

Uniform Personnel Policies and Guidelines for the City of Cunningham

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Policies Established. The following policies, guidelines and other provisions for Personnel Administration in the City of Cunningham, Kansas, hereinafter referred to as City, are established to:

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

Application of Policies. These policies and guidelines shall apply to all employees in the service of the City except elected officials.

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

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Administrative

Qualification for Employment

The City of Cunningham Governing Body has established the policy not to discriminate against a person because of race, age, religion, creed, color, sex, or physical handicap. Every individual is given an equal opportunity for employment with the City.

All applicants for any position with the city shall meet the minimum qualifications established for that position.

Each applicant shall complete a job application form.

A medical examination or other testing, including drug testing, may be required only after an offer of employment has been made, provided that, such exams or testing are required of all such applicants who are offered employment in similar positions or position classifications. Where required, the offer for employment is contingent upon applicant passing required tests.

All offers of employment for identified staff positions will be contingent on successfully passing a background check. Background checks will be conducted using a contracted third party and/or appropriate law enforcement agencies. Only applicants that have advanced to the interview stage of consideration will be asked to complete the background check authorization and disclosure form. Applicants who decline to undergo a background check will be disqualified from further consideration. Background checks must be completed as a condition of employment prior to the individual beginning work.

Probation

Each employee, following initial employment, shall satisfactorily complete a minimum 90-day probationary period before being granted regular status. Any employee terminated during the probationary period shall be considered a termination for cause.

Any probationary period provided for herein may be extended by giving written notice of such extension to the employee.

Residency

All employees are required to live within a five-mile radius of the City of Cunningham, unless specific arrangements are approved by the city council. An applicant for this position will be expected to fulfill the residency requirement within six months of employment unless granted a waiver by the governing body. Failure to maintain residency without a waiver shall be considered cause for termination.

Nepotism

No person shall be employed in any department supervised by a member of his or her immediate family without the consent of the City Council.

General Responsibilities of City Employees

Each employee must maintain high standards of efficiency, cooperation and economy in his or her work for the City. When work habits, attitudes, productivity, or personal conduct fall below expectations, the supervisor will discuss the problem(s) with the employee. Disciplinary action will be taken against employees if they do not show good moral character while on the job. Not being aware of these rules is not an excuse for breaking them.

Job Notification

If an employee is unable to report to work, he or she must call his or her supervisor. If an employee fails to report to work without proper notification, progressive discipline will be initiated by the supervisor. A third day's absence without notification to the supervisor will be considered job abandonment and immediate termination will result.

Time Sheets

Each employee shall be responsible for recording hours worked at the end of every day on a time sheet provided by the City. Time sheets are to be turned in to the City Clerk no later than noon the day before payday.

Pay Periods & Paydays

The City shall pay all employees bi-weekly, with payday every other Friday, for work performed the previous two weeks. Should the regular payday fall on a City holiday, pay shall be distributed on the working day immediately preceding that day.

Pay Records

The City Clerk shall keep adequate records as required by the Federal Fair Labor Standards Act of all persons employed, their job descriptions, their pay scale, time worked, accrued vacation and sick leave, all absences for vacation and sick leave and accrued overtime. Such records shall be available at all reasonable times for inspection by authorized persons.

City Employment

Part-time employees will be limited to 999 hours in one calendar year, being January 1st to December 31st. Full-time, salaried employees are required to work a minimum of 5 days per week.

Overtime

The nature of working for the city requires an employee to work more than a 40-hour week on occasion. Compensation for authorized overtime work shall be at the rate of one and one-half times the employee's regular rate of pay and shall be given in the form of compensatory time off. It is preferred that comp time be held to a minimum with the employee taking time off during the same week in which extra hours are worked whenever possible. Comp time shall be used by the end of the pay period following that in which it was earned, unless to do so would unduly disrupt the city's operations and an extension is granted by the Mayor. The City Clerk shall inform the employee of accrued comp time. An employee requesting an extension for the use of accrued comp time shall make the request to the Mayor in writing before the end of the pay period following that in which it was earned.

Call-Out Policy

Any employee who is "called-out" is awarded 2 hours minimum comp time, plus time worked beyond those two hours on that same call. The employee shall record call-outs on the weekly time sheet. The City Clerk shall inform the governing body of call-outs in a monthly report.

Resignation. An employee who terminates his or her employment voluntarily shall be terminated in good standing, providing the employee gives a minimum of two weeks written notice to his or her immediate supervisor or to the City Clerk. Under appropriate circumstances, a shorter period of notice may be approved by the City Clerk or Mayor.

Upon termination, voluntary or otherwise, an employee shall be compensated for all earned but unused vacation and personal days at his or her final rate of pay. An employee shall not be paid for any unused sick leave upon termination of his or her employment with the City.

Weekends and Holidays

A supervisor may require an employee to work on weekends or holidays. Compensation for Sundays or Holidays required to be worked will be at the time and a half rate.

The following days shall be paid holidays for City employees:

- New Year's Day, January 1
- Memorial Day, last Monday in May
- Independence Day, July 4
- Labor Day, first Monday in September
- Veteran's Day, November 11
- Thanksgiving, fourth Thursday in November
- Christmas Day, December 25

From time to time, and for certain special occasions, the governing body may designate other days as special holidays. To be eligible to receive pay for an observed holiday, an employee must not have been absent without leave on the workdays before and after the holiday. When a regular holiday falls on a Saturday or Sunday, the preceding Friday or following Monday shall be declared a holiday. Part-time employees shall be paid only for city-observed holidays that fall on days in which they otherwise would have been scheduled to work. The amount of such pay shall be equal to the wages they would have earned for the number of hours they would have been scheduled to work on that day. Seasonal and temporary employees shall not receive paid holidays.

Merit Salary Increase

Salary increases shall not be automatic. An employee assigned regular status following the completion of a probationary period, may be granted an increase in pay, subject to the approval of the City Council. A supervisor may recommend to the City Council regular salary increases for all employees once a year, providing a performance evaluation report has been prepared not more than 60 days prior to the date of the recommendation and such report is rated satisfactory or higher.

Performance Evaluation Required

Employee performance evaluations shall be considered in determining salary increases, as a factor in determining promotions, as a factor in determining the order of layoffs, as a factor in setting up training schedules, and as a means of discovering employees who, because of their low performance, should be demoted or dismissed.

The employee's supervisor shall make an evaluation of each employee's performance of his or her duties and responsibilities. The evaluation shall be in writing upon such forms as are approved by the City Council. Each employee shall be evaluated at least once each year. The supervisor will review all completed evaluations with the employee and the employee will be given the opportunity to make any written comments that he or she may have in response on the evaluation form. The City Clerk will keep completed evaluations in the employee's file for a period of five years.

Sick Leave & Personal Leave. After a 90-day probationary period, each full-time employee is allowed 10 sick days (80 hours) and 2 personal days (16 hours) per year. An employee may accumulate up to 60 days (480 hours) sick pay. Sick leave is intended for use by the employee in cases of illness, injury, accidents, physical incapacity, or doctor appointments for the employee, employee's spouse or other dependents.

Vacation. Full-time employees are eligible for paid vacations after one year of employment.

10 days per year – one to five years of service

15 days per year – after five to fifteen years of service

20 days per year – after fifteen years of service

Vacation and personal days cannot be accumulated from year to year. Any days not taken during the current year (employee's anniversary date to anniversary date) will be lost.

An employee shall request time off for vacations at least one week prior to the requested vacation date. The supervisor will make every effort to grant the request depending on workload and employee availability.

Funeral Leave. Full-time employees are eligible for up to 3 days of Funeral Leave per year. Funeral leave is only to be used for the death of an immediate family member, which includes: spouse, child, parent, sibling, and grandparent. The employee will need to request funeral leave from his or her supervisor for it to be granted.

Military Leave. The City of Cunningham recognizes and adheres to all applicable state and federal laws regarding leaves for uniformed service to the State of Kansas as well as the United States. Any employee who needs time off for uniformed service is to immediately notify the City Clerk and the Mayor, both of whom will provide a detailed explanation to the employee of his or her reemployment rights under K.S.A. 48-517 (governing members of the Kansas National Guard, Kansas Air National Guard, and the Uniformed Services Employment and Reemployment Rights Act (USERRA) covering persons performing duty, voluntarily and/or involuntarily in the U.S. Army, Navy, Marine Corps, Air Force, Coast Guard, Army National Guard, Air National Guard, and Public Health Service commissioned corps.

Civil Leave.

(a) *Civil Leave With Pay.* An employee shall be given necessary time off with pay (1) when performing jury duty, (2) when appearing in court as a witness in answer to a subpoena or as an expert witness when acting in an official capacity in connection with the City, (3) when performing emergency civilian duty in connection with national defense, or (4) for the purpose of voting when the polls are not open at least two hours before or after the employee's scheduled hours of work.

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

Other Employee Benefits

Retirement – OASDI Benefits. All eligible employees of the City are under the federal OASDI social security system and receive the benefits thereof in accordance with federal laws and guidelines. The cost of this benefit is paid equally by the City and the employee, with the employee contribution subject to payroll deduction.

KPERS Benefits. All eligible employees of the City are members of the Kansas Public Employees Retirement System (KPERS) and receive the benefits thereof in accordance with state laws and guidelines. The rate of contribution for employee is set by state law and subject to payroll deduction. The employer's share is determined by KPERS and varies annually.

Retirement Date. The federal Age Discrimination in Employment Act shall be the policy for City retirement. Normal retirement benefits under KPERS and OASDI accrue at age 65.

Worker's Compensation Benefits. All employees of the City receive the benefits of the Kansas Worker's Compensation Act, in accordance with such law and guidelines. The cost of this benefit is paid entirely by the employer.

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

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

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

Health Care Program.

- (a) All regular full-time employees shall be eligible for the City's group health insurance program, subject to the provider's minimum participation requirements.
- (b) When an individual employee is required to contribute because of participation in the City's group health care program, the amount of such contribution shall be a payroll deduction.
- (c) All costs for health care insurance shall be paid by the employee during any period the employee is (1) on leave without pay, (2) is on suspension without pay, (3) is on unauthorized leave, or (4) is participating in any unlawful work stoppage.
- (d) Health care insurance coverage shall be extended to an individual who is temporarily disabled and drawing worker's compensation while serving as a City employee. The employee's share of the cost shall be deducted from any compensation payments. In the event no additional compensation is due, insurance may be extended at the option of the governing body.

(e) No employee shall be entitled to cash payment in lieu of health care insurance coverage.

(f) The City complies with those provisions of the federal Consolidated Omnibus Reconciliation Act of 1986 (COBRA) relating to the extension of group health care plan coverage upon termination of City employment.

Amended, August 31, 2009:

All eligible city employees shall participate in the City's group health care insurance plan to the extent required by the plan.

Amended, June 24, 2018:

(g) Full-time employees will be eligible for the City's group health care insurance plan after a waiting period as defined by the insurance plan. The City Council and Mayor shall review the plan annually in July or August. If the plan selected by the City offers additional coverage to the base plan selected by the City, the additional costs of options selected by the employee shall be paid by the employee. The City will pay 85% of the cost of the individual coverage and 85% of the costs for spouse and dependents' coverage.

Personal Conduct

Professional Conduct. Employees will conduct themselves in a courteous, professional manner at all times. No employee of the City will discriminate against another person because of race, age, religion, creed, color, sex, or physical handicap.

Personal Hygiene. Employees will practice good hygiene.

Employee Changes. It is the responsibility of each employee to report changes to the City Clerk in any of the following: address, telephone, number of dependents, marital status, or change of name.

ID's Required. The employee is required to have a valid Kansas driver's license and social security number. The City Clerk shall keep a copy of these documents in the employee's file. Any employee who will be operating a city vehicle or other machinery will have his or her driving record checked. An employee is required to inform his or her supervisor of any changes or driving restrictions.

As required by current laws, all employees must have a signed loyalty oath on file in the City Clerk's office before beginning employment. All employees initially hired after November 7, 1986, for any position with the City, shall complete an employment eligibility verification statement in compliance with federal Immigration Reform and Control Act of 1986.

Keys. The City Clerk shall be responsible for issuing door and gate keys. No keys shall be duplicated without the City Clerk's authorization. Any loss of keys shall be reported immediately to the City Clerk.

Use of City Assets. Employees will not use assets of the City for personal use or gain or permit the use of said assets by non-city employees. Use of City facilities, equipment, tools, supplies, etc. for other than city business will only be permitted when specifically authorized by the City Council.

Controlled Substance Testing. The City of Cunningham will follow two different Drug and Alcohol Testing Policies:

1. Full-time employees requiring a CDL will be under the regulated DOT policy.
2. Full-time employees not requiring a CDL will be under the non-regulated policy.

All full-time employees, with the exception of clerical, must pass an initial drug test before beginning employment with the City. After the initial test, employees will be tested at random or by request of the employee's supervisor with the concurrence of the Mayor and a member of the Council.

Unlawful possession, use, or distribution of illegal drugs, and/or alcohol by City employees on City time or property is prohibited.

Outside employment. The City has no objection to outside employment as long as it does not interfere with an employee's job performance or result in continuous absences or tardiness.

Health & Safety

Safety Policy. It is the responsibility of each employee to be familiar with and to follow the City's safety policies. All employees are required to wear appropriate safety equipment and follow appropriate safety precautions according to City and/or departmental policy at all times. Failure to comply with safety policies may result in disciplinary action.

Accident Reporting. If an employee is injured on the job, the supervisor must be contacted immediately.

Lock-Out / Tag-Out. The City has a written lock-out/tag-out program. Employees are responsible for reading, understanding, and following this program.

Hazardous Chemicals. Each employee is responsible to read all labels and to check MSDS files. Each employee is responsible to know the location of MSDS files and to ask the supervisor for instructions as required.

Bloodborne Pathogens. Each employee is responsible for knowing the location of and to have read the Bloodborne Pathogen Plan.

Vaccinations. Hepatitis B Vaccines (HBV – a series of three shots) are required. These shots will be provided to the employee at no cost. Employees who decline the HBV will sign a waiver form as required by OSHA standards.

Physical Examinations. Physical examinations may be required at the City's expense.