

**TWIN OAKS BOARD OF ALDERMEN
NOTICE OF WORK SESSION
TWIN OAKS CITY HALL
WEDNESDAY, MARCH 3, 2021, 6:15 P.M.
TWIN OAKS, MO 63021**

To balance both the need for continuity of government and protection of the health and safety of our residents, business persons and employees, this meeting of the Board of Aldermen will not be open to public attendance *in person* but shall be accessible by the public by telephone (audio only) or by using their tablet/laptop/pc (audio/video) at:

Telephone: (312) 626-6799

Computer: <https://us02web.zoom.us/j/5197276201?pwd=SHZXODU1cGtKOWJNSTFUUFERSQnY5Zz09>

Webinar ID: 519-727-6201

Passcode: 9YgwmB

The Board apologizes for any inconvenience these requirements may pose but it is extremely important all measures in compliance with the orders issued by public health authorities be taken to protect employees, residents, and elected officials during these extraordinary times.

TENTATIVE AGENDA

1. Personnel Policy Manual Updates and Revisions
2. Adjournment

Frank Johnson
City Clerk

POSTED: March 1, 2021, 3 p.m.

Please note: Any person requiring physical or verbal accommodations should contact the city office 12 hours prior to meeting at 636-225-7873. Copies of public records for this agenda are available for public inspection before and at the time of the meeting.

Memo to: Board of Aldermen
From: Frank Johnson, City Clerk
Subject: Changes to Personnel Policy Manual
Date: January 25, 2021

Over the last several months, City staff has worked with City Attorney Paul Rost to update and revise the City's personnel policy manual. The goal of these changes was to modernize the manual and clarify certain sections to make them more readily understandable by employees.

Highlights of the major changes include:

Employment Categories

The employment categories were streamlined down from four categories to three. All employees of the City will now be classified as full-time, part-time or temporary/seasonal. This will help provide greater clarity and ease of administration concerning what benefits the different categories of employee each receive.

Discrimination and Grievance Policy

The policy section relating to non-discrimination and sexual harassment was cleaned up a bit but mainly stayed the same EXCEPT for the grievance procedure. The prior procedure could have resulted in one of the Aldermen investigating an allegation by an employee against the City Clerk. Normally, it is not good to task an elected official with an investigation—especially when it may result in that same elected official having to vote on an adverse employment action for the employee that the Alderman investigated. The policy now allows the Mayor to step in if the complaint involves the City Clerk thereby disqualifying the City Clerk from handling it.

Compensatory Time

Previously, the City did not have a formal written policy that explained how compensatory time could be earned and used by employees. It applies only to “non-exempt” personnel and has been integrated with the City's payroll software so that it can be recorded and tracked.

The policy provides that hours worked in excess of 40 during a workweek will be accrued as compensatory time-off at a rate of 1 hour of overtime equaling 1.5 hours of Comp Time. The max an employee can accrue annually is 80 hours. The Board may also waive this limit for special circumstances, but any excess is paid out on December 31 of that year.

Vacation and Sick Time Accruals

The manual previously used a hard-to-understand formula to calculate vacation and sick time accruals. The proposed changes clarify and simplify the amount of leave earned for full- and part-time employees and how it is accrued.

Unpaid Leave of Absence

This section has been updated and clarified to reflect that although the City is not required to provide leave under the Family Medical Leave Act (FMLA) due to the size of the organization, the City does provide for unpaid leave of absences for employees due to serious medical issues or the birth of a child.

Terminations

This section was clarified to say that resignations require two-week's notice in order for the employee to resign in good standing, the section has been clarified that in some circumstances an employee may give their two weeks' notice but the Board finds it best for the employee to end work immediately, the Board can pay them for the two weeks but separate employment right away. Also, this section used to allow an employee to appeal his/her termination to the Board. This makes no sense because the Board is the one that makes the termination decision. This was removed. Finally, a few more terminal offenses were added.

Hours Worked Outside of Normal Work Day

Pg 7 on clean version, pg 8 on redline version, Section 140.040 Employment policy, subsection D(4)

We are seeking some direction from the board on this section. Historically, this has been interpreted to mean that every time an employee came in on the weekend or after hours, they received two hours **for each occasion**. For example, if maintenance staff were required to check in on multiple times throughout the evening or early morning, they were paid two hours minimum each time regardless of the actual time worked.

The question for the board is whether this provision should apply collectively or separately. That is, if an employee comes in on a Saturday in the morning for 30 minutes and in the evening for 30 minutes, should the hours worked be counted as:

- 4 hours (two hours for each occasion counted separately)
 - Generous and respects employee time, but expensive
- 2 Hours (two-hour minimum applies collectively)
 - Less expensive but is a reduction for employees used to the previous standard.
- 2.5 Hours (first instance is a two-hour minimum, subsequent is hours worked)
 - Middle ground, but harder to administer and calculate, harder for employees to understand what they can expect
 - A lesser reduction, but still a reduction for employees used to the previous standard.

Further adjustment of the language of this section may be needed depending on what you decide.

- A. **Section 140.010. Introduction.**
- B. *Authority.* These policies, procedures, rules and regulations are established by the authority of Ordinance #323, enacted by the Board of Aldermen on December 1, 2010.
- C. *Purpose.* The purpose of these rules is the formulation of sound personnel policies designed to promote efficiency and economy, reward meritorious service, provide for the settlement of grievances, develop and maintain morale, and establish non-discriminatory standards for the treatment of City employees.
- D. *Intent.* These personnel rules and regulations only outline the major employment policies of the City of Twin Oaks. These rules and regulations do not intend to be and shall not be considered all-inclusive. The rules and regulations are not intended to be a substitute for the good judgment, common sense, and discretion of City personnel.
- E. *Employment at Will.* All employees are employed “at will” and the City expressly reserves the legal right to discharge or terminate employees at any time and for any reason. Likewise, employees have the legal right to terminate their employment at any time and for any reason. These personnel rules and policies are not a contract and are not intended to create any contractual obligations on the part of the City.
- F. *Employment Categories.*
1. ~~Permanent~~ *Full-Time:* Any employee who has a regular work schedule of thirty-seven and one-half works (37.5) to forty (40) hours per week throughout the calendar year.
 2. ~~Permanent~~ *Part-Time:* Any employee who works up to thirty-seven and one-half (37.5) hours per week throughout the calendar year.
 3. ~~Temporary/Seasonal~~ *Full-Time:* Any employee who works up to forty 37.5 to (40) hours per week for only certain times during the year. (Seasonal)
 4. ~~Temporary Part Time: Any employee who works up to 37.5 hours or less per week for only certain times during the year.~~
- G. *LAGERS eligibility.* For purposes of the City’s pension plan (LAGERS) only, a **permanent** full-time employee is one who is regularly scheduled to work more than 25 hours per week throughout the year. Temporary/**seasonal** employees are not eligible for this benefit.
- H. *Changes in these Policies.* As circumstances arise in which the City may determine that changes to these policies are necessary, the City reserves the right to change these policies at any time and reserves the unilateral right to do so at any time without prior notice to its employees. Accordingly, no statement on these rules and policies is intended as a contractual commitment or obligation of the City to any employee.
- I. *Previous Policies.* These personnel rules and policies supersede and replace all previous rules and regulations.
- J. *Consistent with Laws.* These policies and procedures shall not be inconsistent with but complimentary to related state and federal laws and regulations. If any provision becomes

invalid due to subsequent passage or interpretations of related legislation or court rulings the remaining provisions shall not be invalidated.

- K. ~~Administration~~ *Personnel Policy Administration of these Policies*. It shall be the responsibility of the ~~Mayor and the City Clerk acting as the Human Resources Director (hereinafter referred to as the “HR” Director) and the Mayor~~ Administrator/Clerk to administer, interpret and from time to time recommend to the Board of Aldermen appropriate amendments in order to maintain the rules and policies.

Section 140.020. **Organizational Philosophy.**

- A. *Mission*. The City of Twin Oaks is committed to providing quality and effective services to its residents and to the general public at large.
- B. *Values*. The strength and future growth of the City is directly related to the contributions made by each individual within the Organization. In order to create the proper climate for employees to achieve maximum contribution;
1. Employees will be placed in positions which best utilize their aptitudes and skills without regard to age, race, color, creed, sex, sexual orientation, political and religious affiliation, national origin, disability or handicap, or marital status. Employees will be offered the opportunity for self-development and advancement through training and education as it benefits the City.
 2. Employees will be respected for their personal worth and dignity. They will be accorded fair and equitable treatment at all times through a program of compensation and general working conditions that reflect a spirit of social justice and social cooperation.
- C. *Strategy*. Commitment to the City’s mission and values will result in a desire on the part of each individual to excel in their work. This can be measured by innovation and teamwork resulting in the implementation of new and creative ideas.
1. The success of this strategy will manifest itself in growth in ability to serve, increased efficiency, greater productivity, positive community relations and image projection; and access to resources of all kinds.

Section. 140.030. **Personnel Policy Objectives.**

- A. In order for the City to fulfill its mission in the community, productive and competent employees at all levels in the Organization must staff the City. Accordingly, the City seeks to provide employment conditions and policies which will attract, motivate, and retain highly qualified employees.

Section 140.040. **Employment Policy.**

- A. *Affirmative Action and Equal Opportunity Employer Policy*.
1. It is the policy of the City of Twin Oaks, as set forth by the Board of Aldermen, to provide employment, training, compensation, promotion, and other conditions of employment without regard to age, race, color, creed, sex, sexual orientation, political

and religious affiliation, national origin, or marital status, and in full compliance with the Americans with Disabilities Act.

2. Appropriate job-related standards will be applied to the condition of employment and will be maintained at a level consistent with the growth of the City.
3. To the extent possible, the City will seek out individuals with the best qualifications and the most promising potential to meet its employment requirements. Within its capacity, the City will provide appropriate training and development to enable individuals to successfully complete their probationary period and qualify for continued employment.

B. *Employment Policy.* All employment will begin with a probationary period to allow the employee the opportunity to demonstrate an ability to perform the job and the City to assess performance. Unless otherwise stated in the written job offer, the probationary period will cover the first six (6) months of employment. The probationary period shall be regarded as an integral part of the evaluation process and shall be utilized for closely observing the employee's work and for securing the most effective adjustment of a new, transferred or promoted employee to the position, and for replacing any employee whose performance does not meet the required work standards.

1. *Procedure.*

- a. All applicants for employment must complete the City's official job application form. An authorized representative of the City will review all applications, check prior employment and personal references, and verify appropriate application information.
- b. Applicants selected for employment will be issued a letter confirming the offer of employment and stating pertinent details such as position title, salary, nature of duties, date acceptance or rejection of the offer is expected and any other special conditions of employment. The letter will be signed by the Mayor or City Clerk, Administrator/Clerk or Mayor of the Board of Aldermen as appropriate. The letter is not a contract for employment.
- c. Selection of the City Administrator/Clerk will be made by the Board of Aldermen pursuant to section 115.090 of the Twin Oaks Municipal Code. Employment Official selection of all other employees will be made by the Board upon recommendation by the Mayor and the City Clerk, Administrator/Clerk.
- d. Basic personnel policies will be discussed with a prospective employee, by the appropriate person, during the interview process. After employment is confirmed, the new employee will be given a copy of the Personnel Policies and Procedures Manual.
- e. During the probationary period, the Mayor and the City Clerk Administrator/Clerk will evaluate and discuss job progress with the new employee. At the end of the probationary period, the Mayor and the City Clerk Administrator/Clerk will render a written evaluation, and a decision will be made by the Board of Aldermen regarding

the employee's retention. New employees will be subject to the same personnel practices as those in effect for all employees.

- f. During this probationary period, an employee may be dismissed ~~for any lawful reason~~; and there shall be no right of appeal or grievance upon such dismissal.
- g. The ~~City Clerk as HR Director Administrator/Clerk~~ will be responsible for the administration of personnel issues in accordance with the City's policy of Equal Employment Opportunity and Affirmative Action, and in accordance with ~~s~~State and ~~f~~Federal laws. The Board of Aldermen will be consulted on such matters as appropriate.

C. ~~Harassment-Anti-Discrimination~~ Policy. It is the firm commitment of the Board of Aldermen to prohibit any type of employee ~~discrimination or~~ harassment. The City of Twin Oaks will not tolerate the ~~discriminatory actions or harassing behavior by an~~ ~~ment of any~~ employee ~~by~~ ~~aimed at~~ another employee, elected official, vendor or resident of the City.

~~1. Purpose. The purpose of this policy is to recognize and avoid the occurrence of harassment of its employees in the workplace, to define the City's position with respect to the harassment of its employees, and to set forth procedures to be followed in the event a problem develops in this area. This policy also describes the corrective action to be taken with regard to any employee who engages in such conduct.~~

~~2.1. Policy.~~ It is the policy of the City of Twin Oaks that all employees should be able to enjoy a working atmosphere that is free from all forms of discrimination, ~~including harassment.~~ ~~Harassment-Discrimination~~ infringes on every employee's right to a comfortable and productive work environment and undermines the integrity of the employment relationship. No employee, male or female, should be subjected to ~~repeated,~~ unsolicited or ~~objectively~~ unwelcome conduct, either verbal or physical. The City of Twin Oaks is committed to provide a positive working environment in which each employee is respected as an individual and can realize his or her full potential, with equal opportunity for advancement and personal growth. Consistent with this commitment, the City strictly prohibits all forms of ~~discrimination harassment~~ and any employee who is found to have engaged in ~~harassment-discriminatory activity~~ will be subject to immediate corrective action, up to and including termination of ~~their~~ employment.

~~3.2. Definitions.~~

- a. Sexual harassment consists of unwelcome sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual nature where
 - (1) ~~S~~ubmission to such conduct is made a term or a condition of employment
 - (2) ~~a~~An employment decision (such as promotion or job assignment) is based on acceptance or rejection of such conduct;
 - (3) ~~s~~Such conduct interferes with an employee's work performance or creates an intimidating, hostile or offensive work environment.

b. Sexual harassment takes a variety of forms, and may involve employees in any job and at any level of responsibility. Although it would be impossible to list all forms of sexual harassment, [the City has ~~we have~~](#) set out some examples of conduct which would violate the City's Harassment Policy:

- (1) Intentional physical contact of a sexual nature, such as touching, fondling, pinching, patting or grabbing another employee
- (2) Making unwelcome or persistent sexual advances toward another employee;
- (3) Making sexual comments, jokes, noises, or gestures to, or in the presence of, another employee;
- (4) Using explicit or derogatory sexual terms in reference to, or in the presence of, another employee, displaying sexually explicit or sexually oriented materials in the workplace including, but not limited to, magazines, posters, calendars, photographs, sketches, or cartoons;
- (5) Granting or promising preferential treatment to an employee in exchange for submitting to or participating in sexual conduct;
- (6) Threatening an employee, with termination, demotion, poor evaluation or other detrimental or retaliatory conduct as a means to obtain sexual favors;
- (7) Retaliating in any way against an employee who has complained of, or reported, sexual harassment, or who has participated in the investigation of such conduct.

c. Other forms of harassment may include:

- (1) Threatening or causing physical harm to an employee or purposely placing an employee in apprehension of physical harm.
- (2) Verbal abuse of an employee based on physical appearance, national origin, sexual orientation, religion, race, age, gender, disability, or creed.
- ~~(3) Fraternization with an employee by another employee, elected officials and or vendors whereby an employee feels threatened by not answering questions or giving out confidential information.~~

~~4.3. Reporting. Any employee who believes that he/she has been the victim of harassment [as defined herein](#), or who has witnessed or has knowledge of such behavior, is required to report such conduct to [the HR Director \(or the Mayor, if it involves the HR Director\)](#) [member of the Board of Aldermen](#) immediately. ~~Failure to report such conduct immediately may result in disciplinary action up to and including dismissal.~~~~

~~5.4. Investigations [Employee Grievance Procedures](#).~~

~~a. [It shall be the policy of the City to give individual employees an opportunity to discuss their complaints; to ensure employee concerns are reviewed in a timely manner, and to provide procedures to handle concerns expressed by the employee.](#)All~~

reported incidents of harassment will be promptly investigated by the City Administrator/Clerk. In the event that the incident in any way involves the Administrator/Clerk, the Mayor shall appoint a Board Liaison to handle the investigation. The information that is gathered will be handled in the strictest confidence reasonably possible. No employee will be subjected to any form of retaliation for making a good faith report or participating in an investigation of harassment. Investigations may vary depending upon individual circumstances, but will include, at minimum, interviews with the complaining party, the accused, and if necessary, any alleged witnesses. Any employee who is aware of an employee or manager harassing or discriminating against someone shall notify the HR Director immediately. An employee who fails to report such actions may be subject to disciplinary action, up to and including termination. No employee will be subjected to any form of retaliation for making a good faith report or participating in a grievance investigation.

- b. The HR Director shall attempt to resolve the matter promptly and fairly. Following the discussion between HR Director and employee the HR Director shall ask if the employee believes the grievance has been settled. If the employee informs the Supervisor the oral discussion failed to settle the issue, the HR Director shall promptly notify the Mayor of the matter.
- c. If the employee and HR Director believe the grievance has not been settled following their initial oral discussion, the HR Director shall have the option to handle the grievance in the following ways:
 - (1) Have the employee submit a written report with supporting documents to the HR Director for the purpose of conducting an informal investigation. The informal investigation shall be conducted by the HR Director or his/her designee. In an effort to resolve the grievance, he/she will consider the facts, conduct the informal investigation as necessary and appropriate. The HR Director's decision shall be in writing and shall be delivered to the complaining employee within a reasonable amount of time following the date on which the HR Director received the employee's written report. If it is determined corrective action is needed, prompt remedial action will be taken; or
 - (2) Have the employee submit a written report with supporting documents to the HR Director for the purpose of conducting a formal investigation. The formal investigation shall be conducted by the HR Director or his/her designee with the assistance of the City Attorney or special legal counsel. The formal investigation shall involve a full examination of the facts, which may include review of the employee's written report and supporting documents, appropriate discussions with all individuals concerned and further investigation if necessary. Before any action is taken, the HR Director and the City Attorney will review the findings of the investigation, including the written reports and evidence accumulated and documented. A complete written report will then be provided to the Board of

Aldermen who will, in Executive “Closed” Session, take such corrective action, which may involve any level of corrective action up to and including immediate termination of employment;

(3) Have the employee submit a written report with supporting documents to the HR Director for the purpose of having an independent third-party investigator conduct a formal investigation. The Board of Aldermen, in Executive “Closed” Session, shall be advised of the matter and decide if a third-party investigator should be hired to conduct a formal investigation.

6.5. Members of the public. If an employee feels harassed by a member of the public, the employee should immediately notify his/her supervisor so the City can endeavor to take immediate and corrective action, if possible.

a. Upon completion of the investigation, a complete written report will be provided to the Board of Aldermen who will, in Executive “Closed” Session, take such corrective action, which may involve any level of corrective action up to and including immediate termination of employment.

D. *Hours of Work and Overtime Policy.*

1. Employees Exempt from Overtime. All City employees in ~~Ex~~ecutive and ~~A~~administrative positions are considered to be “exempt” as defined by the Fair Labor Standards Act, as amended (the “Act”) and are therefore, not paid overtime for hours worked in excess of forty hours (40) during the work week.

2. Employees Not Exempt from Overtime. – All positions not specifically identified as Executive or Administrative are designated as “non-exempt”, and are paid at an hourly rate, and therefore eligible for overtime compensation or the minimum wage provisions by said Act.

a. Overtime. Although every effort will be made to avoid it, overtime work may occasionally be required. The normal workweek for “non-exempt” personnel is forty (40) hours with meals excluded. Non-exempt employees are not permitted to work overtime without the prior approval of the City Clerk or Mayor. Overtime compensation shall be at a rate of one and one-half times the hourly rate. Hours worked in excess of forty (40) during the work week will be paid at the premium overtime rate of one and one-half times the equivalent straight time hourly rate. Vacation time, sick leave time, holidays, and other time off shall not be considered as hours of work for the purposes of computing overtime. The Administrator/Clerk may reschedule daily hours or the work week of any employee when necessary to successfully carry out the City’s business.

b. Compensatory Time. – It is the City’s policy to compensate employees entitled to overtime through compensatory time-off. Also known as “Comp Time,” compensatory time-off is defined as time-off in lieu of overtime pay at a rate of one and one-half hours for each overtime hour worked. An employee using compensatory

time-off is paid at the regular rate of pay for the time-off. Only hours worked in excess of forty (40) during a workweek will be counted as accrued compensatory-time-off. Vacation time, sick leave time, holidays and other time off shall not be considered as hours of work for the purposes of computing overtime. The City Clerk may reschedule daily hours or the workweek of any employee when necessary to successfully carry out the City's business.

(1) Compensatory time-off may be accrued to a maximum of eighty (80) hours (the "Hours Cap") for all covered employees unless waived for special circumstances by the Board. However, even if the Board approves carry over of a covered employee's accrued compensatory time in excess of the Hours Cap, on December 31 of the year following Board approval of such carry-over, all accrued hours over the Hours Cap shall be paid out as overtime compensation based upon the employee's current hourly rate of pay.

(2) Compensatory time that has not been utilized at the time the employee severs employment with the City shall be paid out as overtime compensation based upon the employee's current hourly rate of pay.

a.c. *Tracking Compensatory Time.* The City Clerk or designee shall document accrued Comp Time by converting overtime hours to accrued Comp Time at the rate of 1 hour of overtime equals 1.5 hours of Comp Time. In the situation where it is necessary to pay an employee the cash equivalent of part or all accrued Comp Time, the City Clerk shall simply multiply the accrued Comp Time total by the employee's current hourly rate of pay. The City Clerk shall regularly (at least quarterly) notify non-exempt employees of the amount of their accrued Comp Time.

2.3. *Workweek.* The standard work week (Sunday - Saturday) for staff members exempt from the provisions of the "Act" will generally be around forty (40) hours. However, ~~Due~~ due to the nature of their work ~~however, exempt employees will need to be~~ they may need to be available for duty beyond the normal work week such as night meetings and, on occasion, weekend City events. The regular salary of these employees is considered full compensation for the standard work week plus unplanned, irregular or extra work hours ; including casual, irregular, or extra work hours inherent in the performance of their assigned position functions.

3.4. *Call-back Time.* If a non-exempt employee is called to work outside of a normally scheduled workday, or is called back to work after having completed a regularly scheduled work day, the minimum overtime for which compensation will be made will be two (2) hours.

4.5. *City Hours of Operation.* The City ~~O~~ffices will be open as scheduled throughout the year, unless closed due to bad weather or other reasons by the decision of the Board of Aldermen.

- E. *Employment Benefits and Policies.* The City seeks to provide benefits to all ~~permanent~~ full-time and permanent part-time employees that, when combined with salary, provide a reasonable foundation for economic security.
1. *General Benefits.* All ~~permanent~~ full-time and ~~permanent~~ part-time employees are covered by social security, worker's compensation, and unemployment insurance from the first day of employment, in accordance with applicable laws and regulations. Worker compensation and unemployment insurance costs are paid by the City; both employees and the City contribute to the Social Security Fund (FICA).
 2. *Pension Fund.* The City offers a pension fund to all eligible permanent employees called LAGERS (Local Association of Government Employee Retirement System), using both employer and employee contributions. For purposes of LAGERS only, a "Permanent Full-time employee" is one who is regularly scheduled to work more than twenty-five (25) hours per week throughout the year. Temporary employees are not eligible for this benefit.
 3. ~~*Flex Plan*~~ *Personal Spending Stipend.* As part of an eligible employee's compensation, ~~The~~ City contributes an annual predetermined amount (based on available budgeted funds) to each eligible employee or class of employees that may go towards dependent childcare or expenses, healthcare costs, college tuition, savings, or any other use the employee may desires, medical expenses, which are eligible for the plan to include dental, medical and vision. The Board may set the annual stipend by ordinance, resolution, motion, or by way of the approved budget. Nothing herein shall require the stipend to be uniform across all classes of employees and the Board may differentiate from class to class. The eligible employee is allowed to increase this account by \$1,500 of their own pre-tax contributions.
 4. *Vacation Leave Policy.*
 - a. Only ~~permanent~~ full-time and ~~permanent~~ part-time employees shall be eligible for paid vacation. ~~Permanent p~~Part-time employees regularly scheduled for less than twenty (20) hours per week ~~and,~~ temporary/~~seasonal full-time and temporary part-time~~ employees are not eligible for vacation benefits.
 - b. Eligible employees will begin accruing vacation leave on their first day of employment. Vacation Leave shall be accrued on a formula basis, calculated by hours paid and years of employment. Eligible employees will begin accruing vacation leave on their first day of employment, but are not eligible to use the vacation time until six (6) continuous months of employment with the ~~Village~~ City are achieved, unless waived for special circumstances by the Board.
 - c. Vacation must be earned before it is taken and scheduled in advance with approval of the City Clerk. Leave will be granted to eligible employees each year based on hours paid and length of service. Vacation Leave must be earned before it is taken and will be used in four (4) hour increments. Eligible employees will Full-time employees

will accrue vacation annually based on length of service according to the following schedule; ~~earn vacation as follows:~~

(1) **120 hours** – Employees will accrue 4.62 hours per pay period for years of service through five (5).

(2) **144 hours** – Employees will accrue 5.54 hours per pay period for years of service six (6) through fifteen (15).

~~(1)~~(3) **168 hours** – Employees will accrue 6.46 hours per pay period for years of service sixteen (16) plus.

d. Part-time employees will accrue vacation annually based on length of service according to the following schedule:

(1) **80 hours** – Employees will accrue 3.08 hours per pay period for years of service through five (5).

(2) **100 hours** – Employees will accrue 3.85 hours per pay period for years of service six (6) through fifteen (15).

(3) **120 hours** – Employees will accrue 4.62 hours per pay period for years of service sixteen (16) plus.

e. City employees are encouraged to take their vacation time during the current year. However, employees may carry over any remaining unused vacation hours to a maximum of 240 hours of vacation.

e.f. Exempt employees' description of vacation time will be contained in their Memorandum of Agreement.

(1) ~~Permanent Full-Time Employees will be entitled to vacation leave based upon the following formula:~~

i. ~~For years of service through 5: 0.0577 hours vacation accumulated per hours paid, not to exceed 40 hours paid per week.~~

ii. ~~For years of service 6–15: 0.0692 hours vacation accumulated per hours paid, not to exceed 40 hours paid per week.~~

iii. ~~For years of service 16 plus: 0.0808 hours vacation accumulated per hours paid, not to exceed 40 hours paid per week.~~

(2) ~~Permanent Part-Time Employees scheduled to work 20 or more hours per week will be entitled to pro-rated vacation leave based upon the following formula:~~

i. ~~For years of service through 5: 0.04327 hours vacation accumulated per hours paid, not to exceed 40 hours paid per week.~~

~~ii. For years of service 6-15: 0.0519 hours vacation accumulated per hours paid, not to exceed 40 hours paid per week.~~

~~iii. For years of service 16 plus: 0.0606 hours vacation accumulated per hours paid, not to exceed 40 hours paid per week.~~

~~(3) Village employees may not accumulate vacation beyond their normal schedule allowed accumulation of 78 weeks (1 1/2 years). Exempt employees' description of vacation time will be contained in their Memorandum of Agreement.~~

5. Sick Leave Policy.

a. Sick Leave is not an earned benefit. Absence from scheduled work, whether ~~“excused”~~ or ~~“unexcused”~~, can lessen the City’s efficiency. Sick leave is a privilege granted in recognition of faithful service when any permanent employees are ill and unable to work; thus, unused sick leave is not payable at the time of termination. Accrued sick leave may be used in the following situations:

(1) The employee is incapacitated for the performance of assigned duties by sickness or injury; or periods of time required for medical, surgical, dental, or optical examinations or treatment.

(2) Members of employee’s household: the employee is absent due to an illness of the employee’s spouse, children, other relatives, or unrelated members of the employee’s household, who require the employee’s personal care and attention.

(3) Unusual cases will be handled on an individual basis. The final decision concerning the usage of sick leave rests with the City Administrator/Clerk and is based upon the degree to which the employee is responsible for providing personal care and attention for a family member, who may or may not reside in the household, or for another member of the household. Merely ~~“visiting”~~ a relative or household member who is ill or hospitalized would not justify usage of sick leave.

b. ~~Permanent p~~Part-time employees regularly scheduled for less than twenty (20) hours per week, temporary/seasonal ~~full-time and temporary part-time~~ employees are not eligible for sick leave.

c. ~~Permanent f~~Full-time employees accumulate sick leave at the rate of 4.6160.0577 hours per pay period each paid hour up to 40 paid hours per week with a maximum balance of two-hundred forty (240) hours. Sick leave can be taken in two ~~-(2)~~-hour increments.

d. ~~Permanent p~~Part-time employees accumulate sick leave at the rate 3.08 hours per pay period if 0.0433 hours per each paid hour up to 40 paid hours per week with a maximum balance of one-hundred eight (180) hours. Sick leave can be taken in two (2) hour increments.

- e. New employees accrue sick leave starting with their first day of employment but cannot use sick leave until after completing their six-~~(6)~~ month probationary period.
- f. Chronic and pattern absenteeism, and or tardiness, or other abuse of this policy will lead to disciplinary action up to and including termination of employment. Examples of pattern absenteeism include, but are not limited to, absences on any Mondays or Fridays and or adjacent to a holiday(s).

6. *Holiday Policy*

- a. The Village recognizes the following holidays as paid time off for all permanent full-time and permanent part-time employees: New Year's Day, Martin Luther King Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving, Day before Christmas, and Christmas Day.
- b. If a holiday falls on a scheduled work day of a ~~permanent~~ part-time employee, that employee will be paid for those regularly scheduled hours to work. If a holiday falls on a non-scheduled work day of a ~~permanent~~ part-time employee, no pay will be recorded. Temporary/seasonal employees will not work on that day and will not be paid.
- c. If any of the recognized holidays fall on a Saturday, the previous Friday will be observed as the holiday. When any of the recognized holidays fall on a Sunday, the following Monday will be observed as the holiday. When any of the recognized holidays fall within the period of annual or sick leave, the holiday may be added to either. Exempt employees who are required to work on a recognized holiday will be given a substitute holiday to be taken within thirty (30) days thereafter.
- d. Non-exempt employees who are required to work on a recognized holiday will be paid at time and one half (1/2).

7. *Jury Duty Policy.* The Village recognizes the civic duty of employees to serve on juries when called. ~~Permanent f~~Full-time and ~~permanent~~ part-time employees performing jury duty will continue to receive their regular pay during the period of service and may retain the jury fee. A copy of the jury duty summons and jury duty service certification must be submitted for placement in the employee's file. However, temporary/seasonal employees will not be paid jury duty leave.

8. *Bereavement Leave Policy.* ~~Permanent f~~Full-time and ~~permanent~~ part-time employees may be granted up to three (3) working days of leave without loss of regular pay in the event of a death in the immediate family. If the allowable number of days is not sufficient, additional days may be taken as vacation time or unpaid leave. For the purpose of this policy, "immediate" family is defined as follows: Spouse, Parents, Father-in-law, Mother-in-Law, Children, Son-in-Law, Daughter-in-Law, Siblings, Grandparents, Grandchildren, Guardian, and Significant Other.

9. *Unpaid Leave of Absence Policy.*

- a. Due to the number of employees at the City being less than 50, employees are not eligible for leave under the Family Medical Leave Act (FMLA). However, the City recognizes the need for extended periods of leave due to a serious medical issue or the birth of a child and has adopted a policy for granting an unpaid leave of absence to eligible employees (“ULA”).
- a.b. Eligibility. To be eligible for ULA, full-time and part-time employees must have worked for the City for at least twelve (12) months and for at least 1,250 hours during the year preceding the requested leave. ~~The Administrator/Clerk, with the approval of the Mayor of the Board of Aldermen, may grant a permanent full-time employee an extended leave of absence without pay, benefits, accrual of vacation, or accrual of sick leave, not to exceed 12 calendar weeks. ULA Leave of absence~~ may be granted for medical reasons; to care for a newly adopted, foster care, or newborn child; to care for the employee’s spouse, son, daughter, or parent with a serious health condition; or because of an employee’s own serious health condition that makes the employee unable to work at all or to perform the essential functions of the employee’s job. ~~Such leave shall be granted only after all of the employee’s accrued sick leave and vacation leave have expired.~~
- c. Procedure. ~~A request for ULA an unpaid leave of absence~~ must be made in writing to the ~~HR Director~~ Board of Aldermen and specify the purpose, length, and specific dates thereof. ~~The HR Director, with the approval of the Mayor, If the request is covered under the Family Medical Leave Act (FMLA), the employee must also provide a copy of the physician’s documentation of the medical diagnosis. The Mayor of the Board of Aldermen will notify the employee, in writing, of the decision of the Board.~~ The ULA shall be without pay, benefits, accrual of vacation or accrual of sick leave for a period not to exceed twelve (12) calendar weeks. ULA shall be granted only after all of the employee’s accrued sick leave and vacation leave have expired.
- b.d. ~~If ULA leave~~ is granted hereunder because of a ~~permanent~~ full-time and ~~permanent~~ part-time employee’s medical condition, the employee may be required to submit a statement from his/her attending physician which shall include the date the serious health condition began; the physician’s judgment concerning the probable duration of the condition; the diagnosis of the serious health condition; a statement of the course of treatment; an indication of whether in-patient hospitalization is necessary; and a statement that the employee either cannot perform any kind of work or cannot perform the essential functions of his/her job. If the ~~leave~~ ULA is to care for a family member, the employee may be required to provide a statement from the family member’s physician indicating that it would be desirable or beneficial for the employee to provide care for the family member.

e. ~~Permanent~~ ~~f~~Full-time and ~~permanent~~ part-time employees seeking to use leave under this policy are required to provide thirty (30) days advanced notice of the need to take leave if the need for the leave is foreseeable based on an expected birth or placement of a child, or planned medical treatment for the serious health condition of the employee or family member. If 30 days notice is not practical under the circumstances, notice must be given as soon as practical. Notice should include the reason for the requested leave, the anticipated start of the leave, and the anticipated duration of the leave.

~~d.c. Procedure. A request for an unpaid leave of absence must be made in writing to the Board of Aldermen and specify the purpose, length, and specific dates thereof. If the request is covered under the Family Medical Leave Act (FMLA), the employee must also provide a copy of the physician's documentation of the medical diagnosis. The Mayor of the Board of Aldermen will notify the employee, in writing, of the decision of the Board.~~

10. *Continuing Education Payment/Reimbursement Policy.* The City recognizes that attendance at selected outside seminars, conferences, and/or workshops are mutually beneficial to the employee and the City. Employees are encouraged to participate in continuing education activities in areas related to their work, and will be reimbursed for the cost of pre-approved training, subject to the availability of funds and prior written approval by the Board of Aldermen. Books and other required class materials will not be reimbursable.

11. *Military Leave Policy*

- a. Any employee who is to perform active duty or training or inactive duty or training in the armed forces of the United States, including but not limited to active reserves, shall be granted a leave of absence, as permitted by law. Further, an employee who leaves the City for such military service may be paid accrued vacation for which the employee is eligible from the City at the time of the leave of absence.
- b. Any employee who leaves his/her job to serve in the armed forces is entitled to all rights provided for under state and federal law during the performance of military duty and, upon completion of the military duty, the employee is entitled to reinstatement to his former position or to a position equal in terms of seniority, pay, and status to the one (1) the employee left to go into the service unless the City's circumstances have changed so much that it would be impossible for this to be done. Those reinstatement rights are conditioned upon the employee fulfilling the basic requirements for reinstatement under federal and state law.
- c. An employee who is reinstated following completion of military service shall be eligible to take accrued vacation thirty (30) days after reinstatement.
- d. In addition to a leave of absence otherwise authorized in these rules, employees who are required to take annual periods of training as members in organized units of the

Reserve Corps of the Army, Navy, Air Force, Marine Corps, Coast Guard, or the National Guard and who are ordered to active duty, will be granted a leave of absence without loss of time, pay, regular leave, impairment of job evaluation, or any other benefits to which they may otherwise be entitled, upon proper application through the ~~Administrator/Clerk~~ City Clerk and written approval by the Board of Aldermen for the duration of said period of annual training not to exceed fifteen (15) working days in any federal fiscal year.

12. *Voting Time Policy.* Any employee eligible and registered to vote in any election held within this state, or any primary election held in preparation for such election shall, on the day of such election, be entitled to leave from duty (if on duty) which would allow three (3) hours of voting time between the time of opening and the time of closing the polls. This section shall not apply to a voter on the day of the election if there are three (3) successive hours while the polls are open in which the employee is not on duty. The ~~Administrator/~~ City Clerk may specify any three hours between the time of opening and closing of the polls during which an employee may be granted voting leave. Generally, said leave shall not exceed one hour of paid on-duty time for each Election Day. Exceptions may be arranged with the approval of the City Administrator/ ~~Clerk~~. Employees may be required to show current eligible voter registration cards to ~~Administrator~~ the City /Clerk prior to release for voting purposes and no employee shall be granted time off with pay for voting who is not eligible to participate in a given election.

13. *Employment Restrictions Policy.*

- a. No City employee shall solicit any contribution for the campaign fund of any candidate for City of Twin Oaks Office or take part in the political campaign of any candidate for City Office. All employees may exercise their rights as a private citizen to express opinions and, if a registered voter in the City, sign a nominating petition for any City candidate and vote in any City election. Political affiliation, participation, or contribution shall not be considered in making any City employment decision. No City officer, employee, or member of a Board, or Commission shall use official authority or official influence for the purpose of interfering with or affecting the result of any election to or nomination for a City of Twin Oaks office. No City officer, employee, or member of a Board or Commission shall directly or indirectly coerce, attempt to coerce, command, advise or solicit a City employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political or electoral purposes.
- b. No employee, either full or part-time of the City, while on duty or while in uniform that identifies the individual as an employee of the City shall canvass on behalf of any candidate, political party, or political issue; display a political picture, sticker, badge or button; attend a political rally, fund raising function, or other political gathering; circulate or sign a political petition; or serve as an election judge or clerk.

- c. No employee shall place, or allow to remain, upon a City vehicle used by the employee in the course of employment any political picture, sticker, badge or button.
- d. Nothing in these regulations shall be construed to restrict an employee's freedom to express an opinion or exercise the right to vote.
- e. No City employee shall use City equipment, personnel, facilities, or resources to promote or help promote any civic, social, business, or political candidate, or any other non-City purpose without the express written consent of the ~~Administrator/City~~ Clerk or the Board of Aldermen.

Section 140.050. Compensation.

A. *Pay Period.* All City employees will be paid bi-weekly. When the payday falls on a City Holiday, employees will be paid the preceding work day.

1. *Procedure.*

- a. Time records showing the hours worked and leave taken will be maintained on a regular basis. Vacation and Sick Leave accruals will be maintained by the ~~Administrator/Clerk~~ HR Director or his/her designee on each employee's attendance report.
- b. Time and attendance records, signed by each employee, will be submitted to the ~~Administrator/Clerk~~ HR Director for approval and verification signature at the end of each pay period.
- c. All Permanent full-time employees are required to take an unpaid thirty (30-) minute lunch break mid-day for wellness purposes.

2. *Supplementary Employment.* Any employee who wishes to engage in supplementary employment may do so without jeopardizing their employment with the City, subject to the following conditions:

- a. The proposed activity is approved by the Board of Aldermen.
- b. The activity will not harm the City's public relations image.
- c. The activity will not interfere with the individual's work or work schedule at the City.
- d. There is no potential for a conflict of interest.
- e. The activity will not require the use of the City's facilities, equipment, supplies, or other personnel.

3. *Professional and Other Memberships.* Participation in community activities and professional organizations is encouraged when such activities are consistent with the mission of the City and do not interfere with the employee's work or work schedule. Payment of dues will be reviewed prior to the approval of the upcoming year's budget and may be approved as available by the Board of Aldermen during the budget process.

Section 140.060. Compensation For Job Related Expense.

- A. *General Policy.* Employees required to travel on City business, and/or who incur other authorized expenses on behalf of the City, will be reimbursed under the travel reimbursement procedure.
1. *Out of Town Travel.* When out-of- town travel is required, air, bus, personal vehicle, or train transportation may be used; however, reimbursement will be made at the lowest rate of air coach fare, or mileage, whichever is less. Reimbursement for hotel/motel accommodations will be made for the actual costs incurred for a single room with bath, unless otherwise authorized. When accommodations are required for an extended period of time, weekly rates will be obtained if available. Miscellaneous expenses, such as tips, meter fees; bridge tolls, etc. are considered usual expenses and will be reimbursed on a reasonable actual cost basis. Receipts for accommodations, transportation, meals, and off-street parking should be obtained and submitted with the expense account.
 2. *Travel Within The St. Louis Area.* Employees using their own personal vehicles for City business will be reimbursed for such use at the current rate and according to the rules established by the Internal Revenue Service. Employees are responsible for their own auto insurance when using their personal vehicles while on City business. The City requires valid copies of driver's license and current auto insurance for all employees who use their personal vehicle for business. Rental car expenses will not be reimbursed unless the amount is found to be less expensive than the current rate of mileage per the IRS standard.
- B. Employees delegated to attend luncheon and dinner meetings as City representatives will be reimbursed for all time and expenses incurred in doing so.

Section 140.070. Personnel.

- F. Confidential Personnel Folder. A confidential personnel folder will be maintained by the City on each employee. Information contained in this file will include data pertinent to the individual's employment, such as their application form, reference checks, work history, job descriptions(s), performance evaluations, disciplinary actions, counseling records, commendations, etc. Personnel folders are available only to the employee, the Administrator/Clerk-HR Director, Mayor and the Board of Aldermen. Personnel folders are available once quarterly to each employee for their review if requested. An employee wishing to add, delete, or change any file items must submit a written request to the HR Director/Administrator/Clerk, identifying the item(s) involved, the desired actions and the reasons therefore. ~~The Administrator/Clerk will review all files annually to insure current compliance and remove all items of a disciplinary nature that are three (3) years old or more.~~ Inquiries relative to earnings or job performance must be submitted in writing to the Administrator/Clerk-HR Director on business or credit agency letterhead, and the employee must give written permission for such information to be released. Only written inquiries will be acknowledged. Inquiries should be addressed to the Administrator/Clerk-HR Director and will be limited to employment confirmation, position, title and length of service.

G. *Performance Evaluation.* For the purpose of employee development and salary administration, each employee's performance will be reviewed and evaluated annually on or near the employee's anniversary date of employment or at a date determined by the Administrator/Clerk/HR Director. The performance evaluation will be based primarily on how well the employee addressed the responsibilities outlined in the description of their position. All employees will be asked to sign their evaluations verifying that they received the evaluation and that the performance discussions were held. The employee's signature does not necessarily indicate that the employee agrees with the evaluation. In the event of any disagreement over any part of the evaluation, the employee may file a written statement to that effect and that statement will be attached to the evaluation and become an integral part of the employee's personnel folder.

Section 140.080. **Corrective Performance Improvement and Disciplinary Actions.**

- A. It shall be the duty of all employees to maintain high standards of conduct, cooperation, efficiency, and economy in their work for the City. The Administrator/Clerk/City Clerk shall endeavor to organize and direct the work of their units in a manner calculated to achieve these objectives.
- B. Whenever work habits, attitude, production, or personal conduct of an employee falls below a desirable standard, the Administrator/City Clerk shall point out the deficiencies at the time they are observed (or as soon as practical thereafter).
- C. Oral and written warnings with reasonable time for improvement and subsequent review shall precede formal discipline whenever, in the judgment of the Administrator/City Clerk, any infraction is readily correctable.
- D. When an oral warning is given, the Administrator/City Clerk shall explain the infraction to the employee and indicate corrective measures that shall be taken. The Administrator/City Clerk will inform the employee that his/her conduct must improve or he/she will face more severe disciplinary action. The employee may be asked to sign an acknowledgement that the oral warning took place. A record of this warning will be placed in the employee's personnel file, and the employee will receive a copy. ~~If no further action is taken on the matter in three (3) years all written records of the oral warning will be removed from the employee's personnel file.~~
- E. A written warning-admonition may be used for more serious infractions or in cases where the same rule has been broken. The Administrator/City Clerk shall state, in writing, the nature of the infraction leading to the disciplinary action and prior warnings, if any. The warning admonition shall include what improvement is expected, the time limits for this improvement to occur, and consequences if the improvement goal is not met. The employee should read and sign the warning in the presence of the Administrator/City Clerk. One (1) copy of the warning will be placed in the employee's personnel file, and one (1) copy will be given to the employee. ~~If no future action is taken on the matter in three years, all written records of the written warning will be removed from the employee's personnel file.~~

- F. Corrective actions shall, at all times, be promptly administered and executed, thoroughly documented, appropriate to the infraction committed, and shall never be used on account of political considerations, personal bias, or prejudice.
- G. Any disciplinary action shall be documented and explained to the employee. Eligible employees may appeal disciplinary actions against them pursuant to the City's grievance procedure, but they may not appeal a termination of employment.
- H. *Terminations.* Terminations of employment with the City will be classified under one (1) of the following:
1. *Resignation.* A termination is classified as a "Resignation" when it has been voluntarily initiated by the employee. To remain in good standing and be eligible for rehire, the employee must submit their written letter of resignation at least ten (10) working days in advance. If the employee's continued employment is determined by the City to may be detrimental to the City, the resignation may be effective immediately and employment may be terminated immediately. Under these circumstances, the resigning employee would be eligible to receive ten (10) working days of regularly scheduled pay plus vacation pay accrued until date of resignation notice. Employee will not be compensated for accrued sick leave.
 2. *Discharge.* A termination will be classified as a "Discharge" when it has been determined that the employee's activities have not been in the best interests of the City and/or the employee is guilty of conduct contrary to the policies and procedures of the City. An employee discharged will be paid only for time worked plus accrued vacation. Employee will not be compensated for accrued sick leave. Examples of conduct for which an employee may be discharged include, but are not limited to
 - a. Conviction of a felony while an employee of the City.
 - b. Misappropriation of City funds, supplies or materials.
 - c. Failure to carry out job duties and responsibilities in an acceptable manner.
 - d. Violation of the City's "Conflict of Interest" Policy.
 - e. Insubordination.
 - f. Introduction, possession, distribution or use on city property or in city equipment of intoxicating liquors or illegal ~~Unlawful possession, use, or distribution of illegal~~ drugs or controlled substances (drugs) or proceeding to or from work under the influence of liquor or an illegal controlled substance.
 - g. Unlawful possession, use or distribution of any firearm(s) including possession of a firearm on one's person on City property while at work.
 - h. Falsification of any City records.
 - i. Harassment and or Intimidation.

j. Violation of City policies applicable to employees.

k. Inability or unwillingness to perform tasks necessary or required of the job position (unrelated to a disability).

~~i. The employee's continued employment is determined by the Board of Aldermen to be detrimental to the City.~~

~~j. An employee discharged for cause will be paid only for time worked plus accrued vacation. Employee will not be compensated for accrued sick leave.~~

~~k.l. An employee wishing to appeal his/her termination may do so by giving written notice to the Mayor of the Board of Aldermen within five (5) working days after the date of termination. The Board of Aldermen will hear the appeal within ten (10) working days after the date of notice of appeal was received.~~

3. *Retirement/Separation of Employment.* An employee, whose termination is the result of retirement or separation of employment, will be paid through the last day of service, plus accrued vacation.

4. *Disability.* If an employee is unable to perform the essential functions of his/her position with or without reasonable accommodation because of disability, the City may separate, transfer, or otherwise dismiss that employee. The City reserves the right to require any employee to undergo a physical or mental examination if the City determines that there is an issue with respect to the employee's ability to perform the essential functions of his/her job, or whether reasonable accommodation is necessary to enable the employee to perform the essential functions of the position.

5. *Return of City Property.* An employee leaving the City's service for any reason and who has City-owned equipment or property in his/her possession shall return such equipment or property to the ~~Administrator/City~~ Clerk prior to receiving his/her last paycheck. Failure to return said property may result in an amount being withheld from the employee's paycheck equal to the value of the property.

I. *Grievance Policy.* All employees shall have the right, except as specified herein, to utilize the grievance and complaint procedures of this ~~manual~~ Chapter. The grievance and complaint procedures of this manual will be available to ~~permanent~~ full-time and ~~permanent~~ part-time employees who work at least twenty-five (25) hours per week, who are not serving a probationary period, whether imposed due to a new position, or for disciplinary performance reasons.

1. *Purpose.* The grievance procedure provides the employee with a means of discussion and resolution of work related grievances. The procedure is intended as a means of resolving situations where employees believe personnel policies have been or are being violated, and are not a means to contest management decisions.

2. *Time Limitations.* Grievances must be filed with the ~~HR Director~~ Board of Aldermen within ten (10) working days from the date of the alleged action (the time limit may be

extended to ninety (90) days upon showing by the grievant that he/she did not or could not know of the alleged harm). An employee may file a grievance, without fear of jeopardizing their position, chances for promotion or salary advancement. Paperwork associated with filing a grievance must be completed outside of scheduled working hours. All documentation from the entire process will be maintained in a single file.

3. *Procedure.*

a. Within ten (10) working days after the written grievance has been submitted, the ~~Administrator/Clerk~~ HR Director will meet with the employee to discuss the grievance and what action, if any, should be taken. The ~~Administrator/Clerk~~ HR Director will issue a written response within five (5) working-business days of the meeting.

b. Should the ~~Administrator/Clerk's~~ HR Director's response not resolve the grievance, the employee may, within five (5) working days after receiving the report, request, in writing, a review by the ~~Board of Aldermen~~ Mayor. The Mayor ~~of the Board of Aldermen~~ will arrange for a review of the situation within hearing of the full Board of Aldermen within fifteen (15) working days from the date of the request. Any decision of the Mayor will be final. ~~The decision of the Board of Aldermen will be final.~~

4. For any grievance involving the HR Director/City Clerk, the grievance procedure under this Subsection 1 Shall substitute the Mayor for the City Clerk.

5. Grievance Records. In keeping with this Personnel Policy and Article III of Chapter 110, records pertaining to employee grievances are kept as confidential as possible and shall be deemed closed records pursuant to Section 110.150.A.3 of the Twin Oaks Municipal Code and Section 610.021(3) RSMo. However, the identity of the person filing the grievance will usually by necessity be revealed to the respondent and witnesses. Retaliation against anyone availing themselves of the grievance procedures will not be tolerated.

4.6. The grievance procedure set forth herein shall not be available after termination of employment nor available to former employees.

Section. 140.090. **Substance Abuse Policy.**

The City will make every effort to provide a drug free workplace. Drug abuse in the work place presents unacceptable dangers to our employees and the integrity of the City. The City reserves the right to routinely test employees for drug abuse as a condition of continuing employment when reasonable grounds to suspect substance abuse exist.

“Reasonable grounds to suspect substance abuse exists” is defined as suspicion based on personal observation by the ~~Administrator/City~~ Clerk of an employee's appearance, behavior, speech or breath odor.

Any employee involved in an injury or non-injury accident during scheduled business hours may be required to submit to a drug test. Failure to comply with this request for drug test will subject such employee to disciplinary action up to and including discharge.

All current and future employees will be required to acknowledge receipt of a copy of this policy and comply with its provisions. A copy of the substance abuse policy will be permanently posted in the City office.

Section 140.100. Employees To Acknowledge Receipt of Policy.

This manual sets forth policies which concern your employment. It has been and continues to be our practice to follow these policies and treat employees fairly. From time to time, there will be revisions to this manual and you will be notified of these changes. Exceptions to these policies must be approved by the Board of Aldermen.

It is necessary for us to make clear that this manual is not part of a contract and no employee has any contractual right to the matters set forth in this manual. Your employment is “at will”. You are free to voluntarily sever your employment. The City of Twin Oaks retains the right to terminate employment with or without cause, as it deems necessary.

ACKNOWLEDGMENT

I, _____, an employee of the City of Twin Oaks, Missouri, hereby certify that I have received and read a copy of the City’s Personnel Policies and Procedures Manual, including those policies dealing with Confidential Information and Substance Abuse.

I further certify that I understand the importance of (1) safeguarding all confidential information that I encounter, (2) maintaining a drug free workplace, and (3) the consequences should I violate either policy in this regard.

X _____
Employee Signature

Date

X _____
Employer Signature

Date

- A. **Section 140.010. Introduction.**
- B. *Authority.* These policies, procedures, rules and regulations are established by the authority of Ordinance #323, enacted by the Board of Aldermen on December 1, 2010.
- C. *Purpose.* The purpose of these rules is the formulation of sound personnel policies designed to promote efficiency and economy, reward meritorious service, provide for the settlement of grievances, develop and maintain morale, and establish non-discriminatory standards for the treatment of City employees.
- D. *Intent.* These personnel rules and regulations only outline the major employment policies of the City of Twin Oaks. These rules and regulations do not intend to be and shall not be considered all-inclusive. The rules and regulations are not intended to be a substitute for the good judgment, common sense, and discretion of City personnel.
- E. *Employment at Will.* All employees are employed “at will” and the City expressly reserves the legal right to discharge or terminate employees at any time and for any reason. Likewise, employees have the legal right to terminate their employment at any time and for any reason. These personnel rules and policies are not a contract and are not intended to create any contractual obligations on the part of the City.
- F. *Employment Categories.*
1. *Full-Time:* Any employee who has a regular work schedule of thirty-seven and one-half (37.5) to forty (40) hours per week throughout the calendar year.
 2. *Part-Time:* Any employee who works up to thirty-seven and one-half (37.5) hours per week throughout the calendar year.
 3. *Temporary/Seasonal.* Any employee who works up to forty (40) hours per week for only certain times during the year.
- G. *LAGERS eligibility.* For purposes of the City’s pension plan (LAGERS) only, a permanent full-time employee is one who is regularly scheduled to work more than 25 hours per week throughout the year. Temporary employees are not eligible for this benefit.
- H. *Changes in these Policies.* As circumstances arise in which the City may determine that changes to these policies are necessary, the City reserves the right to change these policies at any time and reserves the unilateral right to do so at any time without prior notice to its employees. Accordingly, no statement on these rules and policies is intended as a contractual commitment or obligation of the City to any employee.
- I. *Previous Policies.* These personnel rules and policies supersede and replace all previous rules and regulations.
- J. *Consistent with Laws.* These policies and procedures shall not be inconsistent with but complimentary to related state and federal laws and regulations. If any provision becomes invalid due to subsequent passage or interpretations of related legislation or court rulings the remaining provisions shall not be invalidated.

- K. *Personnel Policy Administration.* It shall be the responsibility of the Mayor and the City Clerk acting as the Human Resources Director (hereinafter referred to as the “HR” Director) to administer, interpret and from time to time recommend to the Board of Aldermen appropriate amendments in order to maintain the rules and policies.

Section 140.020. Organizational Philosophy.

- A. *Mission.* The City of Twin Oaks is committed to providing quality and effective services to its residents and to the general public at large.
- B. *Values.* The strength and future growth of the City is directly related to the contributions made by each individual within the Organization. In order to create the proper climate for employees to achieve maximum contribution;
1. Employees will be placed in positions which best utilize their aptitudes and skills without regard to age, race, color, creed, sex, sexual orientation, political and religious affiliation, national origin, disability or handicap, or marital status. Employees will be offered the opportunity for self-development and advancement through training and education as it benefits the City.
 2. Employees will be respected for their personal worth and dignity. They will be accorded fair and equitable treatment at all times through a program of compensation and general working conditions that reflect a spirit of social justice and social cooperation.
- C. *Strategy.* Commitment to the City’s mission and values will result in a desire on the part of each individual to excel in their work. This can be measured by innovation and teamwork resulting in the implementation of new and creative ideas.
1. The success of this strategy will manifest itself in growth in ability to serve, increased efficiency, greater productivity, positive community relations and image projection; and access to resources of all kinds.

Section. 140.030. Personnel Policy Objectives.

- A. In order for the City to fulfill its mission in the community, productive and competent employees at all levels in the Organization must staff the City. Accordingly, the City seeks to provide employment conditions and policies which will attract, motivate, and retain highly qualified employees.

Section 140.040. Employment Policy.

A. Affirmative Action and Equal Opportunity Employer Policy.

1. It is the policy of the City of Twin Oaks, as set forth by the Board of Aldermen, to provide employment, training, compensation, promotion, and other conditions of employment without regard to age, race, color, creed, sex, sexual orientation, political and religious affiliation, national origin, or marital status, and in full compliance with the Americans with Disabilities Act.
2. Appropriate job-related standards will be applied to the condition of employment and will be maintained at a level consistent with the growth of the City.

3. To the extent possible, the City will seek out individuals with the best qualifications and the most promising potential to meet its employment requirements. Within its capacity, the City will provide appropriate training and development to enable individuals to successfully complete their probationary period and qualify for continued employment.

B. *Employment Policy.* All employment will begin with a probationary period to allow the employee the opportunity to demonstrate an ability to perform the job and the City to assess performance. Unless otherwise stated in the written job offer, the probationary period will cover the first six (6) months of employment. The probationary period shall be regarded as an integral part of the evaluation process and shall be utilized for closely observing the employee's work and for securing the most effective adjustment of a new, transferred or promoted employee to the position, and for replacing any employee whose performance does not meet the required work standards.

1. *Procedure.*

- a. All applicants for employment must complete the City's official job application form. An authorized representative of the City will review all applications, check prior employment and personal references, and verify appropriate application information.
- b. Applicants selected for employment will be issued a letter confirming the offer of employment and stating pertinent details such as position title, salary, nature of duties, date acceptance or rejection of the offer is expected and any other special conditions of employment. The letter will be signed by the Mayor or City Clerk, as appropriate. The letter is not a contract for employment.
- c. Selection of the City Clerk will be made by the Board of Aldermen pursuant to section 115.090 of the Twin Oaks Municipal Code. Employment of all other employees will be made by the Board upon recommendation by the Mayor and the City Clerk.
- d. Basic personnel policies will be discussed with a prospective employee, by the appropriate person, during the interview process. After employment is confirmed, the new employee will be given a copy of the Personnel Policies and Procedures Manual.
- e. During the probationary period, the Mayor and the City Clerk will evaluate and discuss job progress with the new employee. At the end of the probationary period, the Mayor and the City Clerk will render a written evaluation, and a decision will be made by the Board of Aldermen regarding the employee's retention. New employees will be subject to the same personnel practices as those in effect for all employees.
- f. During this probationary period, an employee may be dismissed; and there shall be no right of appeal or grievance upon such dismissal.
- g. The City Clerk as HR Director will be responsible for the administration of personnel issues in accordance with the City's policy of Equal Employment Opportunity and

Affirmative Action, and in accordance with State and Federal laws. The Board of Aldermen will be consulted on such matters as appropriate.

C. *Anti-Discrimination Policy.* It is the firm commitment of the Board of Aldermen to prohibit any type of employee discrimination or harassment. The City of Twin Oaks will not tolerate the discriminatory actions or harassing behavior by an employee aimed at another employee, elected official, vendor or resident of the City.

1. *Policy.* It is the policy of the City of Twin Oaks that all employees should be able to enjoy a working atmosphere that is free from all forms of discrimination. Discrimination infringes on every employee's right to a comfortable and productive work environment and undermines the integrity of the employment relationship. No employee, male or female, should be subjected to repeated, unsolicited or objectively unwelcome conduct, either verbal or physical. The City of Twin Oaks is committed to provide a positive working environment in which each employee is respected as an individual and can realize his or her full potential, with equal opportunity for advancement and personal growth. Consistent with this commitment, the City strictly prohibits all forms of discrimination and any employee who is found to have engaged in discriminatory activity will be subject to immediate corrective action, up to and including termination of employment.

2. *Definitions.*

a. Sexual harassment consists of unwelcome sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual nature where

(1) Submission to such conduct is made a term or a condition of employment

(2) An employment decision (such as promotion or job assignment) is based on acceptance or rejection of such conduct;

(3) Such conduct interferes with an employee's work performance or creates an intimidating, hostile or offensive work environment.

b. Sexual harassment takes a variety of forms, and may involve employees in any job and at any level of responsibility. Although it would be impossible to list all forms of sexual harassment, the City has set out some examples of conduct which would violate the City's Harassment Policy:

(1) Intentional physical contact of a sexual nature, such as touching, fondling, pinching, patting or grabbing another employee

(2) Making unwelcome or persistent sexual advances toward another employee;

(3) Making sexual comments, jokes, noises, or gestures to, or in the presence of, another employee;

(4) Using explicit or derogatory sexual terms in reference to, or in the presence of, another employee, displaying sexually explicit or sexually oriented materials in

the workplace including, but not limited to, magazines, posters, calendars, photographs, sketches, or cartoons;

- (5) Granting or promising preferential treatment to an employee in exchange for submitting to or participating in sexual conduct;
 - (6) Threatening an employee, with termination, demotion, poor evaluation or other detrimental or retaliatory conduct as a means to obtain sexual favors;
 - (7) Retaliating in any way against an employee who has complained of, or reported, sexual harassment, or who has participated in the investigation of such conduct.
- c. Other forms of harassment may include:
- (1) Threatening or causing physical harm to an employee or purposely placing an employee in apprehension of physical harm.
 - (2) Verbal abuse of an employee based on physical appearance, national origin, sexual orientation, religion, race, age, gender, disability, or creed.
3. *Reporting.* Any employee who believes that he/she has been the victim of harassment as defined herein, or who has witnessed or has knowledge of such behavior, is required to report such conduct to the HR Director (or the Mayor, if it involves the HR Director) immediately.
4. *Employee Grievance Procedures.*
- a. It shall be the policy of the City to give individual employees an opportunity to discuss their complaints; to ensure employee concerns are reviewed in a timely manner, and to provide procedures to handle concerns expressed by the employee. Any employee who is aware of an employee or manager harassing or discriminating against someone shall notify the HR Director immediately. An employee who fails to report such actions may be subject to disciplinary action, up to and including termination. No employee will be subjected to any form of retaliation for making a good faith report or participating in a grievance investigation.
 - b. The HR Director shall attempt to resolve the matter promptly and fairly. Following the discussion between HR Director and employee the HR Director shall ask if the employee believes the grievance has been settled. If the employee informs the Supervisor the oral discussion failed to settle the issue, the HR Director shall promptly notify the Mayor of the matter.
 - c. If the employee and HR Director believe the grievance has not been settled following their initial oral discussion, the HR Director shall have the option to handle the grievance in the following ways:
 - (1) Have the employee submit a written report with supporting documents to the HR Director for the purpose of conducting an informal investigation. The informal investigation shall be conducted by the HR Director or his/her designee. In an

effort to resolve the grievance, he/she will consider the facts, conduct the informal investigation as necessary and appropriate. The HR Director's decision shall be in writing and shall be delivered to the complaining employee within a reasonable amount of time following the date on which the HR Director received the employee's written report. If it is determined corrective action is needed, prompt remedial action will be taken; or

- (2) Have the employee submit a written report with supporting documents to the HR Director for the purpose of conducting a formal investigation. The formal investigation shall be conducted by the HR Director or his/her designee with the assistance of the City Attorney or special legal counsel. The formal investigation shall involve a full examination of the facts, which may include review of the employee's written report and supporting documents, appropriate discussions with all individuals concerned and further investigation if necessary. Before any action is taken, the HR Director and the City Attorney will review the findings of the investigation, including the written reports and evidence accumulated and documented. A complete written report will then be provided to the Board of Aldermen who will, in Executive "Closed" Session, take such corrective action, which may involve any level of corrective action up to an including immediate termination of employment;
 - (3) Have the employee submit a written report with supporting documents to the HR Director for the purpose of having an independent third-party investigator conduct a formal investigation. The Board of Aldermen, in Executive "Closed" Session, shall be advised of the matter and decide if a third-party investigator should be hired to conduct a formal investigation.
5. *Members of the public.* If an employee feels harassed by a member of the public, the employee should immediately notify his/her supervisor so the City can endeavor to take immediate and corrective action, if possible.

D. *Hours of Work and Overtime Policy.*

1. *Employees Exempt from Overtime.* All City employees in executive and administrative positions are considered to be "exempt" as defined by the Fair Labor Standards Act, as amended (the "Act") and are therefore, not paid overtime for hours worked in excess of forty hours (40) during the work week.
2. *Employees Not Exempt from Overtime.* All positions not specifically identified as Executive or Administrative are designated as "non-exempt", and are paid at an hourly rate, and therefore eligible for overtime compensation or the minimum wage provisions by said Act.
 - a. *Overtime.* Although every effort will be made to avoid it, overtime work may occasionally be required. The normal workweek for "non-exempt" personnel is forty (40) hours with meals excluded. Non-exempt employees are not permitted to work

overtime without the prior approval of the City Clerk or Mayor. Overtime compensation shall be at a rate of one and one-half times the hourly rate.

- b. *Compensatory Time.* It is the City's policy to compensate employees entitled to overtime through compensatory time-off. Also known as "Comp Time," compensatory time-off is defined as time-off in lieu of overtime pay at a rate of one and one-half hours for each overtime hour worked. An employee using compensatory time-off is paid at the regular rate of pay for the time-off. Only hours worked in excess of forty (40) during a workweek will be counted as accrued compensatory-time-off. Vacation time, sick leave time, holidays and other time off shall not be considered as hours of work for the purposes of computing overtime. The City Clerk may reschedule daily hours or the workweek of any employee when necessary to successfully carry out the City's business.
 - (1) Compensatory time-off may be accrued to a maximum of eighty (80) hours (the "Hours Cap") for all covered employees unless waived for special circumstances by the Board. However, even if the Board approves carry over of a covered employee's accrued compensatory time in excess of the Hours Cap, on December 31 of the year following Board approval of such carry-over, all accrued hours over the Hours Cap shall be paid out as overtime compensation based upon the employee's current hourly rate of pay.
 - (2) Compensatory time that has not been utilized at the time the employee severs employment with the City shall be paid out as overtime compensation based upon the employee's current hourly rate of pay.
 - c. *Tracking Compensatory Time.* The City Clerk or designee shall document accrued Comp Time by converting overtime hours to accrued Comp Time at the rate of 1 hour of overtime equals 1.5 hours of Comp Time. In the situation where it is necessary to pay an employee the cash equivalent of part or all accrued Comp Time, the City Clerk shall simply multiply the accrued Comp Time total by the employee's current hourly rate of pay. The City Clerk shall regularly (at least quarterly) notify non-exempt employees of the amount of their accrued Comp Time.
- 3. *Workweek.* The standard work week (Sunday - Saturday) for staff members exempt from the provisions of the "Act" will generally be around forty (40) hours. However, due to the nature of their work, exempt employees will need to be available for duty beyond the normal work week such as night meetings and, on occasion, weekend City events. The regular salary of these employees is considered full compensation for the standard work week plus unplanned, irregular or extra work hours inherent in the performance of their assigned position functions.
 - 4. *Call-back Time.* If a non-exempt employee is called to work outside of a normally scheduled workday, or is called back to work after having completed a regularly scheduled work day, the minimum overtime for which compensation will be made will be

two (2) hours. If hours worked exceeds two (2) hours, the employee will be credited for actual overtime hours worked.

5. *City Hours of Operation.* City offices will be open as scheduled throughout the year, unless closed due to bad weather or other reasons by the decision of the Board of Aldermen.

E. *Employment Benefits and Policies.* The City seeks to provide benefits to all full-time and permanent part-time employees that, when combined with salary, provide a reasonable foundation for economic security.

1. *General Benefits.* All full-time and part-time employees are covered by social security, worker's compensation, and unemployment insurance from the first day of employment, in accordance with applicable laws and regulations. Worker compensation and unemployment insurance costs are paid by the City; both employees and the City contribute to the Social Security Fund (FICA).
2. *Pension Fund.* The City offers a pension fund to all eligible permanent employees called LAGERS (Local Association of Government Employee Retirement System), using both employer and employee contributions. For purposes of LAGERS only, a "full-time employee" is one who is regularly scheduled to work more than twenty-five (25) hours per week throughout the year. Temporary employees are not eligible for this benefit.
3. *Personal Spending Stipend.* As part of an eligible employee's compensation, the City contributes an annual predetermined amount (based on available budgeted funds) to each eligible employee or class of employees that may go towards dependent childcare expenses, healthcare costs, college tuition, savings, or any other use the employee may desires. The Board may set the annual stipend by ordinance, resolution, motion, or by way of the approved budget. Nothing herein shall require the stipend to be uniform across all classes of employees and the Board may differentiate from class to class.
4. *Vacation Leave Policy.*
 - a. Only full-time and part-time employees shall be eligible for paid vacation. Part-time employees regularly scheduled for less than twenty (20) hours per week and temporary/seasonal employees are not eligible for vacation benefits.
 - b. Eligible employees will begin accruing vacation leave on their first day of employment, but are not eligible to use the vacation time until six (6) continuous months of employment with the City are achieved, unless waived for special circumstances by the Board.
 - c. Vacation must be earned before it is taken and scheduled in advance with approval of the City Clerk. Full-time employees will accrue vacation annually based on length of service according to the following schedule:
 - (1) **120 hours** – Employees will accrue 4.62 hours per pay period for years of service through five (5).

- (2) **144 hours** – Employees will accrue 5.54 hours per pay period for years of service six (6) through fifteen (15).
 - (3) **168 hours** – Employees will accrue 6.46 hours per pay period for years of service sixteen (16) plus.
- d. Part-time employees will accrue vacation annually based on length of service according to the following schedule:
- (1) **80 hours** – Employees will accrue 3.08 hours per pay period for years of service through five (5).
 - (2) **100 hours** – Employees will accrue 3.85 hours per pay period for years of service six (6) through fifteen (15).
 - (3) **120 hours** – Employees will accrue 4.62 hours per pay period for years of service sixteen (16) plus.
- e. City employees are encouraged to take their vacation time during the current year. However, employees may carry over any remaining unused vacation hours to a maximum of 240 hours of vacation.
- f. Exempt employees' description of vacation time will be contained in their Memorandum of Agreement.

5. *Sick Leave Policy.*

- a. Sick Leave is not an earned benefit. Absence from scheduled work, whether excused or unexcused, can lessen the City's efficiency. Sick leave is a privilege granted in recognition of faithful service when any permanent employees are ill and unable to work; thus, unused sick leave is not payable at the time of termination. Accrued sick leave may be used in the following situations:
- (1) The employee is incapacitated for the performance of assigned duties by sickness or injury; or periods of time required for medical, surgical, dental, or optical examinations or treatment.
 - (2) Members of employee's household: the employee is absent due to an illness of the employee's spouse, children, other relatives, or unrelated members of the employee's household, who require the employee's personal care and attention.
 - (3) Unusual cases will be handled on an individual basis. The final decision concerning the usage of sick leave rests with the City Clerk and is based upon the degree to which the employee is responsible for providing personal care and attention for a family member, who may or may not reside in the household, or for another member of the household. Merely visiting a relative or household member who is ill or hospitalized would not justify usage of sick leave.

- b. Part-time employees regularly scheduled for less than twenty (20) hours per week, temporary/seasonal employees are not eligible for sick leave.
- c. Full-time employees accumulate sick leave at the rate of 4.616 hours per pay period with a maximum balance of two-hundred forty (240) hours. Sick leave can be taken in two-hour increments.
- d. Part-time employees accumulate sick leave at the rate 3.08 hours per pay period with a maximum balance of one-hundred eight (180) hours. Sick leave can be taken in two (2) hour increments.
- e. New employees accrue sick leave starting with their first day of employment but cannot use sick leave until after completing their six-month probationary period.
- f. Chronic and pattern absenteeism, and or tardiness, or other abuse of this policy will lead to disciplinary action up to and including termination of employment. Examples of pattern absenteeism include, but are not limited to, absences on any Mondays or Fridays and or adjacent to a holiday(s).

6. *Holiday Policy*

- a. The Village recognizes the following holidays as paid time off for all permanent full-time and permanent part-time employees: New Year's Day, Martin Luther King Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving, Day before Christmas, and Christmas Day.
- b. If a holiday falls on a scheduled work day of a part-time employee, that employee will be paid for those regularly scheduled hours to work. If a holiday falls on a non-scheduled work day of a part-time employee, no pay will be recorded. Temporary/seasonal employees will not work on that day and will not be paid.
- c. If any of the recognized holidays fall on a Saturday, the previous Friday will be observed as the holiday. When any of the recognized holidays fall on a Sunday, the following Monday will be observed as the holiday. When any of the recognized holidays fall within the period of annual or sick leave, the holiday may be added to either. Exempt employees who are required to work on a recognized holiday will be given a substitute holiday to be taken within thirty (30) days thereafter.
- d. Non-exempt employees who are required to work on a recognized holiday will be paid at time and one half (1/2).

7. *Jury Duty Policy.* The Village recognizes the civic duty of employees to serve on juries when called. Full-time and part-time employees performing jury duty will continue to receive their regular pay during the period of service and may retain the jury fee. A copy of the jury duty summons and jury duty service certification must be submitted for placement in the employee's file. However, temporary/seasonal employees will not be paid jury duty leave.

8. *Bereavement Leave Policy.* Full-time and part-time employees may be granted up to three (3) working days of leave without loss of regular pay in the event of a death in the immediate family. If the allowable number of days is not sufficient, additional days may be taken as vacation time or unpaid leave. For the purpose of this policy, “immediate” family is defined as follows: Spouse, Parents, Father-in-law, Mother-in-Law, Children, Son-in-Law, Daughter-in-Law, Siblings, Grandparents, Grandchildren, Guardian, and Significant Other.
9. *Unpaid Leave of Absence Policy.*
 - a. Due to the number of employees at the City being less than 50, employees are not eligible for leave under the Family Medical Leave Act (FMLA). However, the City recognizes the need for extended periods of leave due to a serious medical issue or the birth of a child and has adopted a policy for granting an unpaid leave of absence to eligible employees (“ULA”).
 - b. *Eligibility.* To be eligible for ULA, full-time and part-time employees must have worked for the City for at least twelve (12) months and for at least 1,250 hours during the year preceding the requested leave. ULA may be granted for medical reasons; to care for a newly adopted, foster care, or newborn child; to care for the employee’s spouse, son, daughter, or parent with a serious health condition; or because of an employee’s own serious health condition that makes the employee unable to work at all or to perform the essential functions of the employee’s job.
 - c. *Procedure.* A request for ULA must be made in writing to the HR Director and specify the purpose, length, and specific dates thereof. The HR Director, with the approval of the Mayor, will notify the employee, in writing, of the decision. The ULA shall be without pay, benefits, accrual of vacation or accrual of sick leave for a period not to exceed twelve (12) calendar weeks. ULA shall be granted only after all of the employee’s accrued sick leave and vacation leave have expired.
 - d. If ULA is granted hereunder because of a full-time and part-time employee’s medical condition, the employee may be required to submit a statement from his/her attending physician which shall include the date the serious health condition began; the physician’s judgment concerning the probable duration of the condition; the diagnosis of the serious health condition; a statement of the course of treatment; an indication of whether in-patient hospitalization is necessary; and a statement that the employee either cannot perform any kind of work or cannot perform the essential functions of his/her job. If the ULA is to care for a family member, the employee may be required to provide a statement from the family member’s physician indicating that it would be desirable or beneficial for the employee to provide care for the family member.
 - e. Full-time and part-time employees seeking to use leave under this policy are required to provide thirty (30) days advanced notice of the need to take leave if the need for the leave is foreseeable based on an expected birth or placement of a child, or planned medical treatment for the serious health condition of the employee or family member.

If 30 days notice is not practical under the circumstances, notice must be given as soon as practical. Notice should include the reason for the requested leave, the anticipated start of the leave, and the anticipated duration of the leave.

10. *Continuing Education Payment/Reimbursement Policy.* The City recognizes that attendance at selected outside seminars, conferences, and/or workshops are mutually beneficial to the employee and the City. Employees are encouraged to participate in continuing education activities in areas related to their work, and will be reimbursed for the cost of pre-approved training, subject to the availability of funds and prior written approval by the Board of Aldermen. Books and other required class materials will not be reimbursable.

11. *Military Leave Policy*

- a. Any employee who is to perform active duty or training or inactive duty or training in the armed forces of the United States, including but not limited to active reserves, shall be granted a leave of absence, as permitted by law. Further, an employee who leaves the City for such military service may be paid accrued vacation for which the employee is eligible from the City at the time of the leave of absence.
- b. Any employee who leaves his/her job to serve in the armed forces is entitled to all rights provided for under state and federal law during the performance of military duty and, upon completion of the military duty, the employee is entitled to reinstatement to his former position or to a position equal in terms of seniority, pay, and status to the one (1) the employee left to go into the service unless the City's circumstances have changed so much that it would be impossible for this to be done. Those reinstatement rights are conditioned upon the employee fulfilling the basic requirements for reinstatement under federal and state law.
- c. An employee who is reinstated following completion of military service shall be eligible to take accrued vacation thirty (30) days after reinstatement.
- d. In addition to a leave of absence otherwise authorized in these rules, employees who are required to take annual periods of training as members in organized units of the Reserve Corps of the Army, Navy, Air Force, Marine Corps, Coast Guard, or the National Guard and who are ordered to active duty, will be granted a leave of absence without loss of time, pay, regular leave, impairment of job evaluation, or any other benefits to which they may otherwise be entitled, upon proper application through the City Clerk and written approval by the Board of Aldermen for the duration of said period of annual training not to exceed fifteen (15) working days in any federal fiscal year.

12. *Voting Time Policy.* Any employee eligible and registered to vote in any election held within this state, or any primary election held in preparation for such election shall, on the day of such election, be entitled to leave from duty (if on duty) which would allow three (3) hours of voting time between the time of opening and the time of closing the

polls. This section shall not apply to a voter on the day of the election if there are three (3) successive hours while the polls are open in which the employee is not on duty. The City Clerk may specify any three hours between the time of opening and closing of the polls during which an employee may be granted voting leave. Generally, said leave shall not exceed one hour of paid on-duty time for each Election Day. Exceptions may be arranged with the approval of the City Clerk. Employees may be required to show current eligible voter registration cards to the City Clerk prior to release for voting purposes and no employee shall be granted time off with pay for voting who is not eligible to participate in a given election.

13. *Employment Restrictions Policy.*

- a. No City employee shall solicit any contribution for the campaign fund of any candidate for City of Twin Oaks Office or take part in the political campaign of any candidate for City Office. All employees may exercise their rights as a private citizen to express opinions and, if a registered voter in the City, sign a nominating petition for any City candidate and vote in any City election. Political affiliation, participation, or contribution shall not be considered in making any City employment decision. No City officer, employee, or member of a Board, or Commission shall use official authority or official influence for the purpose of interfering with or affecting the result of any election to or nomination for a City of Twin Oaks office. No City officer, employee, or member of a Board or Commission shall directly or indirectly coerce, attempt to coerce, command, advise or solicit a City employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political or electoral purposes.
- b. No employee, either full or part-time of the City, while on duty or while in uniform that identifies the individual as an employee of the City shall canvass on behalf of any candidate, political party, or political issue; display a political picture, sticker, badge or button; attend a political rally, fund raising function, or other political gathering; circulate or sign a political petition; or serve as an election judge or clerk.
- c. No employee shall place, or allow to remain, upon a City vehicle used by the employee in the course of employment any political picture, sticker, badge or button.
- d. Nothing in these regulations shall be construed to restrict an employee's freedom to express an opinion or exercise the right to vote.
- e. No City employee shall use City equipment, personnel, facilities, or resources to promote or help promote any civic, social, business, or political candidate, or any other non-City purpose without the express written consent of the City Clerk or the Board of Aldermen.

Section 140.050. Compensation.

- A. *Pay Period.* All City employees will be paid bi-weekly. When the payday falls on a City Holiday, employees will be paid the preceding work day.

1. *Procedure.*
 - a. Time records showing the hours worked and leave taken will be maintained on a regular basis. Vacation and Sick Leave accruals will be maintained by the HR Director or his/her designee on each employee's attendance report.
 - b. Time and attendance records, signed by each employee, will be submitted to the HR Director for approval and verification signature at the end of each pay period.
 - c. All Permanent full-time employees are required to take an unpaid thirty (30) minute lunch break mid-day for wellness purposes.
2. *Supplementary Employment.* Any employee who wishes to engage in supplementary employment may do so without jeopardizing their employment with the City, subject to the following conditions:
 - a. The proposed activity is approved by the Board of Aldermen.
 - b. The activity will not harm the City's public relations image.
 - c. The activity will not interfere with the individual's work or work schedule at the City.
 - d. There is no potential for a conflict of interest.
 - e. The activity will not require the use of the City's facilities, equipment, supplies, or other personnel.
3. *Professional and Other Memberships.* Participation in community activities and professional organizations is encouraged when such activities are consistent with the mission of the City and do not interfere with the employee's work or work schedule. Payment of dues will be reviewed prior to the approval of the upcoming year's budget and may be approved as available by the Board of Aldermen during the budget process.

Section 140.060. Compensation For Job Related Expense.

- A. *General Policy.* Employees required to travel on City business, and/or who incur other authorized expenses on behalf of the City, will be reimbursed under the travel reimbursement procedure.
 1. *Out of Town Travel.* When out-of- town travel is required, air, bus, personal vehicle, or train transportation may be used; however, reimbursement will be made at the lowest rate of air coach fare, or mileage, whichever is less. Reimbursement for hotel/motel accommodations will be made for the actual costs incurred for a single room with bath, unless otherwise authorized. When accommodations are required for an extended period of time, weekly rates will be obtained if available. Miscellaneous expenses, such as tips, meter fees; bridge tolls, etc. are considered usual expenses and will be reimbursed on a reasonable actual cost basis. Receipts for accommodations, transportation, meals, and off-street parking should be obtained and submitted with the expense account.

2. *Travel Within The St. Louis Area.* Employees using their own personal vehicles for City business will be reimbursed for such use at the current rate and according to the rules established by the Internal Revenue Service. Employees are responsible for their own auto insurance when using their personal vehicles while on City business. The City requires valid copies of driver's license and current auto insurance for all employees who use their personal vehicle for business. Rental car expenses will not be reimbursed unless the amount is found to be less expensive than the current rate of mileage per the IRS standard.

B. Employees delegated to attend luncheon and dinner meetings as City representatives will be reimbursed for all time and expenses incurred in doing so.

Section 140.070. **Personnel.**

F. *Confidential Personnel Folder.* A confidential personnel folder will be maintained by the City on each employee. Information contained in this file will include data pertinent to the individual's employment, such as their application form, reference checks, work history, job descriptions(s), performance evaluations, disciplinary actions, counseling records, commendations, etc. Personnel folders are available only to the employee, the HR Director, Mayor and the Board of Aldermen. Personnel folders are available once quarterly to each employee for their review if requested. An employee wishing to add, delete, or change any file items must submit a written request to the HR Director, identifying the item(s) involved, the desired actions and the reasons therefore. Inquiries relative to earnings or job performance must be submitted in writing to the HR Director on business or credit agency letterhead, and the employee must give written permission for such information to be released. Only written inquiries will be acknowledged. Inquiries should be addressed to the HR Director and will be limited to employment confirmation, position, title and length of service.

G. *Performance Evaluation.* For the purpose of employee development and salary administration, each employee's performance will be reviewed and evaluated annually on or near the employee's anniversary date of employment or at a date determined by the HR Director. The performance evaluation will be based primarily on how well the employee addressed the responsibilities outlined in the description of their position. All employees will be asked to sign their evaluations verifying that they received the evaluation and that the performance discussions were held. The employee's signature does not necessarily indicate that the employee agrees with the evaluation. In the event of any disagreement over any part of the evaluation, the employee may file a written statement to that effect and that statement will be attached to the evaluation and become an integral part of the employee's personnel folder.

Section 140.080. **Corrective Performance Improvement and Disciplinary Actions.**

A. It shall be the duty of all employees to maintain high standards of conduct, cooperation, efficiency, and economy in their work for the City. The City Clerk shall endeavor to organize and direct the work of their units in a manner calculated to achieve these objectives.

- B. Whenever work habits, attitude, production, or personal conduct of an employee falls below a desirable standard, the City Clerk shall point out the deficiencies at the time they are observed (or as soon as practical thereafter).
- C. Oral and written warnings with reasonable time for improvement and subsequent review shall precede formal discipline whenever, in the judgment of the City Clerk, any infraction is readily correctable.
- D. When an oral warning is given, the City Clerk shall explain the infraction to the employee and indicate corrective measures that shall be taken. The City Clerk will inform the employee that his/her conduct must improve or he/she will face more severe disciplinary action. The employee may be asked to sign an acknowledgement that the oral warning took place. A record of this warning will be placed in the employee's personnel file, and the employee will receive a copy.
- E. A written admonition may be used for more serious infractions or in cases where the same rule has been broken. The City Clerk shall state, in writing, the nature of the infraction leading to the disciplinary action and prior warnings, if any. The admonition shall include what improvement is expected, the time limits for this improvement to occur, and consequences if the improvement goal is not met. The employee should read and sign the warning in the presence of the City Clerk. One (1) copy of the warning will be placed in the employee's personnel file, and one (1) copy will be given to the employee.
- F. Corrective actions shall, at all times, be promptly administered and executed, thoroughly documented, appropriate to the infraction committed, and shall never be used on account of political considerations, personal bias, or prejudice.
- G. Any disciplinary action shall be documented and explained to the employee. Eligible employees may appeal disciplinary actions against them pursuant to the City's grievance procedure, but they may not appeal a termination of employment.
- H. *Terminations.* Terminations of employment with the City will be classified under one (1) of the following:
 - 1. *Resignation.* A termination is classified as a "Resignation" when it has been voluntarily initiated by the employee. To remain in good standing and be eligible for rehire, the employee must submit their written letter of resignation at least ten (10) working days in advance. If the employee's continued employment is determined by the City to be detrimental to the City, the resignation may be effective immediately and employment may be terminated immediately. Under these circumstances, the resigning employee would be eligible to receive ten (10) working days of regularly scheduled pay plus vacation pay accrued until date of resignation notice. Employee will not be compensated for accrued sick leave.
 - 2. *Discharge.* A termination will be classified as a "Discharge" when it has been determined that the employee's activities have not been in the best interests of the City and/or the employee is guilty of conduct contrary to the policies and procedures of the City. An

employee discharged will be paid only for time worked plus accrued vacation. Employee will not be compensated for accrued sick leave. Examples of conduct for which an employee may be discharged include, but are not limited to

- a. Conviction of a felony while an employee of the City.
 - b. Misappropriation of City funds, supplies or materials.
 - c. Failure to carry out job duties and responsibilities in an acceptable manner.
 - d. Violation of the City's "Conflict of Interest" Policy.
 - e. Insubordination.
 - f. Introduction, possession, distribution or use on city property or in city equipment of intoxicating liquors or illegal controlled substances (drugs) or proceeding to or from work under the influence of liquor or an illegal controlled substance.
 - g. Unlawful possession, use or distribution of any firearm(s) including possession of a firearm on one's person on City property while at work.
 - h. Falsification of any City records.
 - i. Harassment and or Intimidation.
 - j. Violation of City policies applicable to employees.
 - k. Inability or unwillingness to perform tasks necessary or required of the job position (unrelated to a disability).
 - l. The employee's continued employment is determined by the Board of Aldermen to be detrimental to the City.
3. *Retirement/Separation of Employment.* An employee, whose termination is the result of retirement or separation of employment, will be paid through the last day of service, plus accrued vacation.
 4. *Disability.* If an employee is unable to perform the essential functions of his/her position with or without reasonable accommodation because of disability, the City may separate, transfer, or otherwise dismiss that employee. The City reserves the right to require any employee to undergo a physical or mental examination if the City determines that there is an issue with respect to the employee's ability to perform the essential functions of his/her job, or whether reasonable accommodation is necessary to enable the employee to perform the essential functions of the position.
 5. *Return of City Property.* An employee leaving the City's service for any reason and who has City-owned equipment or property in his/her possession shall return such equipment or property to the City Clerk prior to receiving his/her last paycheck. Failure to return said property may result in an amount being withheld from the employee's paycheck equal to the value of the property.

- I. *Grievance Policy.* All employees shall have the right, except as specified herein, to utilize the grievance and complaint procedures of this Chapter. The grievance and complaint procedures of this manual will be available to full-time and part-time employees who work at least twenty-five (25) hours per week, who are not serving a probationary period, whether imposed due to a new position or for disciplinary performance reasons.
 1. *Purpose.* The grievance procedure provides the employee with a means of discussion and resolution of work related grievances. The procedure is intended as a means of resolving situations where employees believe personnel policies have been or are being violated, and are not a means to contest management decisions.
 2. *Time Limitations.* Grievances must be filed with the HR Director within ten (10) working days from the date of the alleged action (the time limit may be extended to ninety (90) days upon showing by the grievant that he/she did not or could not know of the alleged harm). An employee may file a grievance, without fear of jeopardizing their position, chances for promotion or salary advancement. Paperwork associated with filing a grievance must be completed outside of scheduled working hours. All documentation from the entire process will be maintained in a single file.
 3. *Procedure.*
 - a. Within ten (10) working days after the written grievance has been submitted, the HR Director will meet with the employee to discuss the grievance and what action, if any, should be taken. The HR Director will issue a written response within five (5) business days of the meeting.
 - b. Should the HR Director's response not resolve the grievance, the employee may, within five (5) working days after receiving the report, request, in writing, a review by the Mayor. The Mayor will arrange for a review of the situation within fifteen (15) working days from the date of the request. Any decision of the Mayor will be final.
 4. For any grievance involving the HR Director/City Clerk, the grievance procedure under this Subsection 1 Shall substitute the Mayor for the City Clerk.
 5. *Grievance Records.* In keeping with this Personnel Policy and Article III of Chapter 110, records pertaining to employee grievances are kept as confidential as possible and shall be deemed closed records pursuant to Section 110.150.A.3 of the Twin Oaks Municipal Code and Section 610.021(3) RSMo. However, the identity of the person filing the grievance will usually by necessity be revealed to the respondent and witnesses. Retaliation against anyone availing themselves of the grievance procedures will not be tolerated.
 6. The grievance procedure set forth herein shall not be available after termination of employment nor available to former employees.

Section. 140.090. Substance Abuse Policy.

The City will make every effort to provide a drug free workplace. Drug abuse in the work place presents unacceptable dangers to our employees and the integrity of the City. The City reserves the right to routinely test employees for drug abuse as a condition of continuing employment when reasonable grounds to suspect substance abuse exist.

“Reasonable grounds to suspect substance abuse exists” is defined as suspicion based on personal observation by the City Clerk of an employee’s appearance, behavior, speech or breath odor.

Any employee involved in an injury or non-injury accident during scheduled business hours may be required to submit to a drug test. Failure to comply with this request for drug test will subject such employee to disciplinary action up to and including discharge.

All current and future employees will be required to acknowledge receipt of a copy of this policy and comply with its provisions. A copy of the substance abuse policy will be permanently posted in the City office.

Section 140.100. Employees To Acknowledge Receipt of Policy.

This manual sets forth policies which concern your employment. It has been and continues to be our practice to follow these policies and treat employees fairly. From time to time, there will be revisions to this manual and you will be notified of these changes. Exceptions to these policies must be approved by the Board of Aldermen.

It is necessary for us to make clear that this manual is not part of a contract and no employee has any contractual right to the matters set forth in this manual. Your employment is “at will”. You are free to voluntarily sever your employment. The City of Twin Oaks retains the right to terminate employment with or without cause, as it deems necessary.

ACKNOWLEDGMENT

I, _____, an employee of the City of Twin Oaks, Missouri, hereby certify that I have received and read a copy of the City’s Personnel Policies and Procedures Manual, including those policies dealing with Confidential Information and Substance Abuse.

I further certify that I understand the importance of (1) safeguarding all confidential information that I encounter, (2) maintaining a drug free workplace, and (3) the consequences should I violate either policy in this regard.

X _____
Employee Signature

Date

X _____
Employer Signature

Date