplace. The most common reasons for placing an employee on administrative leave are:

- As a prudent business practice to secure particularly sensitive information or resources when warranted by the circumstances.

- To facilitate the investigation of allegations of misconduct, which if true, could place persons (employees or citizens) or City resources in jeopardy.
- To remove an individual from the workplace who is behaving disruptively pending assessment of the situation.
- The employee is under investigation, either by an agency or civil authorities for, or charged with, criminal activity, or who is alleged to have committed an offense which threatens the health, safety or welfare of another person.

## **CHAPTER 8 - GRIEVANCE PROCEDURE**

### **8.0 PURPOSE**

The City has established this grievance procedure in an effort to afford all employees a means of obtaining further consideration of problems when they remain unresolved at the supervisory level and to establish policies and procedures that provide for timely resolution of grievances.

Pay, leave, and other policy items are not subject to grievance, as they are adopted policies by the City Council subject to interpretation by Administration.

### **8.1 SCOPE**

This policy applies to all Regular Full-Time employees in all departments within the City.

### **8.2 DEFINITION**

A grievance is the dissatisfaction an employee feels when he/she has been treated unfairly or believes a mistake has been made that affects his/her protected rights. Protected rights are namely those associated with ADA, FMLA, and other such laws.

### **8.3 PROCEDURE**

1. Within seven (7) calendar days of the occurrence of the event causing the grievance, the employee must complete Section I of the Employee Grievance Form (see Appendix E) and submit it to their immediate Supervisor.
2. The immediate Supervisor shall attempt to resolve the grievance within five (5) business days after it is presented, shall complete Section II of the Employee Grievance Form, and return to the employee.
  - In the event that the grievance involves discrimination or retaliation by the immediate Supervisor or termination, reclassification or suspension without pay, the employee may present the grievance directly to the proper administrative official as shown in the chart below.
3. If the employee is not satisfied with the solution of the Supervisor, the employee shall submit the written grievance to the official charged with administrative oversight of the employee's department, within twelve (12) business days of the event causing the grievance, as shown in the following chart.

If the official in charge of administrative oversight of the employee's department is the City Council, then the solution as determined by the City Council will become final and is not subject to further review.

If the affected employee is a Department Head, he/she may submit a grievance for review and consideration of the Aurora City Council unless that decision has been made by or with the direction of the City Council, in that instance the decision is final and is not subject to further review.

<b>Department or Appointed Position</b>	<b>Administrative Oversight</b>
City Clerk	Aurora City Council
City Treasurer	Aurora City Council
Finance	City Manager
Fire	City Manager
Municipal Court	City Manager
Planning and Zoning	City Manager
Parks	City Manager
Police	City Manager
Public Works	City Manager
Recreation Center	City Manager
Wastewater	City Manager

4. Within five (5) business days of the filing of the grievance, the appointing official charged with administrative oversight will select a three-member Grievance Panel. In no case will more than one member of the Panel be from any one department. The appointing official will designate a chair for the grievance panel who will be responsible for overseeing the process of the Grievance panel including scheduling meetings of the Grievance Panel, communication with the appointing official, conducting the meeting and writing the final decision of the Grievance Panel.
5. Within five (5) business days of appointment, this Panel will initially convene and proceed to investigate the grievance. The Panel may hear arguments from principal parties, collect additional statements when required and will prepare a written recommendation.
6. The Panel will present the written recommendation to the proper official within fifteen (15) business days of appointment, subject to reasonable extensions as determined by the appointing official. The documentation and recommendation of the Grievance Panel will be reviewed by the appointing official, who shall make a final decision which shall then be provided to the employee and the Department Head or Supervisor.

#### **8.4 REPRISALS AND RETALIATION**

No prejudicial, discriminatory, or other unfavorable action may be taken at any time against any member of a Grievance Panel for participation or vote in regard to his/her duties on the Panel.

No prejudicial, discriminatory, or other unfavorable action may be taken at any time against the employee for utilizing the grievance procedure outlined herein.

## **CHAPTER 9 - HARASSMENT POLICY**

### **9.0 HARASSMENT POLICY**

It is the policy of the City of Aurora to maintain an environment for visitors and staff that is free of sexual and other unlawful harassment. All employees of the City should be aware that the City is concerned about sexual as well as other unlawful harassment and is prepared to take prompt remedial action to prevent and correct such behavior. Employees who engage in sexual and other unlawful harassment will be subject to discipline, up to and including termination. Retaliation against a person who properly reports, complains about or participates in the investigation of sexual and other unlawful harassment is likewise prohibited.

The City is committed to protecting the freedom of expression of all members of the City. This policy against harassment shall be applied in a manner that protects the freedom of expression of all parties to a complaint. Freedom of expression includes but is not limited to the expression of ideas, however controversial, in the workplace. Expression may be subject to regulation, however, to the extent that it does not enjoy the protection of federal or state constitutional guarantees of freedom of speech and expression and creates an unlawful hostile environment based upon sex, race, ethnicity, religion, age, sexual orientation, and physical or mental disability in violation of Titles VII or IX of the Civil Rights Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, or other applicable state or federal law.

Information concerning an allegation of sexual and other unlawful harassment will be handled in a confidential manner insofar as possible. Any employee of the City who receives a complaint of sexual and other unlawful harassment or who otherwise learns of an alleged occurrence of sexual and other unlawful harassment has the responsibility to take prompt steps to ensure that the matter is addressed, even if the complainant refuses to be identified.

### **9.1 HARASSMENT DEFINED**

#### **HARASSMENT IN GENERAL**

Harassment includes verbal, physical and visual forms of harassment and conduct related to sexual favors, based upon a person's protected status, including race, color, national origin, ancestry, sex, sexual orientation, age, religious creed, physical and mental disability, medical condition, marital status or other status protected by law. Physical harassment includes conduct such as assault, impeding or blocking movement, or any physical interference with normal work or movement. Visual forms of harassment include derogatory posters, cartoons, drawings, or emails. Conduct related to sexual favors includes unwanted sexual advances which condition an employment or other City benefit upon an exchange of sexual favors.

Sexual and other unlawful harassment is defined as unwelcome or unsolicited verbal or physical conduct of a sexual nature or other conduct prohibited under applicable federal and/or state laws and/or regulations relating to harassment, such as:

1. Where submission is made an explicit or implicit term or condition of an individual's employment or education;

2. Where submission or rejection is used as the basis for making employment or educational decisions affecting an individual; or
3. Which is the creation of a hostile or intimidating environment, in which verbal or physical conduct, because of its severity and/or persistence, is likely to interfere significantly with an individual's work or affect adversely an individual's living conditions.

The conduct alleged to constitute harassment under this policy shall be evaluated from the perspective of a reasonable person similarly situated to the complainant and considering all the circumstances.

If possible, an individual who experiences sexual and other unlawful harassment should make it clear to the harasser that such behavior is offensive, unwelcome, and contrary to the policies of the City.

Whether or not the individual can confront the harasser, such behavior should be brought immediately to the attention of a Department Head, Immediate supervisor or Administrative Official such as the City Manager or City Clerk/Human Resources Officer.

Under no circumstances is an individual compelled to report the sexual and other unlawful harassment to a Supervisor who is accused of the harassment.

## **9.2 SEXUAL HARASSMENT FURTHER DEFINED**

Sexual harassment does not refer to occasional compliments generally accepted as not offensive or other generally accepted social behavior. Sexual Harassment refers to conduct which is offensive, not welcomed by those to whom it is directed, and inappropriate to the work environment.

Examples of sexual harassment include such conduct as:

1. Physical assault;
2. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letter of recommendations;
3. Direct propositions of a sexual nature;
4. Subtle pressure for sexual activity, an element of which may be repeated requests for private meetings without a work-related purpose;
5. A pattern of conduct (not legitimately related to the subject matter of a course if one is involved) intended to discomfort or humiliate, or both, that includes one or more of the following:
  - a. Comments of a sexual nature; or
  - b. Sexually explicit statements, questions, jokes, or anecdotes;
6. A pattern of conduct that would discomfort or humiliate (or both) a reasonable person at whom the conduct was directed that includes one or more of the following:

- a. Unnecessary touching, patting, hugging or brushing against a person's body;
  - b. Remarks of a sexual nature about a person's clothing or body, whether intended to be complimentary; or
  - c. Remarks about sexual activity or speculations about previous sexual experience;
7. Visual displays of suggestive, erotic, or degrading sexually-oriented images; and/or
  8. Letters, notes or electronic mail containing comments, words, or images as described above.

### **9.3 OTHER CONDUCT PROHIBITED BY THE HARASSMENT POLICY**

#### **REPRISALS**

1. Against the Complainant: It is a violation of the City's Harassment Policy to retaliate against a complainant for filing a charge of harassment. A complaint of retaliation may be pursued using the steps followed for a complaint of harassment.
2. Against the Respondent: Lodging a complaint of harassment is not proof of prohibited conduct. A complaint shall not be taken into account during reappointment, tenure, promotion, merit or other evaluation or review until a final determination has been made that the City's Harassment Policy has been violated.

#### **KNOWINGLY FALSE OR MALICIOUS COMPLAINTS**

To file a knowingly false or malicious complaint of harassment or of retaliation is a violation of the Harassment Policy. A complaint of such conduct may be pursued using the steps followed for a complaint of harassment. A complaint under this provision shall not constitute prohibited retaliation.

### **9.4 REPORTING, INVESTIGATION AND DISCIPLINE**

#### **REPORTING**

All Employees, Elected Officials, and appointed board or commission members, have a duty to report any suspected violation of the City of Aurora Harassment Policy. Individuals who believe they are victims of, or witnesses to, sexual and other unlawful harassment must report the incident to their immediate supervisor, Department Head, or an Administrative Official as soon as possible. Complaints involving allegations of sexual and other unlawful harassment should be filed in writing as promptly as possible, but no later than 10 days following the incident, unless there are compelling reasons for further delay, except in cases of sexual assault where charges must be filed within 30 days of the alleged incident.

The complainant may request the complainant's Immediate Supervisor, or Department Supervisor, or the Immediate Supervisor, or Department Supervisor of the department in which the accused harasser works for an informal resolution of the problem. Notwithstanding the complainant's request, the City Manager retains the right to determine if an informal resolution is appropriate or practical. If a formal complaint is desired, the incident should be reported to the applicable forenamed person(s).

### **INVESTIGATION**

All reports of sexual and other unlawful harassment will be promptly and thoroughly investigated and, when warranted, corrective action, up to and including termination, will be taken against the harasser. Throughout the complaint and investigation process, every effort will be made to assure confidentiality to the fullest extent reasonably possible to protect against retaliation. Subject to applicable laws, communication will be limited to a minimum “need to know” basis, coupled with a direction not to discuss the matter outside the process. However, the investigation of such complaints will generally require disclosure to the accused party and other witnesses in order to gather pertinent facts.

In determining whether or not the alleged conduct occurred and/or constitutes sexual and other unlawful harassment, consideration will be given to the totality of the circumstances and context in which the alleged incidents occurred.

### **DISCIPLINE**

The remedies for violation of this sexual and other unlawful harassment policy will depend on the nature of the offense and may include, but are not limited to, one or more of the following actions:

1. Required counseling;
2. Possible disciplinary actions:
  - a. A verbal or written warning
  - b. Disciplinary Probation
  - c. Suspension
  - d. Demotion
  - e. Termination of employment.

A proven occurrence of sexual and other unlawful harassment may result in severe corrective action, up to and including termination.

All incidents shall be reported to the City of Aurora City Manager, and Human Resources Office.

## **CHAPTER 10 - WORKPLACE VIOLENCE PREVENTION POLICY**

### **10.0 POLICY**

The City is dedicated to providing safe, productive and positive working conditions and services to its citizens and employees. In order to achieve this goal, it is our policy to provide a workplace free from violence and violent acts. Consistent with this policy, the City has adopted a “zero tolerance” policy for workplace violence.

Specifically, acts or threats of physical violence, including intimidation, harassment and/or coercion between employees in the workplace or job-related contacts with citizens or persons outside the City will not be tolerated.

### **10.1 DEFINITIONS**

**Workplace Violence:** Includes, but is not limited to, intimidation, threats, physical attack, or property damage.

**Threat:** The expression of intent to cause physical or mental harm.

**Physical Attack:** The unwanted or hostile physical contact such as, but not limited to, hitting, fighting, pushing, shoving, or throwing objects.

**Intimidation:** Includes but is not limited to, stalking or engaging in actions intended to frighten, coerce, or induce duress.

**Property Damage:** The intentional damage to property which includes property owned by the City, employees, visitors, contractors or vendors.

**Zero Tolerance:** Violations will not be tolerated and will result in severe corrective action up to and including termination.

### **10.2 POLICY PARAMETERS ESTABLISHED FOR THIS POLICY**

Any threats or acts of violence:

1. Occurring on City property during normal business hours and involving City employees.
2. Occurring on City property during normal work-hours and involving employees, elected officers, appointed board or commission members, vendors, visitors, or contractual employees.
3. Occurring away from City property, but in a location where City business is being conducted during normal work-hours and involving City employees, elected officers, appointed board or commission members, vendors, visitors or contractual employees.

### **10.3 PROHIBITED BEHAVIOR**

The following is a list of some behavior that is prohibited. It is not an all-inclusive list.

1. Hitting/striking or shoving an individual.
2. Verbally threatening to harm an individual, their family, friends, associates, or property.

3. Intentional destruction or threat of destruction of property owned, operated, or controlled by the City.
4. Making harassing or threatening telephone calls, letters, or other forms of written or electronic communications.
5. Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the City.
6. Harassing surveillance (stalking), which is the intentional and malicious following of another person and may include making a credible threat with the intent to place the other person in reasonable fear for their safety.
7. Making a suggestion or otherwise implying intent to injure persons or damage property is inappropriate, without regard to the location where such suggestions occur.

#### **10.4 CORRECTIVE ACTION AGAINST EMPLOYEES**

Employees violating this policy will be subject to corrective action up to and including termination of their employment. Additionally, criminal charges may be filed.

#### **10.5 ACTIONS AGAINST PERSONS NOT SUBJECT TO CITY POLICY**

Persons committing any threat or acts of violence, who are not City employees, will be referred to law enforcement and will be handled through the criminal justice system.

#### **10.6 EMPLOYEE OBLIGATION-DUTY TO REPORT**

1. Each employee of the City and every person on City property must report any incidents of threats or acts of violence of which they are aware. Where the reporting party is not a City employee, the report should be to local law enforcement, or the City Manager.
2. Where the reporting party is an employee, the report should be made to that party's Supervisor, the City Manager, or to local law enforcement. In all cases, the report should be made as soon as possible.
3. Employees who act in good faith by reporting real or implied violent behavior or violations of this policy shall not be retaliated against or subjected to harassment.
4. All employees are encouraged to be alert to the possibility of violence.
5. Any report will be handled in a confidential manner, with information released only on a need-to-know basis, or as required by local law.

## **CHAPTER 11 - POLITICAL ACTIVITY**

### **11.0 GENERAL POLICY STATEMENT**

It is the right and duty of every City employee to register and vote on all political issues. Employees are permitted to join political organizations, civic associations or civic betterment groups.

The purpose of this policy is to establish guidelines concerning the political activity of employees, elected officials and those seeking to hold elected office in the City of Aurora to minimize the risk of City employees bringing their political affiliations to bear on their official duties and to attempt to eliminate political favoritism between elected officials and employees. This policy applies to all full-time and part-time employees, volunteers, appointed and elected officers of the City and those seeking to hold an elected office for the City of Aurora.

### **11.1 VIOLATIONS AND REPORTING**

Employees found to be in violation of these policies shall be subject to discipline up to and including termination. If an elected official or a candidate for elected office is suspected of violating this policy, it shall be reported promptly to the Aurora City Council, Missouri Ethic Commission and a Law Enforcement Agency as appropriate.

### **11.2 GENERAL POLICY RELATING TO CITY ELECTIONS**

Employees, except temporary and seasonal employees, are not permitted to engage in any political activity involving the election of candidates for any City office.

### **11.3 PERMITTED ACTIVITIES**

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

Each may:

1. Register and vote in any election.
2. As an individual, privately and publicly express an opinion on political subjects and candidates except as modified below.
3. Be a member of a political party and participate in its activities consistent with this regulation.
4. Make a financial contribution to a political party, group or candidate.
5. Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum or issue of a similar character not pertaining to the City.

6. Display bumper stickers, signs, posters or pamphlets on private property for the endorsement of candidates or issues except for City municipal elections.
7. In City municipal elections, register, vote and express privately an opinion on candidates and propositions.
8. Volunteer as an election judge while not on duty or in a uniform normally identified with the City.
9. Take an active part in the management of political campaigns, except for elective offices and propositions within the City.
10. Directly or indirectly solicit, receive or account for funds for a partisan political purpose except as prohibited by this regulation.
11. Solicit votes in support of, or in opposition to, a partisan or party office.
12. Initiate or circulate partisan nominating or recall petitions.
13. Serve as a delegate, alternate or proxy to a political party convention.
14. Drive voters to the polls on behalf of a political party or partisan candidate except for City municipal elections.
15. Endorse or oppose a partisan candidate for public office or political party office in a political advertisement, broadcast, campaign literature or similar material.

#### **11.4 PROHIBITED ACTIVITIES**

1. No employee, elected official or candidate for elected office may use any official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office or directly or indirectly coerce, attempt to coerce, command or advise another official or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes.
2. No employee shall engage in political activities involving City municipal elections except as expressly permitted in above.
3. While under most circumstances bumper stickers, signs and posters or the logos of any entity or organization involved in political activities may be displayed on private vehicles parked in a City employee parking area, such materials, as well as pamphlets and buttons, may not be otherwise displayed on City vehicles, City property or by an employee on a City work site. To the extent an entity leases or is granted permission to use premises within a City-owned building or upon City-owned property for the entity's private business, such as Chamber of Commerce, the above prohibitions on display or distribution of political stickers, signs, posters, pamphlets and pins shall not apply to materials that such entity may display or distribute.

4. Activities prohibited for an individual employee are also prohibited for groups or organizations of employees, even though the specific activities are being performed by a non-employee as a representative of the employee group.
5. Activities permitted above are prohibited when an employee is on duty, including break periods. They are also prohibited on City property, except as expressly permitted in Subsection (3) above, and when an employee is in uniform normally identified with the City.
6. An employee shall not use an official City title or make reference to employment with the City in political advertisements, endorsements or speeches. This provision does not bar an elected official from using his or her official title in political advertisements, endorsements or speeches, but elected officials and candidates shall not make references to City employees' titles or employment status during campaigns.
7. No elected official or candidate for elected office shall take any action that would lead an employee to violate this policy.
8. In order to maintain an efficient work environment dedicated to official City business, campaigning for elected office shall never be conducted during an employee's working hours, by an employee on City property during normal office hours even if the employee is not working, or by an elected official or candidate for elected office in City offices and buildings during normal City office hours.

This shall not preclude the official or candidate from contacting employees outside City property and when employees are not on duty or preclude the official or candidate appearing for campaign purposes upon City-owned property when the premises have been leased or permission has otherwise been granted for an entity to use premises within a City-owned building or upon City-owned property for the entity's private business.

9. Elected officials or candidates for elected office shall not attempt to force an employee to voice an opinion or solicit any information on any ballot issue or matter before the City Council, unless the employee's position requires a professional opinion and/or recommendation. If professional opinion or recommendation is sought or given, the request and reply will be given in a public forum and/or to all members of the City Council, City Clerk, and the City Manager.
10. Notwithstanding the above prohibitions, those employees of the City who are deemed first responders, as defined in Section 192.800 RSMo., shall be permitted to engage in political activities to the extent expressly permitted by Section 67.145 RSMo., which States, in part, "No political subdivision of this State shall prohibit any first responder, as the term "first responder" is defined in Section 192.800, RSMo., from engaging in any political activity while off duty and not in uniform, being a candidate for elected or appointed public office, or holding such office unless such political activity or candidacy is otherwise prohibited by State or Federal law." - in

accordance with this Statute, the City sets forth the following guidelines for its employees who are deemed first responders with regard to political activity:

- a. Unless expressly authorized by the City, employees shall not be permitted to engage in political activity while on duty or in an official capacity as emissaries of the City;
- b. For the purpose of this Section, the term "uniform" shall be defined as any garment provided to the employee by the City, either directly or with funds from a uniform allowance, which can be worn on duty and whose intent is to officially represent the employee as a member of the Aurora Fire Department or Aurora Police Department.

### **11.5 EMPLOYEES FILING FOR OFFICE**

Any employee, except temporary and seasonal employees, desiring to become a candidate for elective City office shall first take a leave of absence without pay or resign.

A leave of absence may be granted unless in the estimation of the City Manager and the Departmental Supervisor that such absence by the requesting employee would not be in the best interests of the City because it would unduly hamper departmental operations, result in excessive overtime for other employees, result in a reduction of services to the community, or otherwise impair the department's ability to operate in an efficient and effective manner.

In the event that the employee is granted a leave of absence under the provisions above, the employee may continue benefits per the City's contract or agreement in place at that time to maintain insurance coverages, including health, dental, vision, and life insurance at their own expense. Additionally, the employee will not accumulate vacation leave or sick leave for the time that they are on unpaid leave status.

If the employee who has taken a leave of absence without pay to run for an elected office is unsuccessful in seeking City office in the subsequent election, he/she may return to their previous position of City employment under the same terms and conditions as other City employees.

### **11.6 FEDERAL FUNDED PROGRAMS**

Employees whose principal employment is connected with federally financed activities face further restrictions and rules as established by the U.S. Civil Service Commission and the Federal Office of Personnel Management and should confer with legal counsel before involving themselves in political parties.

## **CHAPTER 12 - DRUG & ALCOHOL POLICY**

### **12.0 POLICY**

It is the policy of City of Aurora Missouri that any location at which City business is conducted, whether on or off City-owned property, is declared to be a drug free workplace.

All employees are absolutely prohibited from unlawfully possessing, distributing, manufacturing, dispensing or using controlled substances in the workplace. This includes the City offices or vehicles or any City job site. Any employee violating the City's policy is subject to corrective action, up to and including termination for the first offense.

### **12.1 DRUG AND ALCOHOL POLICY MANAGEMENT**

The issues of drug and alcohol testing, safeguards, selection for testing, tested substances, laboratory requirements, notice of results, confidentiality, and all other matters related to City requirements for pre-employment and post-employment drug and alcohol testing are attached as **Appendix A, The Drug Free Workplace Policy for the City of Aurora, Missouri** of this manual and **Appendix B, Policy for Sensitive Positions Requiring a Commercial Driver's License** (CDL), represent the complete policy of The City of Aurora regarding the Drug & Alcohol Policy.

## **CHAPTER 13 - TOBACCO USE POLICY**

### **13.0 POLICY**

It is the policy of the City of Aurora to comply with all applicable federal, state, and local regulations regarding tobacco use in the workplace and to provide a work environment that promotes productivity, the well-being of its employees, and consideration for fellow employees.

### **13.1 DEFINITIONS**

“Smoking” For the Purpose of this policy, means inhaling, exhaling, burning, carrying or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco, water-pipes, hookahs or any other lighted tobacco products, as well as any product consumed in a similar manner; or the use of an electronic cigarette or any other device intended to simulate lighted tobacco use.

“Tobacco Products” For the purposes of this policy, is defined to include: cigarettes, cigars, pipes and any other smoking product; dip, chew, snuff, smokeless pouches, snus and any other smokeless tobacco product; and nicotine delivery devices, such as e-cigarettes, vaping devices or other similar devices.

FDA-approved nicotine replacement therapy products used for tobacco cessation are excluded from this definition.

### **13.2 GUIDELINES**

The City of Aurora recognizes that tobacco use in the workplace can adversely affect employees. Accordingly, tobacco use is restricted as outlined and established in this policy.

1. Tobacco use is prohibited inside all City facilities, except as provided below. The City Manager is responsible for implementing and monitoring tobacco use regulations, and Supervisors are expected to enforce the regulations. The tobacco use policy applies to employees, elected officials, appointed board or commission members, customers, and visitors using a City vehicle and while on the City’s premises.
2. This policy prohibits smoking in City owned buildings, City owned vehicles and equipment, and within 10 feet of any doorway, open window or air intake of a City Building as well as other City properties not specifically enumerated here.
3. In City Departments that have facilities with open bays or large, open garage areas, Department Heads may designate a specific “smoking area” within that bay or garage area where smoking may be permitted. This exception shall not be interpreted or construed to mean that the entire bay or garage area is a designated smoking area.
4. Employees are expected to exercise common courtesy, respect the needs and sensitivities of co-workers and comply with the policies in effect with regard to the City’s tobacco use policy. Tobacco users have a special obligation to keep areas litter-free and not to abuse break and work rules. Complaints about tobacco issues should be resolved at the lowest level possible but may be resolved by the City Manager as necessary.

5. Employees who violate the policy will be subject to corrective action. The City does not discriminate against individuals based on their use of legal products, such as tobacco, as long as the use is in compliance with all applicable laws, City policies, and does not adversely affect the employee's job performance, other employees, elected officials, appointed board or commission members, City customers, or visitors on City property and within the work environment.
6. Employees are encouraged to contact the Human Resources Office or the City's Health Insurance provider regarding the effects of smoking and the availability of smoking- cessation programs.

## **CHAPTER 14 – MISCELLANEOUS POLICIES**

### **14.0 OPERATION OF CITY OWNED VEHICLES**

The operation of City vehicles is necessary in conducting the day-to-day business of the City. This use of City vehicles represents one of the greatest liabilities facing the City. Recognizing this, it is imperative that the City takes reasonable steps to control the use of City vehicles as well as the use of privately, employee owned vehicles used while performing City business. This policy sets forth the guidelines and policies governing the operation of vehicles used in the performance of official City business.

Department Heads are responsible for implementation and enforcement of this policy for all vehicles and drivers assigned to their department.

#### **SCOPE**

This policy applies to all City-owned motor vehicles operated on public roads and includes specialty-use vehicles such as construction and excavation equipment designed to operate primarily off-road but driven on public roads in-route to a job site. For emergency personnel responding to emergency situations, their departmental regulations will take precedence over certain aspects of this policy.

Employees found to be in violation of any of the following policies shall be subject to disciplinary action, up to and including termination of employment.

#### **DEFINITIONS**

For the purpose of this policy, a “motor vehicle” is defined as a self-propelled wheeled conveyance, such as a car or truck, which does not run on rails. This definition includes construction and excavation equipment that is operated by City employees.

#### **GENERAL GUIDELINES**

1. Except as outlined below, only City employees are authorized to operate City vehicles. Persons volunteering services to the City are considered employees of the City for purposes of this policy and may operate City vehicles when their duties require travel, as long as such travel is under the approval and direction of the Department Head and necessary in the course of performing official City business.
2. Intentional abuse, moving violations, reckless operation or negligent actions while operating any City vehicle may result in the suspension of the employee’s driving privileges and is grounds for further disciplinary action.
3. Employees shall obey all applicable traffic laws while operating City vehicles.
4. In the event that an employee receives a traffic citation from law enforcement while driving a City vehicle, he/she shall notify their immediate supervisor as soon as reasonably possible. Employees receiving a citation for traffic law violations while operating a City vehicle shall be subject to disciplinary actions outlined in this manual.

5. City vehicles are to be used only for official City business and shall not be used by employees for personal reasons unless the employee has obtained a signed waiver which has been approved by the City Manager.
6. Only persons being transported in connection with official City business shall be passengers in any City vehicle.
7. When cargo, material, or tools are being transported, the driver is responsible for assuring that all items are properly secured to prevent them from shifting or falling from the vehicle or trailer. All passengers must be seated and secured prior to the vehicle moving.
8. No person shall be allowed to ride anywhere on the vehicle which is not designed or approved by the vehicle manufacturer for passenger seating.
9. The driver shall not operate any vehicle when normal vision is obstructed for any reason.
10. A qualified operator must be at the vehicle's controls any time it is running, unless otherwise approved by the vehicle manufacturer.
11. The City shall not be responsible for personal property in City-owned vehicles or personal vehicles used on official City business.
12. No person shall drive a personal or privately-owned motorcycle to perform work or service for the City. This includes commuting between work locations while the employee is on City time. Use by an employee of a privately-owned motorcycle on City business shall be subject to corrective action up to and including termination.
13. City Employees and elected officials may occasionally use personal vehicles to conduct City business. In these rare occasions, the employee or elected official is required to have, at a minimum, liability insurance in accordance with Missouri state statute.

#### **14.1 OPERATORS LICENSE**

1. A valid Missouri vehicle operator's license must be in the employee's possession at all times while operating a City-owned vehicle. In the case of commercially rated vehicles, the proper Commercial Driver's License for the vehicle's weight and class must be valid and in the possession of the driver at all times.
2. Any employee, who operates a vehicle in the performance of official City business, and whose operator's license is suspended or revoked, shall immediately report this fact to their Department Head.

#### **14.2 CELLULAR PHONE USE WHILE DRIVING**

1. For incoming phone calls while operating a motor vehicle: the employee should answer the call while observing traffic, if it is safe to do so. The caller should be told to hold, the phone sat down

in a safe location and the vehicle should be stopped in a safe manner in a location where it is legal to do so. The call may then resume.

2. For outgoing phone calls: the employee should stop the vehicle where it is safe and legal to do so, and then initiate the call.
3. If the employee has a hands-free device, it is acceptable to operate the motor vehicle while speaking on the phone. However, the employee is still required to stop the vehicle in a safe and legal manner prior to dialing a phone number.
4. No employee shall operate a motor vehicle while using a wireless communication device to email or text.
5. Use of maps, navigation or any other phone application while driving is strictly prohibited. Use of hands free route directions through maps and navigation on a cell phone or automobile navigation system that provides voice instructions for the route is acceptable for use. However, the employee is still required to stop the vehicle in a safe and legal manner prior to inserting destination information into maps and navigation function on a cell phone, or automobile navigation system.
6. Vehicle navigation systems are never a substitute for safe driving practices and employees are expected to operate City vehicles in a safe manner and abide by all local, state and federal laws. Additionally, navigation technology is not foolproof, and employees must use common sense when following navigation instructions while operating City vehicles.

### **14.3 TRAINING**

All City drivers are required to attend defensive driving classes as directed by the City and/or its auto insurance carrier.

### **14.4 PARKED VEHICLES**

1. Any vehicle left unattended shall be legally parked in a designated parking space. Vehicles responding to emergency situations or those parked on job sites shall be parked with due regard to safety and security considerations. Vehicles left unattended shall be locked and secured.
2. City vehicles shall be secured in a City parking lot during nonduty hours. When it is necessary to leave a vehicle at a job site overnight, the operator shall make sure that the vehicle is parked and secured in an area that provides reasonable security.

### **14.5 ACCIDENT REPORTING REQUIREMENTS**

1. Any accident involving a City-owned, leased, rented or privately-owned vehicle used in the performance of City duties shall be reported as follows:
  - a. Summon medical care for any injured parties.
  - b. Notify appropriate law enforcement authorities.
  - c. Notify employee's immediate Supervisor.

2. The Supervisor shall immediately notify the Human Resources Office or City Manager who will in turn notify the City's auto insurance carrier.
3. The Supervisor shall be responsible for obtaining a written statement from the involved employee(s), completing all required City reports, and recommending any follow-up preventative actions.
4. When the City employee is determined to be more than 50% at fault in an accident by the City's liability insurance carrier, or has violated any of the provisions of this policy, the Supervisor shall conduct the following corrective actions:
  - a. First offense in a three-year period—written reprimand.
  - b. Second offense in a three-year period—written reprimand and additional disciplinary actions as deemed appropriate in accordance with the disciplinary procedures as contained in this policy.
  - c. Third offense in a three-year period — disciplinary action up to and including termination of employment or reassignment to a new non-driving position that does not require vehicle/equipment operation if available.

#### **14.6 USE OF SAFETY RESTRAINTS**

1. All occupants of City vehicles must properly wear seat belts, when so equipped, any time the vehicle is in motion.
2. The operator of construction, excavation, and other off-road equipment shall use the occupant restraint system any time the vehicle is in operation.
3. Employees are prohibited from removing, deactivating, modifying or otherwise defeating any occupant restraint system installed by the manufacturer unless approved or instructed by the manufacturer.

#### **14.7 MOTOR VEHICLE DRIVING RECORD REVIEW**

##### **INITIAL EMPLOYMENT REVIEW**

As a conditional offer of employment to a prospective City employee/driver, a Motor Vehicle Record (MVR) must be requested for that driver. Excessive points, multiple minor violations, major convictions, or other derogatory marks on a MVR may limit a potential candidate's employment opportunities with the City.

##### **DEFINITIONS**

**Minor Citation:** Any moving citation you receive, unless it qualifies as a "Major Conviction" as defined below.

**Major Conviction:** Any conviction that involves:

1. DUI;
2. Homicide, manslaughter, or assault arising out of the operation of a motor vehicle;
3. Reckless Driving;
4. Driving with a suspended or revoked license;
5. Possession of an open alcohol container; or
6. Attempting to elude an officer of the law.

**At-Fault Accident:** Any accident where the City driver was determined to be more than 50% at-fault by the City's liability insurance carrier AND the total amount of all damages exceed \$500.00.

**Incident:** Includes minor citation, major conviction, and at-fault accident, as defined above.

#### **ANNUAL REVIEW**

1. The Human Resources Office periodically conducts driving record checks for each employee whose position requires operation of a City vehicle.
2. Upon discovery of multiple Minor Citations and/or any Major Convictions, the City shall discuss the issue with the employee and may consider corrective action up to and including suspension of City driving privileges and/or termination.
3. Failure to report Refusal to submit to a lawful roadside sobriety test shall, for the purposes of this policy, constitute a conviction for DUI.
4. An employee who is suspended from driving privileges under this policy, who is in a position that requires driving, may be assigned to a non-driving position, if available, at the Supervisor's discretion, at the new position's rate of pay.
5. The employee will be considered for the open position along with other applicants and no preferential treatment will be given to the employee. If the employee is not offered a non-driving job within thirty days of his/her removal from the driving position, he/she shall be terminated. If the employee is offered and accepts a nondriving position within the thirty-day period, the employee's service record will remain unbroken.

#### **14.8 TAKE HOME VEHICLES**

Occasionally, the best interests of the City are served by assigning certain City employees to take home City vehicles to be used, during non-working hours, to respond to being called to perform City duties. Take home vehicles shall be assigned within the following conditions:

1. Assignment of employees to take a City vehicle to and from work shall be made by the City Manager based upon the recommendation of the Department Head.

2. Only persons in a Supervisory or emergency response position shall be assigned to take a vehicle to their place of residence.
3. No vehicle assigned to an employee as a take home vehicle shall be driven or used in any way except to drive to and from work or to respond to a call to duty during regular non-hours.
4. Only persons being transported in connection with official City business shall be passengers in any City vehicle.
5. Employees assigned to take a City vehicle to and from work shall be subject to any U.S. Internal Revenue Service regulation pertaining to the use of a City vehicle by a City employee. (Reference IRS Publication 15b)

#### **14.9 INFORMATION TECHNOLOGY ACCEPTABLE USE POLICIES AND PROCEDURES**

The following Information Technology Acceptable Use Policies and Procedures are to be followed by ALL employees, contractors, vendors, and other authorized individuals (“Users”) who utilize any information technology (IT), electronic, or other communication device owned and provided by the City of Aurora, or who are granted access to any Local Area Network and/or Wide Area Network (“LAN/WAN”) or other service maintained and provided by the City of Aurora. It is expected that all City of Aurora departments will enforce these policies. City of Aurora departments may enhance and strengthen these policies and procedures, based on internal business needs or contractual obligations for access to various services (MULES, CJIS, Etc.).

##### **GENERAL GUIDELINES**

1. Ownership of Devices and Services: All IT and communication devices and services, including (but not limited to) computers, peripherals, PDA devices, cell phones, pagers, software, files, e-mail messages, Internet activity logs, remote access, and any other data or records stored on devices or other media provided by the City of Aurora regardless of their physical location or the form in which they are maintained, are considered property of City of Aurora and are owned exclusively by the City of Aurora.
2. **USERS SHOULD HAVE NO EXPECTATION OF PRIVACY WHEN USING ANY IT OR COMMUNICATION DEVICE, SERVICE, SYSTEM, NETWORK, FILE, OR ANY OTHER DATA (INCLUDING E-MAIL MESSAGES) OWNED BY THE CITY OF AURORA.** The City of Aurora reserves the right to access, review, delete and/or disclose any files, records, e-mail messages, or other data without notice to or authorization from a User, and to seize any IT or communication devices provided by the City of Aurora. This right continues after the User ceases to have access to a device or service provided by the City of Aurora.
3. Access to Devices and Services: Use of IT or communication devices and access to the LAN/WAN and other services are restricted to those employees who have been authorized by their department. Users will only be granted access to the resources required to perform job duties.

4. Department Heads or Supervisors shall formally request from the appropriate Information Technology Services personnel or IT Services Vendor all needed IT devices and access rights for new Users. The User and the User's Supervisor are responsible for immediately notifying the City Clerk/Human Resources Officer of any changes in the employee's status, including: name change, transfer to another position, termination of employment, or any changes in the Employee's status which would alter the access IT rights required. For transferring employees, the Employee's previous supervisor shall immediately notify the City Manager or City Clerk of all IT and communication devices, services, and access rights the Employee has and the name and title of the Employee's new supervisor, and the date of the transfer. The Employee's new supervisor must request from the City Clerk/Human Resources Officer all needed IT and communication devices, services, and access rights now required for the Employee.
5. When an employee terminates employment with the City, the supervisor shall immediately notify the City Clerk/Human Resources Officer of all IT and communication devices, services, and access rights the Employee has, and the date the Employee's access is to be terminated. Upon the termination date, the City Clerk/Human Resources Officer shall notify the Information Technology Services personnel or IT Services Vendor to deactivate the Employee's account.
6. Use of Devices and Services: Employees shall not make unauthorized use of or knowingly permit unauthorized use of IT devices, services, software, files, or any other data or records stored on equipment provided by the City of Aurora including that on disposable or portable storage media. Users shall not use any IT or communication device, service, software, file, or other data or records owned by the City of Aurora in order to gain personal or financial benefit for the User or any other individual.
7. IT and communication devices and services (including use of e-mail, cell phones and the Internet) are provided to Users to aid in the performance of City business. Limited, occasional or incidental use for personal, non-business purposes is allowed so long as it is of a reasonable duration and frequency, does not interfere with the performance of job duties, does not violate any laws or regulations, and is not in support of a personal business. Users shall use their assigned e-mail account in an appropriate manner. Users shall not knowingly transmit, retrieve, or store any communication that is: discriminatory or harassing; derogatory to any individual or group; obscene or pornographic; vulgar or profane; defamatory or threatening; in violation of another User's privacy; used in order to propagate any virus, worm, Trojan horse, or trap-door program code; used to plagiarize or copy copyright-protected material; or used for personal profit or illegal purposes. Users may forward or redistribute e-mail messages received by them only when doing so fulfills a legitimate business need of City of Aurora. No personal messages, chain letters, or other unauthorized broadcast messages may be forwarded from a User's e-mail account.
8. Users shall ensure that all external e-mail messages contain an attached signature with the sender's name, title, phone number, users should also consider the following confidentiality statement, which individual agencies may require:

“This e-mail transmission from City of Aurora and any documents, files, or previous e-mail messages attached to it, are intended solely for the individual(s) to whom it is addressed and may contain information that is confidential, legally privileged, and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any unauthorized review, forwarding, printing, copying, distribution, or use of this transmission or the information it contains is strictly prohibited. If you received this transmission in error, please immediately notify the sender and delete the original transmission and its attachments. Thank you.”

Signatures shall not include any photos, pictures, graphics, or other text unless approved by the City Manager or Department Head.

9. Accessing any inappropriate Internet site is prohibited, including sites that are obscene, hateful, harmful, malicious, hostile, threatening, abusive, vulgar, defamatory, profane, or racially, sexually, or ethnically objectionable.
10. Inappropriate use of the Internet also includes participation in “chat rooms” not related to assigned job responsibilities; playing games; on-line shopping; selling or promoting the sale of merchandise for personal gain; downloading music, games, pictures, video, freeware, or software; or using instant messaging. Users who intentionally visit inappropriate sites or use the Internet in an inappropriate manner will face discipline. The fact that a site is not blocked does not imply that it is acceptable or permissible to access.

#### **ELECTRONIC RECORDS**

Electronic Records: are a sub-set of Records, same in all respects except that their physical form is electronic. The term includes all original email, documents, papers, letters, books, maps, photographs, sound or video recordings or other information that are created or received by City of Aurora in the exercise of City functions in electronic form, regardless of whether public access to them is open or restricted under the laws of the State of Missouri.

Users shall save all Electronic Records and other necessary files to an assigned network drive or an electronic media device that is designated and approved by User’s department. Files saved to desktop computer hard drives will not be backed up or protected and may be lost in the event of a computer failure or other event.

Users will be held accountable and face possible discipline for any unauthorized files saved on their assigned network drive, other shared drives, or desktop computer hard drive, including (but not limited to) pictures, audio clips, video files, and copyright protected material owned by another party.

#### **SECURITY OF DEVICES AND SERVICES**

Users shall not attempt to install or attach any unauthorized external device, hardware or software to a City of Aurora computer without prior authorization from City Manager. Only software licensed to the City of Aurora may be installed on City of Aurora computers, PDA devices, or other peripheral devices. Users shall not copy, duplicate, distribute, delete, or modify any proprietary or other software licensed to the City of Aurora, or related documentation, without written authorization from the City Manager. All hardware upgrades and additions must be installed by Information Technology Services personnel or

the City IT Services Vendor. Users shall not attempt any network-related computer repairs without City Manager authorization. Information Technology Services personnel or the City IT Services Vendor may disconnect or otherwise disable any device that poses a threat to the City of Aurora's network with the approval of the City Manager.

Users shall not use any IT device that another User has already logged onto and shall not use another User's User ID and password to log onto a workstation computer for any reason. The only exception will be for appropriate Information Technology Services personnel or the City IT Services Vendor in providing requested technical support. If a User suspects another person knows and/or has used his/her User ID and password, the User must notify his/her supervisor, the appropriate Information Technology Services personnel or the City IT Services Vendor, and any other appropriate departmental personnel immediately.

Users shall not leave any IT device logged into the network and unattended for an extended period of time. When leaving a work area, users must log out or invoke a password-protected screen saver on any IT devices in that area that are under the User's control.

The City of Aurora Information Technology Services personnel or the City IT Services Vendor has the right to update the system and/or network at any time with the approval of the City Manager.

#### **14.10 CITY OF AURORA MISSOURI SOCIAL MEDIA POLICY**

The City of Aurora encourages the use of social-media technologies to enhance communication, collaboration, and information exchange in support of the City's mission and to promote transparency and efficiency in government. By openly sharing knowledge and information the City can provide more effective services, better solutions and greater efficiencies to enhance the quality of service provided and communication with citizens of the City of Aurora.

The City's social-media policy applies to all City employees engaged in social media on behalf of the City. The general principle of the policy is that the City of Aurora expects high standards of professionalism, courtesy and sound judgment from everyone working on behalf of the organization.

#### **DEFINITIONS**

**"Social Media"**: encompasses all forms of interactive technology and includes diverse technology such as traditional websites, blogs, wikis, photo and video sharing sites, podcasts, social-networking sites, web-application hybrids, twitter, virtual worlds and yet undeveloped forms of social media.

**"Abusive Language"**: is any posted communication that is vulgar, insulting, or attacking. Abusive language also includes language that is sexually explicit, violent, discriminatory, or descriptive of illegal activity.

**"Endorsements"**: include any communication that promotes commercial products, services, entities, political party, candidates, or groups.

#### **POLICY**

1. All social media sites will be pre-authorized by the respective Department Head and the City Manager before creation.

2. In all cases, the City of Aurora shall endeavor to comply as much as possible with the Missouri Sunshine Law.
3. The City of Aurora is ultimately responsible for all content posted on City social media sites by its employees. City employees shall communicate with professionalism and courtesy when publishing anything via social media.
4. If the social media content includes matters of controversy the City employee shall collaborate with the City Manager or their Department Head prior to publishing the content.
5. The City will not tolerate abusive language by employees or by individuals not employed by the City posting to City social media sites and reserves the right to delete any posts it deems abusive. Examples include posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile workplace environment on the basis of race, sex, disability, religion, or other status protected by law.
6. Employees that post to social media sites shall not violate copyright, fair use or financial-disclosure laws and shall always protect sensitive or confidential information.
7. Employees shall not make endorsements, unless with the approval of the City Manager. When posting on sites in their individual capacities employees should remember and consider that their comments could be misunderstood as representing the views of the City.
8. Violation of this policy may result in corrective action up to and including termination.

#### **14.11 LACTATION/BREASTFEEDING POLICY**

The City will comply with the mandates of the Fair Labor Standards Act for lactating mothers.

#### **14.12 RETURN TO WORK PROGRAM (LIGHT DUTY)**

The City takes responsibility for its employees and their own financial interests. The City will make a great effort to work closely with injured employees, physicians, insurance companies and professional rehabilitation services to get the employees back to work as soon as possible.

The Return to Work Program is designed to provide employees, who have been injured on the job, limited work within the restriction specified by a physician. This gives the employees the opportunity to continue to be productive and to maintain the normal routines of a workday.

The following procedures apply:

1. As a normal part of Workers' Compensation claim processing, a statement by the physician indicating the specific physical limitations that must be avoided for an indicated time shall be provided to the Human Resources Department.
2. The Human Resources Director will inform the Department Head of the specific limitations and discuss possible restricted duty activities that would be within their restriction of performance.

3. The Department Head will discuss the job responsibilities with the employee and a specific work schedule will be established, taking into account the employee's regular work schedule, job title, average number of work hours per week and overall employee input.
4. The employee is required to report to work as assigned to perform the duties specified for the period of recovery or until the assignment is completed. If the assignment is completed before recovery time, another assignment will be assigned, updating abilities from current medical information.
5. Unwillingness to accept assignment during period of recovery as directed by his/her Department Head may result in ineligibility for disability, workman's compensation benefits, or other leave during the time involved.
6. The employee will be paid at their regular rate of pay during the time assigned to restricted duty.
7. In all cases, the Back to Work Program is to serve those employees who are disabled for a short-term injury, which is estimated to having a recovery time of up to two (2) months or less. It is not intended for an employee who has suffered a permanent disability. It is also not intended for an employee having personal medical problems not specifically attributable to an on-the-job injury.
8. The Department Head and/or Human Resources Director are to maintain contact on a regular basis with the employee during the time off work before restricted work begins.

**APPENDIX A**

**THE DRUG-FREE WORKPLACE POLICY FOR THE  
CITY OF AURORA, MISSOURI**

## **DRUG FREE WORKPLACE POLICY**

### **A.0 POLICY**

It is the policy of the City of Aurora, Missouri that any location at which City business is conducted, whether on or off City-owned property, is declared to be a drug-free workplace. All employees are prohibited from unlawfully possessing, distributing, manufacturing, dispensing or using controlled substances in the workplace. This includes the City offices or vehicles or at any City job site. Any employee violating the City's policy is subject to termination of employment for the first offense.

The City of Aurora is committed to providing a safe work environment for all employees. Therefore, City of Aurora prohibits any unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance (as listed in schedules I-V of Section 202 of the Controlled Substances Act) or alcohol in the workplace. City of Aurora will continue efforts to preserve a drug-free workplace through education, training, and counseling.

### **A.1 DISCIPLINARY ACTION**

Any employee that violates the above stated policy is subject to disciplinary action which may include, but is not limited to, termination of employment. All employees are required to follow the requirements of the policy. Any employee that is convicted of violating any state or federal criminal drug law is required to notify the Designated Employer Representative of City of Aurora within five (5) days of the conviction.

### **A.2 DRUG-FREE AWARENESS/EDUCATION PROGRAM**

City of Aurora will work to develop a drug-free awareness program for all its employees. The purpose of this program is to inform employees of the following:

1. City of Aurora's policy on drug abuse
2. The penalties City of Aurora will impose for drug violations
3. Resources for assistance with drug counseling, rehabilitation, or employee assistance programs

### **A.3 ALCOHOL, DRUG AND/OR CONTROLLED SUBSTANCES USE, ABUSE TESTING POLICY**

#### **PURPOSE**

It is the policy of City of Aurora (herein referred to as "City") that its employees be free of illegal substance use and alcohol abuse. The abuse of alcohol and use of illegal drugs increases absenteeism and reduces productivity. Further, such use increases the risk of injury to fellow employees, clients and other persons, and also increases the risk of damage to City property or the property of other persons for which the City may be held liable. In the interest of safety, employee morale and overall efficiency, this policy is implemented to control such use and abuse and provide our employees a safe and healthy work environment. The City is dedicated to providing safe and efficient service to our clients and the employees are the primary assets in ensuring the quality of this service.

It is the policy of the City that the use or possession of alcoholic beverages, controlled substances or engaging in "prohibited conduct" as defined herein, while on duty or on City property is prohibited.

Employees must not report to duty under the influence of alcoholic beverages or with controlled substances in their system so as to give rise to a positive drug test.

This policy is also implemented and approved by the City to comply with requirements of Federal Law and regulations related to the Drug Free Work Place Act of 1988.

### **SCOPE**

This policy applies to all employees of the City. DOT/CDL employees may also be subject to Non-DOT policies contained within this policy as allowed by law. Drug and Alcohol Policy specific to DOT/CDL requirements are contained in Appendix B of this policy.

### **CONSEQUENCES OF POLICY VIOLATION**

The use, possession, distribution or sale of drugs and/or controlled substances by City employees while on City premises or while engaged in City business is prohibited. Drugs prescribed by a physician and taken by the employee only in accordance with the prescription are not included. Any employee who has been disqualified on the basis of a violation of the terms of this policy or engages in “prohibited conduct” as set forth herein may be subject to termination of employment.

### **PROHIBITED CONDUCT**

The following shall be considered “prohibited conduct” for purposes of this policy;

- No employee shall report to duty or remain on duty while having an alcohol concentration of .01 or greater.
- No employee shall use alcohol while on the job.
- No employee shall report for duty within four (4) hours after using alcohol.
- No employee required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident or until he or she undergoes a post-accident alcohol test, whichever occurs first.
- No employee shall refuse to submit to a pre-employment, random, reasonable suspicion, post-accident, return-to-duty, or follow-up drug or alcohol test. Any refusal will be treated in the same manner as a positive test and be subject to termination. An employee is prohibited from the unauthorized use or possession of a controlled substance at any time, whether on or off duty.
- No employee shall report for duty or remain on duty if the employee tests positive for controlled substance. Any employee who is consuming a prescribed or authorized controlled substance or other substance of any kind whose side effects may inhibit or impair the employee's performance shall provide written notice to the policy administrator of such consumption upon reporting to work or earlier if possible. Failure to report shall be cause for disciplinary action up to and including termination from service.

### **DEFINITIONS**

**Alcohol:** The term “alcohol” shall include, but not be limited to, the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

**Alcohol use:** The term “alcohol use” shall mean the consumption of any beverage, mixture or preparation containing alcohol.

**City premises:** The term “City premises” includes any City owned, rented or leased property, or City-owned, leased or rented vehicles or equipment, or job site in which City business is conducted.

**Controlled substances:** The term “controlled substances”, are those defined in the Federal Controlled Substances Act, 21.S. Code sub-part 812, which include narcotics, analgesics, central nervous system stimulants and depressants, sedatives & anti-anxiety agents, hallucinogens, volatile hydrocarbons and petroleum derivatives. Not included in this definition are those drugs prescribed for the employee by his/her physician, provided they are not taken in a quantity that would create a dependency, but are taken only in accordance with the prescription.

It will be the sole responsibility of the employee to request that his/her physician advises them on whether any of the prescribed medication may impair any of the employee’s judgment, mental faculties or physical abilities, and if the drug has such an effect to notify his/her supervisor in writing immediately.

**Drugs:** The term “drugs” includes not only those controlled substances described above, but also includes pills manufactured and sold illicitly to resemble the size, shape and color of standard-brand controlled substance products but which in fact are not prescription drugs; and includes prescription drugs which are taken in quantities that tend to create a dependence or which are taken not in conformity with the prescription, or which may impair the employee’s judgment, faculties or abilities.

Drug testing shall be performed for the following drugs, but are not limited to the following drug list. The drug list may be limited in scope or may be expanded in scope to reflect the current most abused drugs that may be controlled or illicit, which may include new designer drugs or synthetic compounds.

- Marijuana (THC)
- Opioid family
- Cocaine
- Methadone
- MDMA
- Phencyclidine (PCP)
- Amphetamine family
- Barbiturate family
- Benzodiazepine family
- Alcohol

**Impaired:** The term “impaired”, as used herein, means that the employee’s motor senses, such as sight, hearing, balance, reaction and reflex, or judgment, either or may be presumed to be affected.

**Medical Review Officer (MRO):** The term “Medical Review Officer” shall mean a licensed physician responsible for receiving laboratory drug testing results. A MRO must have knowledge of substance abuse disorders, and have appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with his or her medical history and any other relevant biomedical information.

**Positive:** The term “positive” shall mean any positive confirmation of any one and/or a possible combination of the controlled substances tested for, and any alcohol test where the employee has a breath alcohol level of .01 grams per 210 liters of breath.

**Reasonable suspicion:** The term “reasonable suspicion” shall mean objective evidence based upon specific contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the person which cause the observer to reasonably believe that the employee has used alcohol, drugs or controlled substances, is impaired from such use and/or that the safety and well-being of others may be threatened. Reasonable suspicion also includes circumstances where an employee is injured in a workplace accident or causes personal injury or property damage in a workplace accident.

**Refusal to test:** The term “refusal to test” shall mean conduct that clearly obstructs the testing process; failure to provide a sufficient urine or breath specimen.

**Supervisory personnel:** The term “supervisory personnel” shall include the Executive Director, and/or other managerial personnel as may be appointed by the Director.

**Substance Abuse Professional:** The term “Substance Abuse Professional” shall mean an individual who is either a licensed physician, limited to medical doctors and doctors of osteopathy; as well as licensed or certified psychologists, social workers, employee assistance professionals, and alcohol and/or drug abuse counselors certified by the National Association of Alcohol and Drug Abuse Counselors.

### **REFUSAL TO TEST**

Refusal to submit to the types of alcohol, drug, and/or controlled substance testing employed by the City will be grounds for refusal to hire applicants and to terminate employment of existing employees.

A refusal to test is defined to be conduct that would obstruct the proper administration of a test. A delay in providing urine, breath or saliva specimen could be considered a refusal. If an employee cannot provide a sufficient quantity of urine or breath, he/she will be evaluated by a Physician of the City’s choice. If the Physician cannot find a legitimate medical explanation for the inability to provide a specimen (either breath or urine), it will be considered a refusal to test.

### **TESTING**

**BEFORE TESTING AN EMPLOYEE OR PROSPECTIVE EMPLOYEE, AN AUTHORIZATION TO OBTAIN DRUG/ALCOHOL SCREENING INFORMATION FORM (APPENDIX A, ITEM I) MUST BE COMPLETED.**

### **TYPES OF TESTS**

The City has implemented six (6) types of testing procedures for alcohol, drugs, and/or controlled substances:

1. Pre-employment testing (drug testing only);
2. Random testing;
3. Reasonable suspicion testing;
4. Post-accident testing;
5. Return to duty testing; and

6. Follow up testing.

The overall goal of the drug testing is to insure a drug-free environment and to prevent accidents, injuries, and fatalities.

**PRE-EMPLOYMENT TESTING**

All applicants for employment must submit to a urine drug test as a final condition of gaining employment. An applicant is not required to submit to a urine drug test if:

1. The City can verify that the applicant has participated in a valid drug testing program within the preceding thirty (30) days;
2. While participating in that program, was either tested within the past six (6) months or participated in a random selection program for the past twelve (12) months; and
3. No prior Employer has knowledge that the applicant violated any part of the regulations within the last six (6) months.

Pre-employment tests will be administered only after an offer of employment has been extended. Any offer of employment is contingent upon the applicant achieving a negative test result. Prior to testing, all persons subject to this provision shall sign an **AUTHORIZATION TO OBTAIN DRUG/ALCOHOL SCREENING INFORMATION FORM (APPENDIX A, ITEM I)**. This form will confirm the applicant's knowledge of the City's testing policies and that they are aware that the samples taken from them will be tested for alcohol, drugs and controlled substances.

**RANDOM TESTING**

The City, through a certified facility, may conduct random alcohol and drug testing. All employees will be subject to alcohol, drug and controlled substances testing at any time on a random basis. The City or its agents will submit all employee names to a random selection system. The random selection system provides a chance for each employee to be selected each time random selection occurs.

Random selections will be reasonably spread throughout the year. The City may drug & alcohol test, at a minimum, 25 percent of the average number of employees in each calendar year. The random selection process will be a computer-based system that will be drawing the social security numbers of those to be tested and by its very nature, may result in employees being selected in successive selections or more than once in a calendar year. Alternatively, some employees may not be selected in a calendar year.

If an employee is selected at random, for either alcohol or drug testing, a City official will notify the employee. Once notified, every action the employee takes must lead to a collection. If the employee engages in conduct that does not lead to a collection as soon as possible after notification, such conduct may be considered a refusal to test. A confirmed positive test result will result in action by the appropriate supervisory personnel, including disciplinary action up to and including termination, and/or the case being referred to the assistance program at the discretion of management.

**REASONABLE SUSPICION TESTING**

Reasonable suspicion for requiring an employee to submit to alcohol, drug and/or controlled substances testing, whether the use takes place on City premises or off duty so that his/her ability to perform their job function is affected or impaired shall be deemed to exist when an employee manifests behavioral or physical symptoms or reactions commonly attributed to the use of alcohol, drugs, or controlled substances.

Such reactions must be witnessed by at least one supervisor trained in detecting drug and alcohol use. Should a supervisor observe such symptoms or reaction, the employee must submit to testing. The supervisor will advise the employee of the facts and circumstances constituting the belief that the employee is under the influence. The employee will be asked to confirm or deny the expressed belief. Documentation of the conference and actions surrounding it shall be prepared and signed by all those involved as quickly as possible, and no later than twenty-four (24) hours.

If the employee denies any wrongdoing, the supervisory official will direct the aforementioned employee to submit immediately to an examination by a physician, hospital, clinic or laboratory selected by the City for such testing purposes to determine if the employee is under the influence of either alcohol, drugs, and/or controlled substances, or is a drug and/or controlled substance user. Prior to examination, the employee will sign a consent form.

**Refusal to test when requested will be considered direct insubordination and will result in immediate termination.**

Employees subject to testing shall be suspended, with pay, effective immediately, after the rendering of the samples, until the date the test results are reported to the assigned supervisor.

The test results and/or the employee's response to the conference with supervisory personnel, and the facts in each particular case will then determine the future course of action to be taken. A negative test result will, assuming the employee is physically fit to work, result in the employee being returned to work. A confirmed positive test result will result in action by the appropriate supervisory personnel, including disciplinary action up to and including termination, and/or the case being referred to an assistance program at in the discretion of management.

**POST-ACCIDENT TESTING**

The City, in its discretion, may require any employee involved in an accident which results in personal injury to any person, or which results in property damage in excess of \$500 that occurs during assigned working hours, or any time an employee is using a City Vehicle, to submit to alcohol and/or drug screening. Following any accident, the employee must contact the City as soon as possible and follow the instructions from the City or its representatives.

Any time a post-accident alcohol or drug test is required, an alcohol test must be performed within two (2) hours and a screen for drugs and/or controlled substances within thirty-two (32) hours following the accident.

In the event that federal, state or local officials conduct a breath or blood test for the use of alcohol and/or urine tests for the use of controlled substances following an accident, these tests may meet the requirements of this section, provided the tests conform to applicable federal, state or local

requirements. The City may request testing documentation from such agencies and may ask the employee to sign a release allowing the City to obtain such test results. Refusal to submit to such testing will be considered direct insubordination and will be grounds for termination.

In the event that the employee is so seriously injured that the employee cannot provide a sample of urine, breath, or saliva at the time of the accident, the employee may provide necessary authorization **(AUTHORIZATION TO OBTAIN DRUG/ALCOHOL SCREENING INFORMATION FORM (APPENDIX A, ITEM I))** for the City to obtain hospital records or other documents that would indicate the presence of controlled substances or alcohol in the employee's system at the time of the accident. Refusal to provide authorization to results of such testing will be considered direct insubordination and will be grounds for termination.

### **CRIMINAL OFFENSES**

Any employee charged with, or under investigation by law authorities, in connection with an off premises alcohol-related or drug-related criminal offense must notify the City of that fact immediately.

The employee in question will then be required to submit to testing before being permitted to continue to work. If testing establishes alcohol or drug use, the employee will be subject to discipline.

### **DISCIPLINE**

Any employee who is distributing or selling drugs or alcohol on City premises will be immediately terminated.

All other violations of this policy will result in discipline, up to and including termination. In the application of discipline for these violations, the City may, in its discretion refer the employee to an assistance program as a condition of continued employment. If rehabilitation is offered or required, it will only be allowed one time.

### **ASSISTANCE PROGRAM**

The City shall select, at its discretion, an assistance program that may consist of education and training, or rehabilitation to overcome alcohol or substance abuse.

### **ENFORCEMENT OF POLICY**

It shall be the responsibility of the City's supervisors for the daily enforcement of the policy and the responsibility of the City Manager to ensure compliance with this Policy by all employed personnel of the City.

**APPENDIX A, EXHIBIT I - AUTHORIZATION TO OBTAIN DRUG/ALCOHOL SCREENING INFORMATION FORM**

**AUTHORIZATION TO OBTAIN DRUG/ALCOHOL SCREENING INFORMATION**

The undersigned employee/prospective employee authorizes any physician, medical facility or testing facility known as the “authorized party” to release the results of such testing to the City of Aurora, Missouri, its authorized agents, or representatives who have the need to know.

The undersigned employee/prospective employee further acknowledges receipt of a copy of the City of Aurora Drug Free Workplace Policy, and the accompanying Alcohol, Drug and/or Controlled Substance Use, Abuse Testing Policy contained therein.

The authorized party shall be responsible for any unauthorized disclosure made by it, and the employee/prospective employee acknowledges that the authorized party has no responsibility for action taken by or caused by the City of Aurora, Missouri, as a result of receiving such test results.

\_\_\_\_\_  
Employee/Prospective Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

**APPENDIX B**

**CITY OF AURORA DRUG AND ALCOHOL POLICY FOR SAFETY-SENSITIVE  
POSITIONS AND/OR POSITIONS REQUIRING A  
COMMERCIAL DRIVER'S LICENSE**

## **CITY OF AURORA – DOT/SAFETY SENSITIVE EMPLOYEE ALCOHOL AND CONTROLLED SUBSTANCE POLICY**

The Federal Omnibus Transportation Employee Testing Act of 1991 requires alcohol and drug testing of safety-sensitive employees in certain industries, including employees of local governments who drive commercial motor vehicles requiring a commercial driver's license to operate.

The purpose of this policy is to help prevent accidents and injuries resulting from the misuse of alcohol and/or use of controlled substances by drivers of Commercial Motor Vehicles. All employees and owner operators, if required to have a Commercial Drivers License (CDL) under 49 CFR Part §383 (hereinafter referred to as "Drivers"), are subject to these alcohol and controlled substance rules in accordance with 49 CFR Parts §40, §382, §383. With the exception of sanctions for violations of state or local criminal laws applicable to the general public, including drivers and employers, Part §382.109 preempts any other State or local laws, rules, regulations, or orders which could obstruct compliance.

### **ALCOHOL PROHIBITIONS**

Drivers shall not report for duty or remain on safety-sensitive functions (§382.107(a)) with an alcohol concentration of 0.04 or greater (§383.201), nor be in possession of alcohol. Drivers shall not use alcohol or be under the influence of alcohol within 4 hours before going on duty (§382.207 & §392.5). Drivers who are found to have an alcohol concentration of 0.02, but less than 0.04, shall not perform or be permitted to perform safety-sensitive functions until the start of the drivers next regularly scheduled duty period, but not less than 24 hours, following administration of the positive alcohol test (§382.505). NOTE - Only for reasonable suspicion testing.

If a driver tests positive with a concentration of 0.02 but less than 0.04, the driver cannot perform safety-sensitive functions until he/she has an alcohol test with a concentration of less than 0.02 BAC or 24 hours has elapsed following the determination under (§382.307(a) & §382.307(i)). All drivers who have engaged in conduct prohibited by subpart B of Part §382 shall also be subject to company disciplinary action up to and including termination. Except as provided in §382.307(e)(2), the company, in the absence of an alcohol test, shall not take any action under this part against a driver based solely on the driver's behavior and appearance with respect to alcohol use.

### **CONTROLLED SUBSTANCE PROHIBITIONS**

Drivers shall not use a controlled substance, except when such use is prescribed by a licensed physician (§382.107) and used pursuant to the instructions of the licensed physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial vehicle (§382.213). All drivers will advise the company's controlled substance administrator of all medication used, that the driver has been advised by a prescribing physician, and that the medication will or will not affect his driving abilities (§382.213). All drivers are also required to inform the company of any non-prescription therapeutic drug used (§382.215). Drivers shall not report for duty or perform safety-sensitive functions (§382.107 & §392.4) when tested positive for illegal controlled substances until released for return-to-duty by a substance abuse professional (SAP) (382.605), as hereinafter provided. All drivers who have engaged in conduct prohibited by subpart B of Part §382 shall also be subject to company disciplinary action up to and including termination. Drivers are prohibited from having body

concentrations of drugs exceeding threshold levels that adhere to 49 CFR Part 40 unless prescribed by a physician (§382.107 & §40.29(e)).

### **REQUIRED TESTS**

Before performing an alcohol or controlled substance test, under part §382 the driver shall be notified that the test is required by this part. Prior to testing, all persons subject to this provision shall sign a **DOT/SAFETY SENSITIVE EMPLOYEE AUTHORIZATION TO OBTAIN DRUG/ALCOHOL SCREENING INFORMATION – Appendix B, Exhibit I**. The company shall not falsely represent that a test is administered under this part §382.113.

Drivers are required to submit to controlled substance and alcohol testing under the following conditions:

1. Pre-employment Test is required by §382.301 unless driver comes under the exception §382.301(b) or (c). The exceptions listed in §382.301 may be used at the discretion of the company.
2. Post-accident Test is required by §382.303 as follows: (a) each surviving driver who was performing safety-sensitive functions with respect to the vehicle if the accident involved the loss of human life; or (b) each driver who receives a citation under state or local law for a moving traffic violation arising from the accident, if the accident involved: (i) bodily injury to any person who immediately receives medical treatment away from the scene of the accident; or (ii) one or more vehicles incurring disabling damage as a result of the accident and requiring transporting away from the scene by a tow truck or other motor vehicle.
3. Random Test is required by §382.305 at an initial annualized rate of 25% for controlled substance and 10% for breath alcohol. The selection of drivers will be performed using a scientifically valid method wherein each driver has an equal chance of being selected each time. The selections will be spread reasonably throughout the calendar year and all selections will be unannounced. Drivers may be selected and tested for both alcohol and controlled substance at the same time.
4. Reasonable Suspicion Test is required by §382.307 when ordered by a company designated supervisor or official trained under §382.603. All observations must be recorded and signed by the supervisor or official who made the observation, within 24 hours or before the controlled substance test results are released, whichever is earlier. In addition, under §382.603, any person designated to determine whether reasonable suspicion exists requiring a driver to undergo testing under §382.307, will receive at least 60 minutes of training on alcohol misuse and an additional 60 minutes on controlled substance use.
5. Return-to-duty Test is required by §382.309 after engaging in conduct prohibited by Part §382 Subpart B. With regard to alcohol, the driver shall undergo a return-to-duty test with a result indicating an alcohol concentration of less than 0.02 BAC, and concerning controlled substances, the driver shall undergo a return-to-duty test with a verified negative result. If the driver was alcohol tested, with a concentration of 0.04 BAC or greater, before he/she can do the return-to-duty test the requirements of §382.605 (referral, evaluation and treatment) must be met.

6. Follow-up Test is required by §382.311 if ordered by a Substance Abuse Professional (SAP). All controlled substance tests will be done from a urine sample collected by an agency (§40.25) designated by the company and sent to a Department of Health and Human Services (DHHS) certified laboratory as set forth in Part §40.39. All alcohol screening tests will be done on evidential breath testing (EBT) devices approved by the National Highway Traffic Safety Administration (NHTSA).

Alcohol screening tests (or initial tests) may be done using a non-evidential (saliva) screening test device as approved by NHTSA. Any test performed on an evidential or non-evidential device with an alcohol concentration of 0.02 BAC or greater will require a confirmation test within 30 minutes on an EBT (§40.65). Evidential, and evidential confirmation tests, must be performed by a Breath Alcohol Technician (BAT) and non-evidential (saliva) tests may be performed by a Screening Test Technician (STT).

Anyone meeting the requirements of a BAT may act as an STT as long as they have demonstrated proficiency in the operation of a non-evidential saliva device (§40.93(a)). Company employees may be trained and serve as BAT and STT personnel.

Pre-employment breath alcohol testing is no longer required (§382.301(e)). Breath or saliva alcohol testing may only be performed during, just before, or immediately after a driver performs a safety-sensitive function (§382.305(m)). Safety sensitive functions are defined in §382.107.

Post-accident testing for both alcohol and controlled substance is defined in §382.303. If alcohol and controlled substance tests are required under the post-accident guidelines and are not administered following the accident, within 8 hours for alcohol and 32 hours for controlled substances, the company shall cease to test (§382.303(b)). The driver may be required to give a statement or information as to the reason the test or tests were not performed as required by Part §382.303. Drivers subject to post-accident testing must not use alcohol for 8 hours following an accident or until a post-accident alcohol test has been done, whichever occurs first (§382.209). Additional accident information regarding post-accident tests is contained in REQUIRED TESTS above.

Random testing for controlled substance and/or alcohol must be performed immediately after a driver is notified of selection. If the driver is performing safety-sensitive functions, the company must ensure the driver ceases performing the safety-sensitive function and proceeds to the test location as soon as possible (§382.305(l)). Failure to report immediately for a random test will be considered a refusal to test (§382.211). If proper transportation is not available, the company will provide the necessary transportation to get the driver to the testing site.

### **REFUSAL TO TEST**

A driver who refuses to test or to sign the necessary test forms required by DOT regulations will be considered a positive test and the driver must cease any and all safety-sensitive functions (§382.211 and § 40.67).

A driver may also be determined to be positive if he/she:

1. Fails to provide adequate breath or saliva for alcohol testing without a valid medical explanation after he/she has received notice to test;
2. Fails to provide an adequate urine sample for controlled substance testing without a valid medical explanation after he/she has received notice to test, and/or
3. Engages in any conduct that clearly obstructs the testing process (§382.107).

#### **MEDICAL REVIEW OFFICER - PURPOSE AND APPEALS**

An experienced physician/Medical Review Officer (MRO) will review all controlled substance laboratory reports. Positive results may only be reported to the company after the MRO has ascertained whether driver's personal prescription(s) or other legal substance(s) account for the positive laboratory findings. MRO investigations may include, as appropriate, telephone contact with the tested driver and any prescribing physician and/or pharmacies identified (§40.33). A driver wishing to dispute a positive controlled substance test result may, within 72 hours of notification, must request that the MRO order a retest of a split of the original specimen by any DHHS certified laboratory of their choosing. All costs for the retest will be the expense of the driver (§40.33(f)). If the retest fails to confirm the presence of the drug or drug metabolite, the MRO shall cancel the test and notify all parties.

#### **CONSEQUENCES FOR ALCOHOL & CONTROLLED SUBSTANCE USE-RELATED CONDUCT**

The driver shall not be allowed to perform any safety-sensitive functions, including driving a commercial motor vehicle (§382,501), unless the driver has met the requirements of §382.605 (referral, evaluation and treatment). The offending driver must be evaluated by a Substance Abuse Professional (SAP) who shall determine what assistance, if any, is necessary. The driver must complete any and all treatment as directed by the SAP, and after a negative alcohol and/or controlled substance return-to-duty test, would regain their driving privileges. The driver would also be subject to any follow-up testing as prescribed by the SAP. Any such follow-up testing will be done according to the requirements outlined in §40 and §382. Follow-up testing shall not go beyond 60 months from the date of the driver's return to duty (§382.605). The choice of substance abuse professional and assignment of cost shall be made in accordance with the company/driver agreements and company policies.

#### **PREVIOUS EMPLOYMENT HISTORY**

A driver must also supply the company with written consent to obtain records, from prior employer(s), regarding alcohol and controlled substance test results and refusal to test, covering a 2-year period preceding application (§382.314). The company must obtain and document this information within 14 days of allowing drivers to assume safety-sensitive functions. If the information is not received within the required 14 days, the driver may be removed from performing any safety-sensitive functions.

**APPENDIX B, EXHIBIT I - DOT/SAFETY SENSITIVE EMPLOYEE AUTHORIZATION TO OBTAIN DRUG/ALCOHOL SCREENING INFORMATION**

**DOT/SAFETY SENSITIVE EMPLOYEE AUTHORIZATION TO OBTAIN DRUG/ALCOHOL SCREENING INFORMATION**

**ACKNOWLEDGMENT**

By signing below, the driver acknowledges receiving and understanding this policy and of having received a copy of the Federal Motor Carrier Regulations, Part §382, §383 and §40. Drivers with any questions are encouraged to contact the company DOT information officer whose name will be displayed on the employee bulletin board. Regulatory penalties for infractions described herein are in addition to disciplinary consequences, including possible termination of employment, for workplace abuse of alcohol or controlled substances. This acknowledgment also authorizes all health care providers to release any information requested by the MRO to verify prescription use following a positive controlled substance laboratory finding. Additional policies may be supplied to the driver, together with mandatory regulatory material, however, such policies will be clearly marked as based on independent authority (§382.111 and §382.601).

The undersigned employee/prospective employee authorizes any physician, medical facility or testing facility known as the “authorized party” to release the results of such testing to the City of Aurora, Missouri, its authorized agents, or representatives who have the need to know.

The authorized party shall be responsible for any unauthorized disclosure made by it, and the employee/prospective employee acknowledges that the authorized party has no responsibility for action taken by or caused by the City of Aurora, Missouri, as a result of receiving such test results.

The undersigned employee/prospective employee further acknowledges receipt of a copy of the City of Aurora City of Aurora Drug Free Workplace Policy, and the accompanying City of Aurora Alcohol, Drug and/or Controlled Substance Use, Abuse Testing Policy and the City of Aurora DOT/Safety Sensitive Employee Alcohol and Controlled Substance Policy contained therein.

Print Driver Name \_\_\_\_\_ Date \_\_\_\_\_

Driver Signature \_\_\_\_\_

**ALCOHOL AND CONTROLLED SUBSTANCES POLICY MANAGER:**

Questions and information regarding company policy and the Employee Assistance Program, should be directed to:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

**APPENDIX C**

**CITY OF AURORA**

**EMPLOYEE POSITION CLASSIFICATION & PAY PLAN**

## **CITY OF AURORA POSITION CLASSIFICATION PAY PLAN**

### **C.0 THE CLASSIFICATION PLAN**

The employee Classification Plan comprises a list of employee work groupings with each employee position in those groups supported by a written position description setting out the duties and responsibilities of each position and minimum or entry qualifications necessary for employment.

#### **OBJECTIVES**

The Classification Plan shall be used in the following manner:

1. To provide equal pay for equal work
2. To establish qualification standards for recruiting and testing
3. To provide appointing/hiring authorities with a means of analyzing work distribution
4. To assist department heads and management in determining budget requirements for each employee and department
5. To provide a means for developing standards of work performance and for evaluating performance
6. To establish a framework for employee advancement and promotion
7. To establish guidelines for determining training needs
8. To provide appropriate titles for all employee positions
9. To provide standards for equal opportunity employment
10. To distinguish between exempt and non-exempt employment classifications for purposes of compliance with the Federal Fair Labor Standards Act.

#### **POSITION DESCRIPTIONS**

Basic elements of the classification plan are the position descriptions. The position descriptions contain the position title, a statement of distinguishing features of work required for the position, a list of examples of the work to be performed, a list of required knowledge, education, abilities and skills necessary for successful performance in the position, and a statement of desirable education, training and experience which normally provide the requirements to successfully perform the work.

The position descriptions also indicate how the various positions are allocated to the several work groupings as determined by duties and responsibilities. Employee work groupings would include Clerical groupings, Public Safety groupings, Labor and Trade groupings, Supervisory, Professional and Technical groups, Public Health groupings and Administrative and Management groupings. The distinguishing features of each position within a work group determine the salary ranges within that work group.

## **ALLOCATION OF PAY GRADES**

The position descriptions are the means of determining the relative complexity and responsibilities required of the various positions. A pay plan is based on those determinations by allocating pay grades to the various positions relative to the requirements of those position descriptions. Positions of similar complexity and responsibility and knowledge will be assigned to the same pay grade.

## **MAINTAINING THE CLASSIFICATION PLAN**

All personnel covered under the Classification Plan shall be directed to the City Manager's office if there has been a significant change in the duties, responsibilities or complexities of the position to justify an evaluation of a particular classification. A detailed explanation shall accompany all proposed actions involving requests for reclassifications, a new classification or proposals that do not conform to the classification plan. The City Manager shall determine the appropriateness of any change in classification, and if a change in the classification plan is shown to be necessary, the City Manager shall take all proposed changes to the Classification Plan before the City of Aurora City Council for approval.

City of Aurora Department Heads shall advise and consult with the City Manager regarding all actions involving proposed personnel changes in their departments. All actions regarding changes in personnel shall be finalized by submittal of the appropriate City of Aurora Personnel Status Form signed by the Department Head and by the City Manager.

### **C.1 THE PAY PLAN**

#### **GENERAL POLICY**

A pay plan is hereby established for all City of Aurora employees in the classified service. The plan shall become effective upon approval by the City of Aurora City Council. Any and all amendments to the pay plan shall become effective following approval of the City of Aurora City Council.

#### **ANNUAL SALARY SURVEY**

1. To remain continuously competitive regarding employee compensation, the salary structure shall recognize changes in the cost-of-living and other variables through adjustments in the salary ranges or reclassification of positions (up or down). It shall be the responsibility of the City Manager to determine annual adjustments to the salary ranges on the basis of his/her analysis of the following general trends:
  - Municipality salary trends
  - National salary trends
  - Local salary trends
  - Consumer Price Index (CPI)
  - Other relevant national, state, regional, and local economic indicators
2. The City Manager shall develop a budget recommendation for consideration by the City of Aurora City Council, and present that recommendation during the annual budget work sessions.

3. Annual salary increases are a budgeted item for consideration for each budget/fiscal year, and are subject to the financial condition of the City and the approval of the City of Aurora City Council.

### **THE PAY PLAN DEFINED AND DESCRIBED**

A primary objective in the establishment of a pay plan is to create fairness and equity through the adoption of a position classification pay plan that places each position in an appropriate classification as determined by duties, responsibilities and personal qualifications for a position as described in Section 1 of this Position Classification Pay Plan.

Each position classification title is allocated to a pay grade salary range as determined by:

1. Prevailing wages for similar positions in the City of Aurora market area
2. Pay rates for cities comparable to City of Aurora
3. Cost-of-living factors for the area
4. Relative difficulty, responsibilities and qualifications for a job classification
5. The financial ability of the City to afford a salary level
6. Any other appropriate factors related to the area economy and the relative availability of qualified labor.

### **PAY PLAN ADMINISTRATION**

No positions except those budgeted in the annual city budget for and approved by the City of Aurora City Council, shall be employed by any city department. Positions may be created during a budget year for grant funded positions approved by the City of Aurora City Council. Positions may also be created based on need, changes in federal or state law, or other conditions that necessitate a change mid budget year. Requests for consideration of these positions must be approved by the City Manager, and finalized by the City of Aurora City Council.

Department Heads must recommend an employee for any merit pay or any promotion to a higher classification and pay grade. The Department Head shall certify to the City Manager that the employee's services have been satisfactory and that all the qualifications and requirements for such advancement have been complied with. Such recommendation and certification shall be submitted on a Personnel Status Form in conjunction with an Employee Performance Evaluation Form.

Promotion to a higher classification shall be based on filling an existing budgeted position and not the creation of classification in which to promote an employee. If the Department Head feels the higher classified position could be filled by a classified position in a lesser grade, the City Manager may approve the position of a lesser grade as if it were budgeted so long as the funds appropriated and approved by the City of Aurora City Council for the higher classified position are not exceeded.

### **STRUCTURE OF THE SALARY SCHEDULE**

The salary schedule identifies pay grades and ranges. The pay grades begin with Grade 1 and proceed through Grade 25 with various job classifications being assigned to each grade. Each pay grade is assigned a minimum and maximum salary—a range.

Persons employed by City of Aurora shall be paid at the minimum or entry pay rate of the pay range to which position is assigned by classification unless the City Manager and the Department Head of the employing department determines that a rate of pay above the minimum is necessary in order to recruit qualified or experienced personnel, or that a candidate for the position holds qualifications such as skill and experience which justify a pay rate above the entry rate.

In such cases the entry pay rate may be increased by the Department Head not to exceed ten percent (10%) beyond the minimum entry rate for the position. Entry pay rates exceeding ten percent (10%) beyond the minimum entry pay rate for the position must be approved by the City Manager.

### **PROMOTION**

An employee promoted to a higher classified position shall be given a minimum of a two and-a-half percent (2.5%) pay increase but not less than the base rate for the grade in which the position is classified. The date for the employee's performance evaluation shall remain unchanged and will be the anniversary date of the employee.

### **RECLASSIFICATION**

**Definition of reclassification:** A reclassification is the movement of an employee to a position in a grade level different than the grade level of the employee's current position.

It is the policy of City of Aurora to ensure effective levels of performance are maintained. Depending upon the availability of a vacant position for which an individual is qualified, an employee may be reclassified for inadequate performance, as a means of corrective action, or upon voluntary written request.

**Involuntary Reclassification:** An employee reclassified to a lower pay classification for inadequate performance or as a means of corrective action shall be given a minimum of a two-and-a-half percent (2.5%) reduction in pay from their current salary.

**Voluntary Reclassification:** An employee may submit a written request to be considered for a vacant position that falls in a lower grade than their current position provided they follow the recruitment process.

1. The Department Head shall consult with the Department of Human Resources to ascertain the appropriate salary.
  - a. The salary will be commensurate with the grade and position.
  - b. The amount authorized shall be based upon internal equity and qualifications of the applicant for the position.
  - c. The salary shall not exceed the maximum pay of the appropriate grade.

2. Pursuant to Section 2.12, Initial Employment Period, an employee begins the evaluation period on the date of reclassification and is subject to all City of Aurora Personnel rules.

### **REPORT OF PERFORMANCE EVALUATION**

A Performance Evaluation must accompany the Personnel Status Form when an employee is being considered for a pay increase, being reclassified, promoted, demoted or terminated.

### **PART-TIME OR TEMPORARY EMPLOYEES**

1. Part-time and temporary employees are not classified employees and are not eligible to receive pay increases. If salary ranges are adjusted as a result of a Cost of Living Adjustment, then Part-Time and Temporary Employees salary will be adjusted at the discretion of the City Manager.
2. Pay rates for part-time and temporary employees shall be equivalent to the minimum salary of the pay range of the pay classification for like or similar positions in the classified service unless otherwise approved by the City Manager.
3. When deemed justified, pay for part-time employees may be increased by a percentage in the pay range of the equivalent position provided the part-time or temporary employee has served efficiently and for a sufficient length of time as required by fulltime classified employees based on a Performance Evaluation. The department employing the part-time or temporary employees shall illustrate the ability to absorb the cost of such increases within the department budget.

### **GRANT FUNDED POSITIONS**

1. Pay rates for Grant funded positions shall be determined per the grant proposal submitted and approved for funding.
2. Grant funded positions are not classified positions, are not subject to the same Performance Evaluation process as other employees nor will these employees receive annual merit pay increases as set forth in these personnel rules unless included within the approved grant proposal.
3. Budgeted increases to City employees' compensation, such as a cost of living, shall apply to grant funded positions so long as the grant funds are available for this purpose.

### **UNCLASSIFIED POSITIONS**

The following positions are excluded from the classified service and the Position Classification Pay Plan:

1. City Manager
2. City Attorney

3. All persons serving on city appointed boards and commissions
4. Interns
5. Volunteers
6. Grant funded positions

Budgeted salaries for unclassified appointed employees shall be established annually by the City of Aurora City Council for the ensuing year either by contract or per the approved operating budget.

**APPENDIX C, ITEM I – CITY OF AURORA EMPLOYEE Payscale**

**APPENDIX D**

**CITY OF AURORA TRAVEL POLICY**

## CITY OF AURORA TRAVEL POLICY

### GENERAL GUIDELINES

#### PURPOSE

This policy applies to all City of Aurora employees, elected officials and representatives (“Travelers”), and is intended to establish uniform procedures by which Travelers shall report and be reimbursed for expenses incurred in connection with authorized travel on behalf of the City.

This policy provides for economical and efficient travel in order to derive the greatest benefit from the trip at the most effective cost. It does not allow Travelers to be financially enriched as a result of travel nor be required to utilize their own funds as a result of City travel.

Travelers are responsible for exercising good judgment in requesting, arranging and fulfilling a travel request to mitigate costs to the City.

#### GENERAL PROVISIONS

**Approval:** All travel shall be budgeted and receive prior approval from the Department Head and the City Manager. All expenses must be itemized and submitted to the City Manager for approval on a City of Aurora Travel Request and Reimbursement Report (Appendix D, Item I) with receipts attached. Public Safety and emergency services may submit expenses post- travel when travel is connected to immediate or emergency day-to-day departmental operations.

1. Travel will be authorized only when necessary, and in the best interests of the City.
2. All travel is subject to the availability of funds for travel.
3. The City will pay for the costs incurred by Travelers, subject to review. Any and all additional costs associated with non-employee companions are the responsibility of Travelers.
4. Department Heads are responsible for making the determination that the travel is necessary and that the benefit for which the travel is requested cannot be achieved through the Internet, webinar, teleconference, telephone or other means so as to eliminate the necessity for travel, while still accomplishing the benefit to the City.
5. All travel is to be authorized in advance of the date of travel by the Department Head, and further authorized by the City Manager, as required by this policy.
6. Mileage reimbursement rates will be based on the Internal Revenue Service Standard Mileage Reimbursement Rates.
7. The most economical means of transportation will be used, unless unusual circumstances require more costly alternatives. City-owned vehicles are to be used unless one is not available. Travelers

should check with all departments for available City vehicles before using their own personal vehicle. Travelers should car pool, whenever possible, with other Travelers.

8. If Travelers choose to use their personal vehicles when City vehicles are available, that use must be approved by the Department Head and the City Manager (see *City of Aurora Travel Request and Reimbursement Report* (Appendix D, Item I). Gasoline expenses will be reimbursed (receipts required) and miles traveled will need to be documented on a *City of Aurora Travel Request and Reimbursement Report* (Appendix D, Item I).
9. If City vehicles are not available and the travel is still deemed necessary, the City mileage rate will be reimbursed.
10. Any discounts should be taken advantage of if they are available.
11. For travel that requires an overnight stay, reimbursement will be for actual, reasonable and necessary expenses incurred while on City business.
12. In the event of Out-of-Town Travel of more than 25 miles, without an overnight stay, Traveler shall be provided a meal or reimbursed for a meal subject to the Meal Allowances outlined below. Additionally, Travelers attending breakfast, lunch or dinner that is in conjunction with a meeting will not be provided a meal or reimbursed for the purchase of a meal. Receipts will be required for meal reimbursements, and a *City of Aurora Travel Request and Reimbursement Report* (Appendix D, Item I) must be submitted.
13. It is the responsibility of Travelers to pay for any alcoholic beverages consumed, entertainment expenses and/or any personal automobile expenses including repairs, traffic citations, and insurance.
14. The City will not be responsible for any personal losses while Travelers are traveling on City business.
15. Out-of-state travel (lodging or meeting place) or means of transportation other than automobile, for any Travelers requires the prior approval of the City Manager.
16. If travel receipts are not provided, Travelers may not be reimbursed for the amount spent, and may be required to reimburse the City for unsubstantiated charges to a City credit card.
17. If a hotel charges for Internet service, the charge will be reviewed to determine the business-purpose use, which may be reimbursable.

## **SPECIFIC EXPENSES**

### **LODGING**

1. Lodging expenses consist of those charges for overnight sleeping or dwelling accommodations for Travelers only as required while traveling on City business. Any additional costs associated with travel companions are to be paid for by the Travelers. Such expenses will be clearly outlined on receipts from.
2. Lodging is an allowable expense for the evening preceding, and subsequent to, a meeting or business event with Department Head approval.
3. Travelers are to request the least expensive rate when making reservations, or registering, at a hotel/motel.
4. Travelers are encouraged to make lodging reservations in advance to take advantage of lower rates, and/or discounts available in conjunction with the conference, training or other event that the Traveler is attending.
5. Lodging amounts:
  - a. Must be pre-approved by the Department Head unless emergency circumstances exist;
  - b. Must be supported by a valid hotel/motel receipt that is attached to the *City of Aurora Travel Request and Reimbursement Report* (Appendix D, Item I);
  - c. Will be reimbursed at the single occupancy rate only. If Travelers are traveling with a companion, Travelers are responsible for the portion of the room rate that is in excess of the single occupancy rate; and
  - d. Same sex Travelers are encouraged, but not required, to share a room where possible.

### **MEALS**

The City provides for meal expenses in two different ways: in advance on a per diem basis (preferred), or reimbursed on a per diem basis after returning. The reimbursement limit on each meal (including gratuity) is the established per diem rate.

1. According to IRS rules, original itemized receipts are required to account for all per diem advances; these are to be submitted with the *City of Aurora Travel Request and Reimbursement Report* (Appendix D, Item I) when the Traveler returns.
2. Meal expenses shall be those charges for food and non-alcoholic beverages actually purchased and consumed by Travelers while on official City business.

3. If meals are being reimbursed, meal expenses incurred will be reimbursed on an actual cost basis, not to exceed the amount of daily allowance. Original itemized receipts will need to be provided with the *City of Aurora Travel Request and Reimbursement Report* (Appendix D, Item I).
4. Meal daily allowance will be provided based on the current approved meal allowance.
  - a. Meals Allowance: Meals, tips and miscellaneous expenses will be paid for Out-of-City travel of 25 miles or more.
  - b. The maximum per diem allowance for meals shall be:

\$63.00 Daily\*

    - \$16 for Breakfast,
    - \$19 for Lunch
    - \$28 for Dinner
  - c. This amount includes tip (not to exceed 15%) per day or actual cost, whichever is the lesser amount.
  - d. Travel to high cost geographic areas will be dealt with on an individual basis. Receipts are required to be reimbursed for meals.
5. Costs associated with banquets, meetings with meals, and/or programs involving special community events should be paid out of departmental budgets in advance if possible.
6. If meals are included as part of a registration fee for a conference, class or meeting, the meal expense will be reduced in accordance with the meals provided through the registration fees. Example: if breakfast and lunch is provided through the event, then the Traveler deducts those amounts from the daily allowance and is allowed the dinner amount only.

## **TRANSPORTATION**

### **Automobile**

1. When available and reasonable, City-owned vehicles are to be used for all land travel.
2. If travel time by automobile exceeds six (6) hours one-way, alternative means of travel should be considered.

3. Non-employees, accompanying Travelers for personal reasons (such as spouses, children, relatives), are not permitted to ride in a City-owned vehicle. In this instance, personal vehicles may be used with approval of the Department Head, however, only the actual cost of fuel will be reimbursed with receipts; City mileage rate reimbursement does not apply.
4. Personal vehicles may be used, with approval. Gasoline expenses will be reimbursed (receipts required) and miles traveled will need to be documented on a *City of Aurora Travel Request and Reimbursement Report* (Appendix D, Item I), if it is the Travelers' choice to use their personal vehicle.
5. In the event that a City-owned vehicle is not available, and the travel is still required, the mileage at the City mileage reimbursement rate will be reimbursed.

### **Rental Car Usage Guidelines**

1. Travelers must utilize a City vehicle whenever available prior to renting a vehicle.
2. Travelers may rent a vehicle for travel to their business destination when driving is more convenient and less expensive than an airline and no City vehicle is available. Fuel costs will be reimbursed with receipts. No mileage will be reimbursed on rental vehicles.
3. Travelers may rent a vehicle at their destination when it is the most convenient or least expensive mode of transportation. Expensive rental rates and parking costs, in addition to the lack of available parking generally makes vehicle rental in large cities impractical. Alternative modes of transportation such as taxis and airport or hotel shuttles should be given first consideration.
4. All employees renting vehicles must comply with all rental agency requirements such as listing driver(s) on the rental agreement, age restrictions, location or state of operation, etc., as well as all state and local laws governing operation of a motor vehicle. Violations of any requirement of the law (driving under the influence, traffic violations, careless or reckless driving) are the employee's personal liability.
5. Automobile rentals are required to be approved by the Department Head and the City Manager, and only if other transportation methods are not available (e.g., hotel/motel van, taxi or local mass transit services).
6. Travelers are required to use economy (sub-compact), compact, intermediate or standard cars. Travelers are responsible for daily rental costs in excess of the approved class as stated above.
7. When traveling in large groups greater than 4, a van, full size vehicle, or Sports Utility Vehicle may be rented.

8. When upgrades are available, traveler may utilize them to obtain a higher class if, they are at no additional cost to the City.
9. Drivers of rental vehicles must be City employees, minimum of 18 years of age and have a valid Missouri Drivers license.
10. All individuals who intend to drive the rental vehicle must be listed on the rental agreement for insurance purposes.
11. Only City employees, who are renting vehicles for business purposes, are covered under the City's insurance plan. Travel companions may not operate/drive any vehicle that is being paid for by the City.

### **Air Travel**

Airline, private aircraft, train, and watercraft modes-of-transportation require City Manager approval prior to purchase. Expenditures may be reimbursed as substantiated by receipts. The following guidelines for air travel apply:

1. Upgrades:
  - a. The City will not reimburse any upgrades from "economy class" to a higher traveling class.
  - b. Free upgrades or upgrades paid by the traveler must be clearly documented as such in the Travel Expense Report.
2. Airline Frequent Flyer Programs
  - a. Frequent flyer memberships should not influence travelers to select a flight that is not the lowest priced flight available.
  - b. Frequent flyer miles earned by any traveler during City business travel may be retained by the traveler for business or personal use.
3. Lost or Excess Baggage
  - a. The airlines are responsible for compensating the owners of lost baggage. The City will not reimburse travelers for personal items lost while traveling on business unless approved by the City Manager.
  - b. Employees will be reimbursed for excess baggage charges in the following circumstances:
    - i. When traveling with heavy or bulk materials or equipment necessary for business
    - ii. When traveling for more than seven (7) days
    - iii. An explanation must be included with the *City of Aurora Travel Request and Reimbursement Report* (Appendix D, Item I) explaining the nature of the excess baggage charge.

4. Cancellations/ Unused Airline Tickets

- a. When a trip is canceled after a ticket has been issued, the traveler should inquire with the issuing agent about using the ticket for future travel or processing a refund. The ticket will become property of City of Aurora and will be used for City purposes only.
- b. Most unused airline tickets have a cash value and should not be discarded or destroyed. Many non-refundable tickets can be used for future travel (generally within one year) for a change fee.
- c. An explanation of circumstances should accompany the City of Aurora Travel Request and Reimbursement Report (Appendix D, Item I) when requesting reimbursement for change fees.

**Misc. Guidelines**

1. Travelers are to avail themselves of existing hotel/motel van, taxi, or local mass transit services. Taxis and other local transportation may be employed as transportation to and from the airport, the hotel/motel and conference location. Taxi and other local transportation may be used for travel to restaurants as associated with the business purpose for the travel. Receipts must be provided for reimbursement. A maximum of 15% gratuity may be reimbursed.
2. Parking fees at the hotel/motel should be charged as part of the hotel/motel bill or will be reimbursed with a receipt. Conference center parking fees will be reimbursed with a receipt. No valet parking will be reimbursed unless it is the only option for parking.
3. Tolls paid will be reviewed and may be reimbursed.

**OTHER BUSINESS EXPENSES**

1. Business expenses are all expenses as a result of travel other than transportation, lodging and meals. Receipts must be provided for reimbursement.
2. Travelers will be reimbursed for actual and necessary business expenses, provided that such expenses are directly related to the purpose of travel. Business expenses shall not include the cost of discretionary items intended for the personal benefit or pleasure of Travelers, such as magazine/book purchases, movies rentals, etc. Business expenses normally include, but are not limited to, expenditures for the following:
  - a. Conference registration fees, if not paid with a separate claim;
  - b. Telephone or Internet charges for official business - Internet charges will be reviewed to determine the business-purpose use, which may be reimbursable;

- c. Laundry/cleaning services as a result of Travelers being on travel status for more than seven (7) consecutive days. Receipts are required.
- d. Reasonable gratuities (tips) to baggage handlers, porters and other service personnel will be reviewed and may be reimbursed. Gratuities for meal service should be included in the cost of meals claimed and should not exceed fifteen percent (15%) of the total bill.

## **REIMBURSEMENT CLAIMS, CREDIT CARDS, RESERVATION OR REGISTRATION AND EXPENSE ADVANCES**

### **REIMBURSEMENT CLAIM**

1. Claims for reimbursement of authorized travel expenses must be submitted on an approved City of Aurora Travel Request and Reimbursement Report (Appendix D, Item I).
2. All claims must be turned in for settlement within fourteen (14) days of the Travelers' return.
3. All claims must be signed by the traveling individual and approved by the Department Head and City Manager, as required by this policy.
4. Claims shall include:
  - a. Name of Traveler;
  - b. Name of conference, training, seminar, etc.;
  - c. Location of travel;
  - d. Dates of travel;
  - e. General ledger account number(s) to which travel expenses are to be charged;
  - f. Expense identification, such as seminar, meals, airfare, etc.;
  - g. Dollar amounts associated to all expenses, including charges on credit card;
  - h. Additional information as requested on the City of Aurora Travel Request and Reimbursement Report (Appendix D, Item I).
5. Receipts for all expenses are to be attached. Receipts for expenses paid for using the City Purchasing Card must be attached to the monthly statement for the Purchasing cards when it is submitted monthly. If receipts are missing, Travelers shall write an explanation of the expense and reason for lack of receipts. Missing receipts are subject to review and may not be reimbursed.

### **CITY PURCHASING CARD (CITY CREDIT CARDS)**

1. Use of the City Purchasing Card is encouraged for expenses while traveling on City business.
2. Travelers, who do not possess a City-issued purchasing card are directed to work with their Department Head and use the purchasing card issued to each department for expenses related to traveling on City business. **Individual Purchasing Cards cannot be borrowed/loaned under any circumstances.**
3. Detailed receipts must be provided for all purchases using the City Purchasing Cards.

### **RESERVATION/REGISTRATION**

1. Reservation/Registration Guidelines
  - a. Reservation and registration fees are a component of budgeted travel. Funds for travel are limited; therefore, it is important to remain within the original cost estimate of the scheduled travel.
  - b. Travelers' Department Head(s) must approve registration fees for additional courses that were not a part of the original travel request. Unauthorized registration expenses may not be reimbursed.
  - c. Reservation and registration fees should be paid in advance to take advantage of any discounts (e.g., early registration).
  - d. Reservation and registration fees may be paid with either a City credit card or accounts payable check.
  - e. If Travelers are not able to pay in advance, a credit card may be used to pay for travel costs onsite.
  - f. Any costs paid for by Travelers as part of the approved travel may be reimbursed, subject to approval; receipts must be provided to request reimbursement.

### **TRAVEL EXPENSE ADVANCES**

Cash advances are authorized for specific situations that might cause undue financial hardship for business Travelers. These situations are limited to staff traveling on behalf of the City of Aurora.

1. Expenses associated with the travel must be reconciled and substantiated within two weeks (14 days) of the return date.

2. Receipts are required for all expenses associated with the travel.
3. The traveler must repay the City of Aurora for any advances in excess of the approved reimbursable expenses.
4. Traveler will be responsible for any expenses that are in violation of this policy, and/or are not accounted for with an accompanying receipt.

Travel advances are processed and reconciled by submitting a completed *City of Aurora Travel Request and Reimbursement Report* (Appendix D, Item I) to the City business office.

Reimbursement for any remaining expenses is processed on a *City of Aurora Travel Request and Reimbursement Report* (Appendix D, Item I).

**Appendix D, Exhibit I - CITY OF AURORA TRAVEL REQUEST AND REIMBURSEMENT REPORT**

**APPENDIX E**

CITY OF AURORA EMPLOYEE GRIEVANCE FORM

**APPENDIX E, Item I**

<b>Employee Grievance Form</b>			
<b>Section I: Grievance Details</b>			
Employee's Full Name:		SSN:	
		Job Title:	
Department:		Immediate Supervisor:	
Supervising Official:			
Home Address:			Work Phone:
Home Phone:		Email:	
Date Grievance Occurred:		Time & Location Grievance Occurred:	
The issues are (use attachments if necessary):			
The facts supporting this are (use attachments if necessary):			
The relief that I want is (use attachments if necessary):			
Date:		Employee Signature:	
Check if you decided not to present this grievance to your immediate supervisor because (check one):			
<input type="checkbox"/>	Discrimination or retaliation by immediate supervisor		
<input type="checkbox"/>	Termination, reclassification, suspension or other lost wages		
<b>Please Forward Original Document to Supervisor or Alternatively to Supervising Official</b>			
<b>Section II: Supervisory Review</b>			
Date Received:			
Response (use attachments if necessary):			
Date:		Supervisor's Signature:	
Telephone Number:			
<b>Please Forward Original Document to Employee</b>			
Employee's Response (check one):			
<input type="checkbox"/>	I conclude my grievance and am returning it to Human Resources		
<input type="checkbox"/>	My grievance was not resolved. I am choosing to advance my grievance to the Grievance Panel		
<b>Please Forward Original Document to Either Human Resources or Supervising Official</b>			

<b>Section III: Grievance Panel Review</b>			
Date Received by Supervising Official:		Date Grievance Panel Formed:	
Panel Member #1 (Name & Department)			
Panel Member #2 (Name & Department)			
Panel Member #3 (Name & Department)			
Date of Grievance Panel First Meeting:		Date of Grievance Panel Adjournment:	
Grievance Panel Ruling:			
Basis for Ruling:			
Panel Member #1 Signature:		Date:	
Panel Member #2 Signature:		Date:	
Panel Member #3 Signature:		Date:	
<b>Please Forward to Supervising Official for Review</b>			
<b>Section IV: Supervising Official Review</b>			
Date Received:		Supervising Official Name & Title:	
Ruling:			
Basis for Ruling:			
Date:		Signature:	
<b>Please Forward to Human Resources for Employee File</b>			
<b>Please Forward Copy to Employee and Supervisor</b>			

**Revision History**

**Resolution 2018-1662 – 10/13/2018**

**Resolution 2020-1769 – 12/22/2020**

**Resolution 2021-1813 – 6/8/2021**

**Resolution 2021-1816 – 6/22/2021**

**Resolution 2021-1830 – 10/26/2021**

**Resolution 2022-1832 – 1/25/2022**

**Resolution 2023-1899 - 2/28/2023**

**Resolution 2023-1906 – 2/28/2023**

**Resolution 2025-2024 – 02/25/2025**

**Resolution 2026-2079 – 01/23/2026**