

POLICY MANUAL

City of Wentzville

CHAPTER 135: PERSONNEL POLICY

CHAPTER 125: CODE OF ETHICS

CHAPTER 155: POLITICAL ACTIVITY

CHAPTER 150: ANTI-FRAUD & CORRUPTION

ADMINISTRATIVE DIRECTIVES & POLICIES



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CHAPTER 135: PERSONNEL POLICY

ARTICLE I. GENERAL PROVISIONS

SECTION 135.010: PURPOSE

The purpose of this Chapter is to establish uniform personnel policies and procedures for Wentzville City employees. (R.O. 2006 §135.010; Ord. No. 2481 §1, 3-22-06)

SECTION 135.020: APPLICABILITY

These policies and procedures shall apply to all employees of the City of Wentzville, including elected officials, appointed members of boards and commissions, persons employed to make or conduct special inquiry, investigations, examinations or audits and consultants retained by the City to perform professional services. In the event of a conflict with the memorandum of understanding between the City and Operating Engineers, Local No. 2, the memorandum of understanding shall prevail. (R.O. 2006 §135.020; Ord. No. 2481 §1, 3-22-06)

SECTION 135.030: ADMINISTRATION

The policies and procedures as approved by the Board of Aldermen shall be administered by the City Administrator or his/her designee. All departmental policies and procedures must be on file in the City. (R.O. 2006 §135.030; Ord. No. 2481 §1, 3-22-06)

SECTION 135.040: ADMINISTRATIVE DIRECTIVES

A. The City Administrator may supplement this personnel ordinance in writing with prior Board approval as he/she feels necessary by issuing administrative directives concerning all aspects of City employment, duties, personnel regulations, etc. Any administrative directive dealing with personnel practices, requirements or regulations shall be considered a part of this Chapter and will supplement any conflicting parts of the Chapter. Changes or recommendations shall be consistent with [Section 135.030](#).

B. In the event of a conflict in Sections of this manual, the most stringent Section will apply until it can be addressed by either an administrative directive and/or policy revision. (R.O. 2006 §135.040; Ord. No. 2481 §1, 3-22-06)

SECTION 135.050: REVISION

This Chapter shall be subject to revision(s) adopted by the Board of Aldermen at any time by ordinance. Any and all revisions shall be forwarded to all employees. (R.O. 2006 §135.050; Ord. No. 2481 §1, 3-22-06)

SECTION 135.060: VIOLATION OF PROVISIONS

Any employee violating any of the provisions of this Chapter shall be subject to disciplinary action, up to and including suspension and/or dismissal, in addition to any penalty which may be levied for the violation of the same. The City shall notify the employee in writing of any suspension or dismissal. In a case involving a union member, a copy of said notice will be supplied to the union representative. (R.O. 2006 §135.060; Ord. No. 2481 §1, 3-22-06)

SECTION 135.070: EQUAL EMPLOYMENT OPPORTUNITY

A. It is the policy of the City of Wentzville to employ qualified persons with the greatest ability without discrimination against any employee or applicant for employment because of race, religion, color, creed, sex, disability, national origin, ancestry, age, status as a disabled veteran or veteran of the Vietnam era or any other protected group status. The City wishes to reaffirm and re-emphasize that this policy applies throughout the City. In implementing and administering this policy, the City will provide that:

1. We will recruit, hire, train and promote qualified persons in all job titles without regard to race, religion, color, creed, sex, disability, national origin, ancestry, age, covered veterans' status or any other protected group status.
2. We will base decisions on employment so as to further the principles of equal employment opportunity.
3. We will insure that promotion decisions are in accord with the principles of equal employment opportunity by imposing only valid requirements for promotional opportunities.
4. We will insure that all personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, City-sponsored training, education, tuition assistance, social and recreational programs will be administered without regard to race, religion, color, creed, sex, disability, national origin, ancestry, age, covered veterans' status or any other protected group status.

B. Should you have any questions, please contact your supervisor/manager or any other member of management. (R.O. 2006 §135.070; Ord. No. 2481 §1, 3-22-06)

SECTION 135.080: AMERICANS WITH DISABILITIES ACT POLICY

A. The City of Wentzville is committed to complying with all applicable provisions of the Americans With Disabilities Act (ADA). It is the City's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the individual can perform the essential functions of the job. Consistent with this policy of non-discrimination, the City will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the City aware of his or her disability, provided that such accommodation does not constitute an undue hardship on the City.

B. Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact Human Resources. On receipt of an accommodation request, a meeting will be held with you to discuss and identify the precise limitations resulting from the disability and the potential accommodation that the City might make to help overcome those limitations. (R.O. 2006 §135.080; Ord. No. 2481 §1, 3-22-06)

SECTION 135.090: ANTI-HARASSMENT POLICY

A. It is the policy of the City to maintain a working environment which encourages mutual respect, promotes respectful and congenial relationships between employees and is free from all forms of harassment of any employee or applicant for employment by anyone, including supervisors, co-workers, vendors or customers. Harassment in any manner or form is expressly prohibited and will not be tolerated by the City. Accordingly, City management is committed to vigorously enforcing this policy against harassment including, but not limited to, sexual harassment at all levels within the City.

B. All reported or suspected occurrences of harassment will be promptly and thoroughly investigated. Where harassment is determined to have occurred, the City will immediately take appropriate disciplinary action. Actions may include written warnings, possible suspension, transfers and termination.

C. The City will not permit or condone any acts of retaliation against anyone who files harassment complaints or cooperates in the investigation of a complaint.

1. The term "*harassment*" includes, but is not limited to, unwelcome slurs, jokes, verbal, graphic or physical conduct relating to an individual's race, religion, sex, age, national origin or disability.

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

- a. Submission to such conduct is an explicit or implicit term or condition of employment;

b. Employment decisions are based on an employee's submission to or rejection of such conduct; or

c. Such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

3. The term "*harassment*" may also include conduct of employees, supervisors, vendors and customers who engage in verbally or physically harassing behavior which has the potential for humiliating or embarrassing an employee of the City.

D. Complaint Procedure. The City provides its employees with a convenient and reliable method for reporting incidents of harassment, including sexual harassment. Any employee who feels that they have been or are being harassed or discriminated against is encouraged to immediately inform the alleged harasser that the behavior is unwelcome. In most instances, the person is unaware that their conduct is offensive and when so advised can easily and willingly correct the conduct so that it does not reoccur. If the informal discussion with the alleged harasser is unsuccessful or if such an approach is not possible, the employee should immediately report the conduct to their immediate supervisor, manager or to Human Resources. The report should include all facts available to the employee regarding the harassment.

E. Confidentiality. All reports of harassment will be treated seriously. However, absolute confidentiality is not promised nor can it be assured. The City will conduct an investigation of any complaint that will require limited disclosure of pertinent information to certain parties, including the alleged harasser.

F. Investigative Procedure. Once a complaint is received, the City will begin a prompt and thorough investigation. The investigation may include interviews with all involved employees, including the alleged harasser, and any employees who are aware of facts or incidents alleged to have occurred. Once the investigation is completed, a determination will be made regarding the validity of the harassment allegations. If it is determined that harassment has occurred, prompt remedial action will be taken. This may include some or all of the following steps:

1. Restoration of any lost terms, conditions or benefits of employment to the complaining employee.
2. Discipline of the harasser. This discipline can include written disciplinary warnings, transfer, demotion, suspension and termination.

If the harassment is from a vendor or customer, the City will take appropriate action to stop the complained of conduct.

G. Duties Of Employees And Supervisors. All employees of the City, both management and non-management, are responsible for assuring that the workplace is free of harassment. Any employee may file a harassment complaint regarding incidents experienced personally or

incidents observed in the workplace. The City strives to maintain a lawful, pleasant work environment where all employees are able to effectively perform their work without interference of any type and request the assistance of all employees in this effort. (R.O. 2006 §135.090; Ord. No. 2481 §1, 3-22-06)

SECTION 135.100: ALCOHOL AND CONTROLLED SUBSTANCE TESTING POLICY

A. Policy. It is the policy of the City of Wentzville, Missouri, to provide safe, dependable and economical services to its citizens and to provide safe working conditions for its employees and to comply with the requirements of Federal law and regulations related to the Drug Free Work Place Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991. It is also the policy of the City of Wentzville to provide healthy, satisfying, working environments for its employees. To meet these goals, it is the policy of the City of Wentzville to insure that its employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner; to create a workplace environment free from the adverse effects of alcohol and controlled substances abuse or misuse; to prohibit the unlawful manufacture, distribution, dispensing, possession or use of alcohol and controlled substances; and to encourage employees to seek professional assistance when personal problems, including alcohol and controlled substance dependency, adversely affect their ability to perform assigned duties.

B. Purpose. The purpose of this policy is to assure worker fitness for duty and to protect employees and the public from the risks posed by the use of alcohol and controlled substances. It is also the purpose of this policy to comply with all applicable Federal and State regulations governing workplace alcohol and controlled substance abuse programs mandated under the above-noted acts. These acts mandate urine drug testing and breathalyzer alcohol tests for safety-sensitive positions and prevent performance of safety-sensitive functions when there is a positive test result. The Federal law has also established standards for collection and testing of urine and breath specimens, the reporting of certain drug-related offenses, protective measures for certain employees tested, for the preservation of confidentiality and for certain reporting.

C. Applicability. This policy applies to all safety-sensitive employees who perform safety-sensitive functions as these persons and activities are defined in the Omnibus Transportation Employee Testing Act and its implementing regulations that include, but are not limited to, persons who are required to possess a CDL license for the operation of a commercial vehicle of the City of Wentzville. They shall be required to state in writing that they comply with the provisions of this Act and its implementing regulations while engaged in services for the City of Wentzville or in activity while on City of Wentzville property as a condition of the award of any such contracts for services or work and the continuation of same.

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

COMMERCIAL VEHICLE: As defined in Section 302.010, RSMo.

CONTROLLED SUBSTANCES: As defined in Chapter 195, RSMo.

DELAY: Any failure to immediately report to the test site to participate in the required testing under this policy.

MEDICAL REVIEW OFFICER (MRO): A licensed physician who is an expert in drug and alcohol testing and the application of Federal regulations to the drug and alcohol testing process.

SUBSTANCE ABUSE PROFESSIONAL (SAP): A specially qualified substance abuse clinician who plays a central role in the return to duty process of an employee who has tested positive for drugs or alcohol. The SAP is not an advocate for the employer or the employee. The SAP's overarching function is to protect the public interest of safety by professionally performing specific DOT mandated return to duty functions.

E. Policy Administrator.

1. Unless otherwise designated by the City Administrator in writing, the City Administrator shall be designated as the controlled substance and alcohol policy administrator of the City of Wentzville. Any inquiries concerning this policy, its application, its administration or its interpretation shall be made to the Policy Administrator.
2. The City Administrator shall designate a position to be identified to the public and to employees whose incumbent is the primary person responsible for implementation and administration of this policy under the supervision of the City Administrator.
3. The Policy Administrator shall develop and maintain a current list of the positions that are governed by this policy. The list shall be available for inspection in Human Resources. Individuals who are applying for positions with the City of Wentzville and affected employees shall be notified of the positions that are covered by this policy.
4. The Policy Administrator shall develop all forms necessary to carry out the provisions of this policy, unless the forms are provided under the Federal regulations. The forms shall be provided to appropriate persons who are responsible for the implementation and management of this policy.

F. Alcohol And Controlled Substances Prohibitions.

1. An employee is prohibited from the operation of a commercial motor vehicle and/or from engaging in any work-related functions for alcohol-related conduct:
 - a. While consuming alcohol;
 - b. While having a blood alcohol concentration of two one-hundredths (0.02) or greater;

- c. Within four (4) hours of consuming alcohol;
 - d. After refusing to submit to an alcohol test; and
 - e. From consuming alcohol within eight (8) hours after an accident as specified in this policy.
2. An employee is prohibited from the unauthorized use of a controlled substance at any time, whether on or off duty.
 3. An employee is prohibited from the unauthorized possession of alcohol while on duty and of controlled substances at any time, whether on or off duty.
 4. Any employee whose job performance requires the possession of a valid CDL and who loses the CDL for a violation of or as a consequence of the law shall be subject to disciplinary action up to and including termination from service. The employee must notify the Policy Administrator and the employee's immediate supervisor of the loss of the CDL. Failure to notify the Policy Administrator of the loss of the CDL shall result in immediate termination from service.

G. Controlled Substance And Alcohol Test Provisions.

1. Employees subject to this policy shall be subject to controlled substances and alcohol testing including the following types of tests: Pre-employment testing, random testing (except as provided herein), reasonable suspicion testing, post-accident testing, return to work testing and follow-up testing to rehabilitation programs.
2. *Pre-employment testing.* Pre-employment urine drug testing shall be required of all applicants who receive a contingent offer. Receipt of satisfactory test results is required prior to commencement of employment and/or engaging in safety-sensitive functions and the failure of a controlled substance or alcohol test disqualifies an applicant from appointment to employment for a period of at least one hundred eighty (180) days.
3. *Reasonable suspicion testing.* Reasonable suspicion testing shall be used to determine fitness for duty evaluations, including appropriate urine and/or breath testing, when there are objective observable reasons to believe that a controlled substance or alcohol use is adversely affecting an employee's job performance or that the employee has violated this policy. Reasonable suspicion referral for testing shall be made on the basis of documented objective facts and circumstances which are consistent with the effects of substance use. Reasonable suspicion observations and reports can only be made by supervisory or management personnel who are trained to detect the signs and symptoms of controlled substance and alcohol use and who may reasonably conclude that an employee may be adversely affected or impaired in the employee's work performance due to the use of the controlled substance or alcohol. The observing supervisor or manager, whether or not the person is the employee's immediate supervisor, is required to complete the appropriate required documentation concurrently with the observation and

consideration to impose reasonable suspicion testing. Reasonable suspicion testing shall be required and completed whenever possible within two (2) hours of the observation, but in any case no later than before four (4) hours after the observation for breath alcohol testing and thirty-two (32) hours for controlled substance testing.

4. *Post-accident testing.*

a. Post-accident testing shall be required for any accident that qualifies as an occurrence as described below. An occurrence will be considered an accident in any situation, including, but not limited to, those involving City vehicles, rolling machinery and power equipment, in which one (1) of the following may occur:

(1) Any damage to property, real or personal, i.e., vehicles, equipment and structures;

(2) When there is a fatality or an injury to one's self or anybody else resulting from the situation that may require medical care at the time of the accident or at anytime thereafter; or

(3) When there is a traffic citation issued.

b. To the extent possible, post-accident testing shall be completed within two (2) hours of the accident occurrence, but in any cases no later than before four (4) hours after the accident for breath alcohol testing and thirty-two (32) hours for controlled substance testing. An employee involved in an accident shall refrain from alcohol consumption for eight (8) hours following the accident.

c. An employee will be excluded from post-accident testing when medical care is needed due to an insect bite and/or sting.

5. *Random testing.* Random testing shall be conducted on all persons in safety-sensitive positions. Random testing shall be unannounced and conducted with unpredictable frequency throughout the year using an established scientifically based selection method. Testing shall be conducted whenever and as ordered by appropriate supervisory personnel, but no less frequently than required by Federal law and regulations and in such numbers as is minimally determined under the regulations.

6. *Return to work testing.* Return to work urine drug and alcohol testing for all employees covered by this policy shall be required for all employees who previously tested positive on a controlled substance or alcohol test. To return to work, the employee must test negative and be evaluated and released to return to work by a substance abuse professional (SAP) before being permitted to return to work.

7. *Follow-up testing.*

a. Follow-up testing of employees returning to work shall be required for employees to submit to frequent unannounced random urine drug and breath alcohol testing for at least six (6) times in the following twelve (12) months after return to work, which random testing may be continued for a period of up to sixty (60) months from the employee's return to work date.

b. The method of collecting, storing and testing the split sample required under this policy shall be consistent with the procedures established in 49 CFR Part 40.

c. Any employee who questions the results of a required urine drug test under this policy may request that an additional test be conducted. The test must be conducted on a split sample that was provided at the same time as the original sample and the test analysis shall be conducted at a different qualified laboratory than where the original test was conducted.

d. The employee shall pay all costs for employee-requested testing unless the second (2nd) test invalidates the original test. An employee's request for a retest must be made to the Medical Review Officer (MRO) within seventy-two (72) hours of the notice to the employee of the initial test result. Requests made after the seventy-two (72) hour limit will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

8. *Failure to test.*

a. Any employee who fails to submit to the required testing under this policy is considered to have tested positive and shall be subject to all of the consequences that follow related to positive testing.

b. Any employee ordered to test shall report immediately to the test site upon being ordered to submit to testing. No delay of any type may be granted or taken. Delay in reporting by the employee shall be treated as a refusal to test and shall subject the employee to all of the consequences that follow related to positive testing. Failure to provide a sufficient sample or for providing an altered sample shall be considered as a refusal to test and shall subject the employee to all of the consequences that follow.

H. *Testing Controls.*

1. *Alcohol.* Federal regulations require breath testing to be done on evidential breath testing devices approved by the National Highway Traffic and Safety Administration. An initial screening test is conducted first (1st). Any result that is less than two one-hundredths (0.02) blood alcohol concentration is considered negative. If the blood alcohol concentration is two one-hundredths (0.02) or greater, a second (2nd) confirmatory test must be conducted within two (2) hours by an approved device. Any employee who tests with a blood alcohol concentration of two one-hundredths (0.02) or greater shall be removed from service for at least twenty-four (24) hours.

2. Any employee who is found to have engaged in prohibited alcohol conduct under this policy shall be immediately removed from work-related activity; and the employee shall not be permitted to resume work until the employee is:

- a. Evaluated by a SAP, and
- b. Complies with the rehabilitation contract if such is required, and
- c. Has tested negative in a follow-up test.

3. *Controlled substances.*

a. Controlled substance testing is conducted by analyzing an employee's urine specimen performed at a laboratory certified and monitored by the U.S. Department of Health and Human Services for the following controlled substances:

- (1) Marijuana (THC metabolite),
- (2) Cocaine,
- (3) Amphetamines,
- (4) Opiates (including heroin), and
- (5) Phencyclidine (PCP).

b. The testing for controlled substances is a two (2) stage process. First (1st) a screening test is conducted if the test is positive for one (1) or more of the controlled substances, a confirmatory test is conducted for each identified controlled substance. The confirmatory test is a gas chromatography/mass spectrometry (GC/MS) analysis.

c. Any employee who tests positive on the confirmatory test shall be interviewed by the City's Medical Review Officer (MRO). The employee shall be immediately removed from work-related activity; and the employee shall not be permitted to resume work until the employee is:

- (1) Evaluated by a SAP, and
- (2) Complies with the rehabilitation contract if such is required, and
- (3) Has tested negative in a follow-up test.

I. *Employment Assessment.*

1. An employee who tests positive for the presence of controlled substances or alcohol above the minimum thresholds set forth in the Federal regulations shall be evaluated by a

SAP. The SAP shall evaluate each employee who tests positive to determine what assistance, if any, the employee needs in resolving problems associated with the controlled substance or alcohol.

2. Assessment by a SAP does not protect an employee from disciplinary action or guarantee continued employment or reinstatement by the City of Wentzville. The City of Wentzville disciplinary policy provides guidance to the discipline that may be imposed, unless otherwise stated in this policy.

J. Rehabilitation Effort.

1. Any employee who is determined to be in need of assistance for a controlled substance or alcohol-related problem under this policy by the SAP may be permitted to enter into a rehabilitation plan approved by the City of Wentzville, provided the employee agrees to adhere to the terms of the rehabilitation contract with the City of Wentzville.

2. Rehabilitation assistance may only be granted to an employee once while employed by the City of Wentzville. Failure to complete the rehabilitation assistance plan or to adhere to the rehabilitation contract shall be considered a resignation by the employee from employment with the City of Wentzville.

3. The rehabilitation contract shall include the following terms and conditions to be adhered to by the employee who is granted rehabilitation assistance:

a. The employee shall agree to undertake and successfully complete the rehabilitation assistance plan established for the employee by the SAP or by a rehabilitation professional accepted by the City of Wentzville; and

b. The employee agrees to refrain from any violation of this policy and the use of controlled substances and alcohol consistent with the plan of rehabilitation and this policy; and

c. The employee provides a release of all medical records for use and review by the City of Wentzville relating to the rehabilitation assistance plan for the assistance undertaken and compliance; and

d. The employee agrees to unannounced random testing for City of Wentzville determined periods of time subsequent to the employee's return to work consistent with this policy; and

e. The employee agrees to submit to return to work testing demonstrating that the employee is negative under controlled substance and/or alcohol tests standards; and

f. The employee agrees that any future controlled substance or alcohol violations shall be considered as a resignation of the employee from service without recourse.

K. Contractual Support Professionals.

1. The City of Wentzville shall secure a contract with an appropriately certified testing laboratory to conduct controlled substance testing analysis and reporting required under this policy and under the Federal regulations. The City of Wentzville may contract for the required alcohol testing or may perform the testing using qualified City of Wentzville personnel who utilize appropriate testing equipment.
2. The City of Wentzville shall engage the services of an independent contractor to serve the City of Wentzville as the MRO properly credentialed and trained in compliance with the Federal regulations, who shall not be an employee of the City of Wentzville. The MRO shall, as a part of the engagement contract, maintain all relevant records and provide the required reports that the City of Wentzville needs to comply with the Federal reporting requirements. The City of Wentzville shall appoint a SAP for the providing of services under this policy and in compliance with the Federal regulations.

L. Education And Training.

1. The City of Wentzville shall provide all employees with a copy of this policy and materials related to the effects of the use and/or abuse of alcohol and controlled substances. The City of Wentzville shall also provide information to employees regarding treatment and rehabilitation available. Employees shall be required to confirm receipt of this policy and any revisions and of the educational materials in writing noting the date of receipt and acknowledgement by signature witnessed by the supervisor providing the materials.
2. The City of Wentzville shall develop and provide training for all supervisors and managers who are responsible for the administration and enforcement of this policy. The training, at a minimum, shall include at least sixty (60) minutes of program on the physical and behavioral effects on personal health, safety and on the work environment and performance indicators on the effects of alcohol use and abuse, the side effects of abuse and the consequences of prohibited work-related activity involving alcohol consumption. The training shall include an overview of this policy and its implementation and application to employees. The training, at a minimum, shall include at least sixty (60) minutes of program on the physical and behavioral effects on personal health, safety and on the work environment and performance indicators of controlled substances use and abuse, the side effects of controlled substance abuse and the consequences of prohibited activity involving controlled substances. Training shall also include a component related to objective observation for reasonable suspicion testing, documentation and record keeping.

M. Confidentiality. All records developed and/or acquired pursuant to this policy shall be maintained under strict confidentiality by the City of Wentzville, the testing laboratory, the MRO and the SAP, when and as applicable. The records shall be maintained separately from other personnel records kept by the City of Wentzville and shall be kept in a secured location with other medical records. Materials shall not be released to others without the written

consent of the affected employee, except under provisions provided in the Federal regulation, as needed with regard to the rehabilitation contract, in litigation or quasi-judicial and administrative proceedings related to positive test results and/or to matters initiated by an employee.

N. Disciplinary Issues.

1. Unless otherwise specified in this policy, the City of Wentzville policies related to disciplinary action shall be followed when imposing discipline for violation of this policy.
2. The acceptance by an employee of the rehabilitation assistance plan and contract does not serve as a bar to imposing disciplinary action related to violations of this policy.
3. Any supervisor or manager who knowingly permits an employee to violate this policy or engage in work activity while consuming alcohol or a controlled substance or fails to enforce this policy shall be subject to immediate termination from employment.
4. This policy does not displace any other penalties that may be imposed or be incurred as a result of violation of City of Wentzville policy or State and Federal laws or as provided in the Workers' Compensation laws.

O. Coordination With Other Laws And Policies.

1. This policy shall be administered in compliance with other Federal, State and local laws related to employee health and welfare policies, leave policies, benefit programs and other related policies of the City of Wentzville. In the case of apparent conflicts between this policy, other policies and applicable laws, the City Administrator shall make the appropriate rulings to resolve the potential conflicts whenever possible.
2. In the event that any part of this policy is judicially determined to be in conflict with any law or to be in violation of any law or is rendered ineffective because of some State or Federal legislative enactment, that part(s) shall be void, but the remainder of the policy shall remain in effect. Parts that are void or voided shall be replaced as soon as possible so as to maintain the full effect of this policy and/or to bring it into compliance with relevant laws.

P. Amendments. This policy is subject to amendment by the City of Wentzville from time to time. Amendments that are made shall be provided to employees upon adoption and shall become effective as provided by the City Administrator. (R.O. 2006 §135.100; Ord. No. 2481 §1, 3-22-06)

SECTION 135.110: CUSTOMER RELATIONS

A. It is the policy of the City to be customer and service-oriented and to require employees to treat customers and fellow employees in a courteous and respectful manner at all times.

B. Our customers provide the primary source of the City's revenue and each employee's job security. To promote excellent relations with our customers, all employees must represent the City in a positive manner and make customers feel appreciated in dealing with our City.

C. Employees with customer contact are expected to know the company's policies, procedures and services and to learn the customer's wants and needs. These employees should educate customers about the use of the City's policies, procedures and services and should seek new ways to serve customers.

D. Employees are encouraged to report recurring customer-related problems to their supervisor and to make suggestions for changes in City policies or procedures to solve problems.

E. Employees should be prepared to listen carefully to customer complaints and deal with them in a helpful, professional manner. If a controversy arises, the employee should explain City policy respectfully and clearly. Customers who become unreasonable, abusive or harassing should be referred to the employee's supervisor if the employee cannot resolve the problem.

F. Employees should be polite and thoughtful when using the telephone. A positive telephone contact with a customer can enhance goodwill, while a negative experience can destroy a valuable relationship. The following guidelines should be observed whenever possible:

1. When answering the telephone, use a pleasant tone of voice, give the name of the department and identify yourself;
2. If the person with whom the caller wishes to speak is on another line, ask if the caller wants to be placed on hold;
3. If a caller has been placed on hold, carefully monitor the time and offer to have the call returned if the person called is not available within a reasonable period;
4. When a caller leaves a name, number or message, make sure it is recorded correctly and given promptly to the appropriate individual; and
5. Do not forward a call to voice mail unless you have asked the caller if voice mail is acceptable.
6. All voice mail boxes should tell the caller to press zero "0" for the operator

G. To measure and evaluate customer service, the City may access and monitor employee telephone conversations made in the normal course of business. Any employees whose communications will be monitored will be asked to sign consent for authorizing the monitoring.

H. Most of the City's customers speak English as their primary language. Therefore, employees are required to speak English when dealing with customers. Violation of this rule will result in disciplinary action. This rule does not apply, however, in situations where the customer's primary language is one other than English and the employee is able to communicate in that language. In addition, the rule does not apply to employee meal and rest breaks. (R.O. 2006 §135.110; Ord. No. 2481 §1, 3-22-06)

SECTION 135.120: INFORMATION TECHNOLOGY POLICY

A. *General.* The City's information technology policy is designed to protect the City's information, records, and data from improper, inappropriate, illegal and/or illicit use; while streamlining internal operations with improvements to service delivery, more accessible City services, and aligning technology and support with Citywide needs.

B. *Purpose.* The City's information technology goal is to ensure all organizational information, records and data (whether created, transmitted, stored, archived or otherwise processed) on the City's systems, servers and/or networks are properly obtained, accessed, utilized, transmitted and archived. Information protected by this policy includes, but is not limited to, the following:

1. Electronic communication including e-mail messages and instant message transcripts.
2. Internet/Intranet use.
3. Databases, documents and spreadsheets.
4. Customer and employee records.
5. Supplier and contractor information.
6. Transactional data.
7. Contracts.
8. Sales transactions data, invoice and billing information.
9. Accounting, banking, finance and earnings data.
10. Employee medical and dental administration data.
11. All other data produced and collected in fulfilling City business activities.

C. *Scope.* Every Board of Aldermen member, Mayor, City Administrator, director, supervisor, employee, independent contractor, volunteer, member and agent is subject to the City's Information Technology Policy.

D. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

INFORMATION SYSTEMS MANAGER: Is responsible in the development of the key technology standards for identification, selection and implementation of technology into the City's technology infrastructure. Partner with City departments to build a common set of technological standards in the City's infrastructure environment to enable multi-shared business services critical to the success of the City's programs by maximization of invested value and lower total cost of ownership for all technology.

JOINT COMMITTEE FOR INFORMATION TECHNOLOGY: The information technology advisory committee is the process that provides the structure that links the IT processes, resources, and information to enterprise strategies and objectives. Performing such methods by integrating and institutionalizes optimal ways of planning and organizing, acquiring and implementing, delivering and supporting, and monitoring information technology performance.

E. *Acceptable Use.* City information technology resources are for legitimate business related communications. All City employees and representatives (as shown in Scope) must obtain all data legally for specific lawful use. No data shall be obtained, copied, accessed, transmitted, shared or archived improperly or illegally. All City employees, contractors and representatives will be provided access to only that information required to fulfill job responsibilities; no data collection job responsibilities shall supersede local, State or Federal laws.

The Board of Aldermen will be provided access to the electronic records of the City of Wentzville, if software allows, for searching, reading and printing capabilities.

All City information, records and data are subject to restrictions imposed by the Health Insurance Portability and Accounting Act of 1996 (HIPAA), as well as all other data management restrictions resulting from local, State, and Federal laws. The exception being the City's information as governed under the Missouri Sunshine Law (Revised 2008). All records closed pursuant to the Sunshine Law are prohibited from disclosure under this policy as well.

All City information, records and data are subject to restrictions imposed by the Federal Trade Commission's Red Flags Rule ("Rule"), which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. 16 C.F.R. Section 681.2. Such records are also protected under the Sections related to employment screening and decisions.

The City's implementation of an appropriate technical and organizational measure is to protect against unauthorized, unlawful, unapproved, illegal and/or illicit use of the City's information, data and records as well as any loss, destruction or damage to City data.

In keeping with required separation of responsibility practices, no single individual shall be given permission, ability or rights enabling circumvention of any City checks and balances, including those used for systems, networks, servers, processes and workflow where such checks

and balances access or interface with financial or proprietary data, confidential data or otherwise restricted information.

F. Privacy Advisory. City employees and elected officials should have no expectation of privacy in connection with the entry, creation, transmission, receipt or storage of data via the City's information technology resources. All data includes e-mail. E-mail and Internet use are considered public record and may be released upon request. This includes any City or personal devices (i.e. flash drives, cell phones, diskettes) that data is transferred to. Prior to transmitting City data to personal devices an employee must have permission of supervisor/director/City Administrator and must sign a disclosure form.

G. Passwords.

END-USER PASSWORDS: Passwords are the entry point to the City's information technology resources. Protecting access to the City's resources is pivotal in ensuring that our systems remain secure. Passwords for all systems are subject to the following rules:

1. No passwords are to be shared through any means except with the information systems staff or supervisor if used on individual Word and Excel files. All passwords and security used in connection with City resources are City property and must be available to the City. End-users must understand and agree that their use of passwords does not preclude access to City information technology resources by authorized persons. The City reserves the right to assign and/or change passwords and personal codes for voice mail, e-mail and computer applications.
2. When terminating employment with the City all passwords are to be given to the employee's supervisor.

H. Employee Citywide And Internet Electronic Mail (E-mail). All use of the City's desktop computers, laptops, servers, electronic mail systems must conform to the guidelines of this policy.

1. E-mail services are provided and supported for the purpose of increasing productivity.
2. While the main purpose is business, it is acceptable to have limited personal e-mails that do not include attachments and are limited in size. These are subject to a supervisor's determination of what is reasonable.
3. City staff are not to conduct non-business related solicitations or advertisements through the use of City e-mail.
4. Information and e-mail messages passing through or stored on the City's equipment can and will be monitored and will be archived for storage and becomes City property.

5. E-mails should not be forwarded to personal e-mail or any devices unless approved by supervisor/director/City Administrator and a required disclosure form is signed by the employee.
6. E-mails shall be accessible remotely for approved positions.
7. All employee broadcast e-mails, not emergency priority or schedule change notifications need prior approval from department director.
8. End-users shall not use the City's e-mail to view, download, save, receive or send material related to, or including, any of the following:
 - a. Illegal activities.
 - b. Offensive content of any kind, including pornographic material.
 - c. Content that is hate oriented or promotes discrimination on the basis of race, gender, national origin, age, sexual orientation, religion and disability.
 - d. Gambling or wagering.
 - e. Political stance.
 - f. Solicitation by employees to support other employees, literature on behalf of an individual or organization, this includes chain letters.
 - g. Messages that misrepresent yourself and/or the City.
 - h. Non-business related list serves.
 - i. E-mail transmissions of sensitive, proprietary or confidential business information requires encryption and the permission from directors or designee of end-user making such transmissions.

I. *Employee Internet Access Policy.* Internet services are provided and supported for business related use. Non-business Internet use on City equipment is not allowed. Internet usage on personal equipment during working hours is prohibited.

1. Need for Internet access will be determined by department director and based on job duties. An information technology needs form shall be completed and sent to IT Department.
2. Web sites with no business purpose will be blocked from access. These include, but are not limited to, hate oriented, pornography, gambling, dating, or any other offensive sites.

3. Social media sites (e.g. Facebook, Twitter, MySpace) will be blocked. An assigned login will be available to those designated as a City site manager, or moderator and then is to be used for City business only.

4. Video streaming of music or other broadcast has a negative impact on the network's capacity. Use is limited to that which has department director and IT approval.

5. Reporting may be given to the department director, department manager/superintendent, and the City Administrator once a month to review employee Internet activity.

6. Additional audits on specific employees may be requested in writing by the department director with written approval of the City Administrator.

7. Access to blocked sites for the purpose of a Police investigation may be given an assigned login.

8. When the Internet is not in use close it.

J. Revisions Of Policy. Revisions to this policy require the review and recommendation of action by the Information Systems Manager and City Administrator in conjunction with the Joint Committee for Information Technology. These parties may revise the policy with constructive and applicable revisions when necessary.

K. Violations. The City has developed this policy which establishes the parameters for proper use of the City's information technology resources. City employees who do not comply with this policy are subject to the revocation of their access to City information technology resources and disciplinary action up to and including discharge.

L. Social Media Policy.

1. Media is an instrument of communication, like a newspaper or a radio, so social media would be a social instrument of communication. This would be a website that doesn't just give you information, but interacts with you allowing posting/blogging while giving you that information.

2. The City recognizes the importance of the Internet in shaping the public opinion of our City, along with the current and potential services, elected officials, employees, business partners and residents. The City also recognizes the importance of designated employees joining in and helping shape conversation and direction through blogging and interaction in social media. The City is committed to the social media by supporting the right to interact knowledgeably and socially in the blogosphere and on the Internet through blogging and interaction.

3. These guidelines in this blogging and social media policy will assist in making the appropriate decisions about work related blogging and the content of blogs, personal

websites, postings on wikis and other interactive sites, postings on video or picture sharing sites, or in the comments that are made online on blogs, elsewhere on the public Internet, and in responding to comments from posters either publicly or via e-mail. The City's Internet and e-mail Sections of this policy remain in effect in the workplace.

4. *Ownership.* All social media communications messages composed, sent, or received on the City IT equipment are the property of the City. Any person representing the City during working hours or off duty using personal computers continue to be bound by the guidelines of this policy, for personal or business related comments.

5. *Confidential information.* City confidential and/or proprietary information may not be shared on blogs or within the social media. This includes information copyrights, closed Board of Aldermen meetings, contract evaluation reports prior to award and all other information that is exempt from the Sunshine Law.

6. *Respect and privacy rights.* Access to any social media sites from City computers will be given only if needed for conducting City business. Accessing social media sites for personal use is prohibited at any time during work hours and/or from City equipment. Use of social media to personally comment on City business and confidential matters is restricted regardless of how or when communicated. Users do not and should have no expectation of privacy. Social media is not a secure means of communication.

7. *Guidelines when using Web technologies, such as Facebook, Twitter, SharePoint, MySpace, blogs, or discussion boards.* City employees will act in a professional manner by:

a. Speak respectfully about the City and the current and potential elected officials, employees, customers, residents, contractors, and business associates. Do not engage in name calling or behavior that will reflect negatively on the City's reputation. The use of copyright materials, unfounded or derogatory statements, or misrepresentation is not viewed favorably by the City and can result in disciplinary actions up to and including employment termination.

b. City employees shall write knowledgeably, accurately, and using appropriate professionalism. Despite disclaimers, a persons Web interaction can result in members of the public forming opinions about the City and its officials, employees, and business associates.

c. Honor the privacy rights of City Officials, employees and others by seeking their permission before writing about or displaying internal City happenings that might be considered to be a breach of their privacy and confidentiality.

d. When in doubt about the appropriateness of content when adding comments to a site, it is best to refrain. Employees should think of social media in the same manner as writing on a wall in public with the addition of their name and address attached to

everything written. There are no truly anonymous postings to social media since each of the City computers has unique IP addresses identifying the City employee.

8. Employees are reminded that comments about City business and confidential matters on personal time using personal devices are not private conversations, and may be open to public access. Therefore, employees are cautioned that such comments using personal devices may be in violation of the City policies.

9. *City social media sites.* The goals of the City of Wentzville's social networking sites are:

- a. To increase the public's knowledge of and use of City services.
- b. To promote the value and importance of the City services to the City residents and the general public.
- c. To maintain open, professional and responsive communications with members of the public and the news media.

10. *Competition.* The City does not permit the selling of any product or service without the permission of the City's Board of Aldermen.

11. *Legal liability.* All parties must recognize that they and the City are legally liable for anything written or present online. This includes, but is not limited to, commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or can create a hostile work environment. The City and/or its elected officials and representatives can be sued by any person, organization, etc., that views the blog or social media site.

12. *Management of social web applications:*

- a. The City Administration office is responsible for overall blog or wiki administration. All staff-related blogs and wikis must be pre-approved by the City Administrator before an account may be set up.
- b. Each site should have wording that indicates who the owner of the site is and an e-mail link back to the (City of Wentzville) or (City employee) who maintains the site. The name of City and the City employee must be posted on the site.
- c. All such sites that have been established prior to this policy and future sites must be approved prior to continuing or establishing.
- d. *Moderating public comments.* Where moderation of comments is an available option, comments from the public will be moderated by the City Administrator appointee before posting. Where moderation prior to posting is not an option, the site will be regularly monitored by City Administrator appointee.

e. City employees that are not the appointed moderator shall not respond on sites as a representative of the City. The appointed moderator shall not post any comments that are abusive, obscene, defamatory, in violation of the copyright, trademark right, or other intellectual property right of any third party, or otherwise inappropriate or incorrect. Such examples include:

- (1) Potentially libelous comments.
- (2) Obscene, pornographic, or racist comments.
- (3) Hate orientated comments.
- (4) Personal attacks, insults, or threatening language.
- (5) Plagiarized material.
- (6) Private, personal information published without consent.
- (7) Comments totally unrelated to the topic of the forum.
- (8) Commercial promotions or spam.
- (9) Hyperlinks to material that is not directly related to the discussion.

M. Revisions Of Policy. Revisions to this policy require the review and recommendation of action by the Information Systems Manager and City Administrator in conjunction with the Joint Committee for Information Technology. These parties may improve the policy with constructive and applicable revisions when necessary.

N. Violations. The City has developed this policy which establishes the parameters for proper use of the City's information technology resources. City employees who do not comply with this policy are subject to the revocation of their access to City information technology resources and disciplinary action up to and including discharge. (R.O. 2006 §135.120; Ord. No. 2481 §1, 3-22-06; Ord. No. 2011-3188 §1, 10-12-11; Ord. No. 2012-3204 §1, 1-25-12)

SECTION 135.130: EMPLOYMENT AT WILL

The City of Wentzville seeks to employ people who will work together as a team on an ongoing basis. However, both the employee and the City have the right to terminate employment and compensation at any time, for any reason or no reason, with or without notice. Nothing said or done by any City employee or stated in this handbook should be considered or construed as a contract (express or implied), or a guarantee of employment or compensation, or of a particular position with the City. No one other than the Board of Aldermen has the authority to enter into any agreement regarding employment. Any agreement must be in writing and signed by both the employee and the City Administrator. Furthermore, by establishing policies or practices on

employee conduct, the City in no way intends to be obligated to follow such procedures in every case. (R.O. 2006 §135.130; Ord. No. 2481 §1, 3-22-06)

SECTION 135.140: FRAUD

Any employee of the City has the duty to report any fraud or theft to the authorities of the City. See "Anti-Fraud and Corruption Policy" in [Chapter 150](#) of this Code. (R.O. 2006 §135.140; Ord. No. 2481 §1, 3-22-06; Ord. No. 2013-3271 §4, 1-16-13)

SECTION 135.145: CRIMINAL BACKGROUND CHECKS

A. This Section is enacted pursuant to Section 43.535, RSMo., to provide for the criminal record review of municipal volunteers, for the purpose of hiring municipal employees, for issuance of permits to solicitors and issuance of liquor and massage licenses by the City of Wentzville, Missouri.

B. Any applicant, employee or volunteer seeking to provide services to the City of Wentzville shall submit a set of his/her fingerprints taken by the Wentzville Police Department.

C. Upon fingerprinting, the Police Department will transmit the fingerprints electronically or via mail to the Missouri State Highway Patrol. The City will be billed for each fingerprint transaction submitted to the Missouri State Highway Patrol. The Missouri State Highway Patrol will compare the subject's fingerprints against its criminal file and if necessary submit the fingerprints to the Federal Bureau of Investigation for a comparison with nationwide records. The results of the Federal Bureau of Investigation check will be returned to the Missouri State Highway Patrol, which will disseminate the State and national results to the City of Wentzville.

D. The City of Wentzville shall render a fitness determination based upon the results of the criminal background check. In rendering a fitness determination, the City of Wentzville will decide whether the record subject has been convicted of or is under pending indictment for a crime which bears upon his/her ability or fitness to serve in the capacity for which he/she has applied.

E. A record subject may request and receive a copy of his/her criminal history record information from the City of Wentzville. Should the record subject need to amend or correct his/her record, he/she must contact the Missouri State Highway Patrol for a Missouri State record or the Federal Bureau of Investigation for records from other jurisdictions maintained in its file. (Ord. No. 2899 §§1--5, 7-9-08)

ARTICLE II. POSITION CLASSIFICATION PLAN

SECTION 135.150: PURPOSE

The purpose of the position classification plan is to assemble into classes employees whose duties and responsibilities are sufficiently alike to be grouped under the same descriptive job title, to be accorded the same pay grade and to require similar qualifications for employment. (R.O. 2006 §135.150; Ord. No. 2481 §1, 3-22-06)

SECTION 135.160: USE OF CLASSIFICATION PLAN

The classification plan is to be used:

1. As a guide in recruiting and examining candidates for employment,
2. In determining lines of promotion and in developing employee-training programs,
3. In determining compensation to be paid for various types of work,
4. In providing uniform job terminology understandable by all City Officials and employees and by the general public. (R.O. 2006 §135.160; Ord. No. 2481 §1, 3-22-06)

SECTION 135.170: CLASS

The position classification plan shall include titles and written specifications for the various classes of positions. Each class shall include all positions in the classified service, which are sufficiently similar with respect to duties, responsibilities and authority so that the same descriptive title may be used to designate each position allocated to the class. Specifications shall show minimum requirements for education, experience, general and specialized knowledge, skill, physical conditions and other qualifications necessary for the proper performance of the positions. Specifications will be descriptive and explanatory of the kind of work required in a given classification but are not inclusive of all the duties to be performed. The specifications shall be used for the purposes of recruiting, testing and selection. Reasonable accommodations for disabled individuals in specific classifications shall be made on an individual basis. (R.O. 2006 §135.170; Ord. No. 2481 §1, 3-22-06)

SECTION 135.180: ADMINISTRATION OF THE PLAN

The approved position classification plan shall be maintained by Human Resources. A request for reclassification of an existing position or the classification of a proposed position may be filed by a department head on the personnel action request form and submitted to the City Administrator. If agreed or modified, the City Administrator will forward it to the Board of Aldermen for final approval, and such approval may be accomplished by a motion duly approved by a majority of the Board of Aldermen present. (R.O. 2006 §135.180; Ord. No. 2481 §1, 3-22-06)

SECTION 135.190: SALARY ADMINISTRATION GUIDELINES

A. *Salary Changes.* A "salary change" is defined as any change in an employee's base wage rate. Changes will only be processed in accordance with the following guidelines.

B. *Pay Increases.*

Annual pay adjustment: Pay adjustments in consideration of the employee's work performance, competitive pay and the City's ability to pay may be granted annually, effective the first (1st) day of the fiscal year. All employees shall be eligible for a market adjustment increase as authorized in the annual budget unless they are currently on written progressive discipline.

Promotion: Appointment to a different job with a higher pay grade will result in a promotional increase.

Temporary promotion: Employees, who are given a temporary assignment to a higher classification, will receive a pay differential to recognize the increased responsibility during the temporary assignment. An employee working a minimum of twenty (20) consecutive workdays in that position will receive, retroactively, a temporary increase to the minimum of the new grade. If the employee being temporarily assigned to a new position is currently above the minimum of the new range, an increase equivalent to the market increase for that year will be given. At the conclusion of the temporary assignment, the employee will return to their previous pay rate.

C. *Market Adjustments.* A "market adjustment" is defined as an annual adjustment to an employee's base pay determined each year based on market movement and the City's financial ability to continue to meet the market.

1. Market adjustments, if given, will be annually on or around January first (1st) of each year.
2. Employees who are on written progressive discipline (as set forth in [Section 135.560](#)) will not be eligible to receive a market adjustment.
3. Employees above maximum of their range will be considered "red circled" and will not receive a market adjustment until their salary moves within the range.
4. Employees above maximum may receive a one-time lump sum market adjustment at the discretion of the City.
5. Employees with less than twelve (12) full months of service at the time the adjustment is made will receive a prorated adjustment based on actual full months of service.
6. As the City moves toward a formal merit pay structure, a graduated increase matrix may replace market adjustments.

D. *Promotional Increases.* A "promotion" is defined as accepting a new position in a higher grade. A change in market value for the same duties does not constitute a promotion.

1. Promotional pay increase will range from zero to seven percent (0--7%) for each grade increased based on the current pay of the employee being promoted, rates of others doing the same or similar work and where the individual's current pay falls in the new range.
2. Promotional raises may limit the amount of market adjustment the individual receives. For example, a promotional increase may result in a prorated market adjustment the January after the individual accepts a promotion.
3. Promotional increases cannot exceed the midpoint of the new range without the approval of the City Administrator.
4. Promoted individuals will be paid at least the minimum of the new range. Promotional increases may be given over a six (6) month period of time if more than twenty percent (20%) is required to achieve minimum of the range.

E. *New Hires.* A "new hire" is defined as an individual who is just beginning employment with the City of Wentzville.

1. New hires must be offered at least the minimum of the range of the position they are accepting.
2. Experience credit may be given, up to the midpoint of the range, provided the experience is in the same or a similar position. Experience credit is four percent (4%) per year and must be approved by the City Administrator or his designee.
3. Anyone hired above minimum requires the signature of the City Administrator and department heads for positions below department head level.
4. Approvals for experience credit must be secured before an offer is extended.
5. No internal equity adjustments will be made based upon a new hire's rate of pay.
6. Any new hires above minimum required written justification to be attached to the wage adjustment form.

F. *Special Adjustments.* "Special adjustments" are defined as any increase to base pay that is not given for market or promotional reasons.

1. Employees below minimum may receive a raise every ninety (90) days until they reach the minimum of the range for their position.
2. Documented superior performers are eligible for one (1) special adjustment every twelve (12) months. These adjustments require the approval of the City Administrator,

written documentation above and beyond the performance appraisal and consensus of all the department heads.

G. *Job Evaluations.* "Job evaluation" is defined as the process required to evaluate a new or revised position to determine the fair market value for the position.

1. A job description must be completed and submitted to Human Resources on any new position before an offer can be extended.
2. Human Resources will establish the grade for the position before an offer is extended. (R.O. 2006 §135.190; Ord. No. 2481 §1, 3-22-06)

ARTICLE III. RECRUITMENT AND APPOINTMENT

SECTION 135.200: NOTIFICATION OF VACANCY

Notification shall be published by posting announcements on official bulletin boards and in such other places and through such media as Human Resources shall determine. The announcement shall specify the title, pay grade and job description of the position, the minimum qualifications, time, place and manner of making application, closing dates for receiving applications and other pertinent information. (R.O. 2006 §135.200; Ord. No. 2481 §1, 3-22-06)

SECTION 135.210: EXAMINATIONS

- A. Any applicant offered a position is required to take and pass a pre-employment physical examination and drug screening at City expense.
- B. Any applicant for a position may be required to take a written, oral or psychological examination. Examinations may include an evaluation of trade or professional skills, oral interviews and a background investigation. (R.O. 2006 §135.210; Ord. No. 2481 §1, 3-22-06)

SECTION 135.220: DISQUALIFICATION

Applications may be disqualified if the applicant:

1. Is physically unfit for the performance (after reasonable accommodations have been made) of the duties of the position for which he/she seeks appointment;
2. Tests positive for drugs in his/her examination;
3. Has made any false statement of any material fact; or
4. Practiced or attempted to practice any deception or fraud in his/her application.

Conviction of crime may also be cause for disqualification. An applicant who has been disqualified for employment will not be reconsidered for employment for one hundred eighty (180) days from the date of disqualification. (R.O. 2006 §135.220; Ord. No. 2481 §1, 3-22-06)

SECTION 135.230: ELIGIBILITY

- A. The primary consideration in the recruitment of personnel will be on the basis of the technical competence and the personal integrity of the applicant.
- B. Candidates will be recruited from a geographical area as wide as is necessary to assure obtaining a pool of well-qualified applicants.
- C. Commissioned Police Officers must live within twenty-five (25) miles of City limits.
- D. No City employee or applicant for employment shall be either favored or discriminated against in appointment, promotions or disciplinary actions because of age, sex, race, political or religious affiliation, national origin, disability or any other protected characteristic established by law. (R.O. 2006 §135.230; Ord. No. 2481 §1, 3-22-06)

SECTION 135.240: APPOINTMENTS

Appointments to positions with the City shall be made on the basis of ability, training and experience, with provision being made for reasonable accommodations when necessary. The level of involvement in the hiring practices of the City shall be as follows:

1. The hiring of new employees and vacant positions shall be accomplished as follows:
 - a. A personnel chart for each department will be included in the budget, establishing each department's authorized positions. The hiring of personnel to fill newly Board authorized or vacant authorized positions will be done on the authority of the City Administrator.
 - b. Any changes to the authorized staff or position changes in the staffing shall require Board of Aldermen approval.
 - c. Department head positions shall require Board of Aldermen approval.
 - d. All new positions will have a job description and a pay grade established before approved in the budget. All new personnel shall start at the minimum of the established pay grade unless otherwise approved by the City Administrator. All new personnel shall start at the minimum of the grade plus zero to four percent (0--4%) for each year of experience in the same or a similar position up to the midpoint. Factors that will impact the calculation of zero to four percent (0--4%) include, but are not limited to, internal equity, economic conditions, education, experience and certifications. All salaries above the midpoint must be approved by either the City

Administrator or his/her designee. Approval must be secured before an offer is extended. (R.O. 2006 §135.240; Ord. No. 2481 §1, 3-22-06)

SECTION 135.250: ORIENTATION TRAINING

Within a reasonable time after appointment, the supervisor shall ensure that a new full-time employee shall participate in an orientation program whereby all departments are visited, their functions explained and their facilities observed in order to give the new employee a better understanding of how all departments are inter-related. (R.O. 2006 §135.250; Ord. No. 2481 §1, 3-22-06)

SECTION 135.260: INITIAL PERIOD OF EMPLOYMENT

A. *Objective.* The initial period of employment is regarded as an integral part of the examination process and will be utilized for closely observing the employee's work, for securing the most effective adjustment of the new employee to his/her position and for rejecting any employee whose performance and conduct does not meet the required work standards.

B. *Duration.* All classified employees initially appointed or promoted shall be required to serve an initial review period.

C. Employees in the Police Department shall serve a fourteen (14) month initial review period and all other employees shall serve a six (6) month initial review period.

D. The six (6) month initial review period shall be automatically considered complete unless notified otherwise. Extending the initial review period requires a written request by the department head and approval by the City Administrator.

E. *Dismissal.* In accordance with the City's employment at will policy (see [Section 135.130](#)), at any time during the initial review period, the employee may be dismissed without the right of grievance, appeal or hearing concerning such dismissal. (R.O. 2006 §135.260; Ord. No. 2481 §1, 3-22-06)

SECTION 135.270: PROMOTION/TRANSFER REVIEW PERIOD

Employees accepting promotions or transfers to new positions or classifications shall be required to serve a six (6) month qualifying review period during which their supervisors will evaluate their ability to perform the new job duties. In accepting a promotion or transfer, employees cannot grieve reassignment back to their old positions based upon their supervisor's evaluations of their ability to perform in the new capacity. (R.O. 2006 §135.270; Ord. No. 2481 §1, 3-22-06)

SECTION 135.280: NEPOTISM

A. Within the constraints of Article VII, Section 6 of the Missouri Constitution, it is the City's policy to hire the best-qualified employees available for all positions. In addition to the

prohibitions set forth in Article VII, Section 6 of the Missouri Constitution, two (2) members of an immediate family shall not be employed under the same supervisor; nor shall two (2) members of an immediate family be employed at the same time, regardless of the department, if such employment would result in an employee supervising a member of an employee's immediate family. This policy applies to promotions, demotions, transfers, reinstatements and new employment. Present employees who become married to other present employees will be permitted to continue employment, but not in a direct supervisor/employee relationship. Should the situation arise, one (1) employee will be required to transfer to another department/shift or resign employment immediately.

B. Seasonal/part-time positions may be granted exemption by the City Administrator.

C. For the purpose of this policy, the following definitions apply:

1. *Immediate family.* Father, mother, son, daughter, brother, sister, uncle, aunt, first (1st) cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandmother, grandfather, stepfather, stepmother, stepdaughter, stepbrother, stepsister, half brother and half sister, stepchildren or stepgrandparents.

2. *Department:* Any unit separately defined as such or as designated by the City Administrator.

3. *Position:* Any employment situation, either salaried or contractual. (R.O. 2006 §135.280; Ord. No. 2481 §1, 3-22-06)

ARTICLE IV. PAY PLAN

SECTION 135.290: PREPARATION, ADOPTION AND AMENDMENT

A job classification plan, together with a pay plan, shall be prepared by the City Administrator and submitted to the Board of Aldermen for adoption in conjunction with the annual budget. The pay plan shall include the proposed classifications and a pay grade for each classification. (R.O. 2006 §135.290; Ord. No. 2481 §1, 3-22-06)

SECTION 135.300: PAY

A. *Pay Grades.* The grade of pay for each position classification shall provide a minimum, a midpoint and a maximum rate of pay.

B. *Appointment Rate.* The initial appointment rate of pay for a position classification shall be stipulated in an employment letter between the new employee and the appointing authority. Upon regular appointment, an employee shall normally receive the minimum rate of pay within the grade assigned to the position classification.

C. *Compensation For Overtime Work.* Hours worked in excess of forty (40) hours per the standard workweek will be paid at time and one-half (1½) the regular rate of pay to employees who are not exempt from the Fair Labor Standards Act. Prior approval of department head and/or supervisor is required.

1. Employees who are a part of a collective bargaining agreement will be paid in accordance with current contract provisions.
2. Commissioned law enforcement personnel who are not exempt from the Fair Labor Standards Act will be paid at time and one-half (1½) the regular rate of pay for hours worked beyond the normal schedule (hours worked in excess of one hundred seventy-one (171) in a twenty-eight (28) consecutive-day period or eighty-five and one-half (85½) in a fourteen (14) consecutive-day period). Hours worked over eighty-five and one-half (85½) in a fourteen (14) consecutive-day period will be paid at time and one-half (1½) as overtime or compensatory time, as requested by the employee. If an employee is near one hundred (100) hours of his/her maximum accrued comp time and then works more than eighty-five and one-half (85½) hours in a fourteen (14) consecutive-day period and such hours will put him/her over the maximum amount of comp time accrued, then such hours will be paid as overtime.
3. As required under Missouri State law employees in "amusement or recreational facilities" shall receive one and one-half (1½) times their regular rate of pay for hours worked in excess of fifty-two (52) in a single workweek. This may apply to the pool manager, assistant pool manager, head lifeguard, lifeguards, swim lesson instructors, pool cashiers, day camp director, assistant day camp director, day camp counselors, concession manager, concession workers.
4. With supervisory approval, compensatory time off may be earned in lieu of receiving overtime pay. The employee and supervisor must agree before overtime becomes compensatory time. Compensatory time is calculated at one and one-half (1½) hours for each hour of overtime worked. The maximum amount of compensatory time, which may be accrued, is determined by the department head, but not to exceed forty (40) hours (one hundred (100) hours for commissioned Police personnel). The City Administrator must approve any exceptions.
5. Part-time employees are not eligible for compensatory time.
6. Overtime work shall be performed only when prior approval is received from the supervisor and/or City Administrator, except in case of an emergency.

D. *Payroll Advances.* Under no conditions will the City make payroll advances.

E. *Separation Pay.* Upon separation from City employment, an employee will be paid for hours worked, overtime and compensatory time. Following the required two (2) week written notice of resignation, sick leave, floating holiday and safety day may not be used. Employees

with more than six (6) months of service will receive payment of accrued vacation as outlined in [Section 135.710](#).

F. The final paycheck due any employee who may be indebted to the City shall not be issued until the extent of such indebtedness to the City has been determined. The final paycheck will not be prepared if an individual has not returned City-owned equipment or clothing and has not signed and returned a City separation form. Final paychecks will otherwise be issued within ten (10) working days if an employee's separation from the City's employment is voluntary. (R.O. 2006 §135.300; Ord. No. 2481 §1, 3-22-06)

SECTION 135.310: OVERTIME

A. *Overtime.* Authorized time worked by an hourly employee (non-exempt from Fair Labor Standards Act) including vacation, floating holiday, safety day, employee of the quarter and holiday in excess of forty (40) hours per week or in accordance with current contract provisions (exemption for public safety officers).

B. *Distribution Of Overtime.* Overtime opportunities will be distributed as equitably as possible to employees working in the appropriate classification.

C. *Notice.* Employees required to work overtime will be given as much advance notice as is reasonably possible under the circumstances.

D. *Holidays.* A full-time non-exempt employee working a holiday shall be paid at one and one-half (1½) times his/her regular pay rate for the hours worked, plus holiday pay. NOTE: Employees are not allowed to trade working a holiday for another day off. However, if the employee and supervisor agree this time may be transferred to compensatory time at the rate of time and one-half (1½).

E. *Call Back To Work.* If an employee is called back to work after his/her regular quitting time, he/she shall be paid a minimum of two (2) hours at the rate of one and one-half (1½) times the regular rate. Clerical personnel who are required to attend and take minutes for the Board of Aldermen, Planning and Zoning and Park Board or other City boards or commissions shall be paid a minimum of two (2) hours at a rate of one and one-half (1½) times the regular rate of pay for scheduled meetings.

F. All overtime/compensatory time will be submitted to payroll on payroll adjustment slips. (R.O. 2006 §135.310; Ord. No. 2481 §1, 3-22-06)

SECTION 135.320: SAFE HARBOR POLICY

A. It is the policy of the City of Wentzville to regularly pay its salaried exempt employees a predetermined amount constituting all or part of the salaried exempt employee's compensation. With limited exceptions, the amount paid to salaried employees is not subject to reduction either because a salaried exempt employee works fewer hours in some weeks than others. In certain instances, deductions may be made for personal leave when sick leave is exhausted, FMLA-qualifying absences, jury or military duty or for violations of the City's

safety or workplace conduct rules. This predetermined amount will be paid to salaried exempt employees for any week in which he/she performs any work for the City.

B. In the event that any of the above-mentioned deductions are taken from the predetermined amount, whether inadvertently, improperly or otherwise, the following procedures will be followed by the City and any affected salaried employee:

1. The affected salaried exempt employee should notify the department head of his/her department or the Finance Director that an improper deduction has been taken.
2. Upon notification by the affected salaried exempt employee, the City will conduct a prompt and thorough investigation into the impropriety of the complained of deductions and will make every effort to conclude the investigation in a reasonable amount of time.
3. Once it is determined by the City that any improper deductions have been taken, the City will make full reimbursement to the affected salaried exempt employee and will make a good faith commitment to comply in the future with the terms of this policy so that improper deductions will not be taken in the future.

C. It is the intention of the City to fully comply with all applicable State and Federal laws that regulate the payment of wages and all other compensation to its employees. Accordingly, this policy is subject to revision as those laws may change. (R.O. 2006 §135.320; Ord. No. 2481 §1, 3-22-06)

SECTION 135.330: RETIREMENT PAY

It will be the responsibility of the individual employee to obtain the proper forms for LAGERS (Missouri Local Government Employees Retirement System) from the City Clerk. The City Clerk will assist in the completion and processing of such forms but will not assume responsibility for final determinations made by LAGERS officials. (R.O. 2006 §135.330; Ord. No. 2481 §1, 3-22-06)

SECTION 135.340: PAY PERIODS

- A. Biweekly pay periods are from 12:01 A.M. Sunday to Midnight of the second (2nd) following Saturday.
- B. The City will issue biweekly paychecks by 2:00 P.M. on the Friday following the close of the pay period.
- C. Along with the employee's paycheck, the City will submit a check stub indicating gross pay, net pay, total regular hours paid, total of overtime hours paid and all other standard deductions the employee has authorized, as well as Social Security and income tax information (both Federal and State). (R.O. 2006 §135.340; Ord. No. 2481 §1, 3-22-06)

SECTION 135.350: PAYROLL ADJUSTMENTS

Payroll adjustment slips must be submitted by the employee, through their supervisor and/or department head, for any variations to the regularly scheduled workweek. All payroll adjustment slips must be completed including an explanation and signed by the employee and supervisor. (R.O. 2006 §135.350; Ord. No. 2481 §1, 3-22-06)

SECTION 135.360: STOP PAYMENT

If a paycheck is lost by an employee and must be reissued, there will be a stop payment/reissue charge (determined by the fee charged by the financial institution issuing the stop payment). This fee will be deducted from the reissued paycheck within the limitations of the FLSA. Therefore direct deposit is recommended. (R.O. 2006 §135.360; Ord. No. 2481 §1, 3-22-06)

ARTICLE V. ATTENDANCE

SECTION 135.370: HOURS AT WORK

The authorized workweek or authorized work cycle shall be as established by departmental policies and procedures (as filed with the City Clerk's office) and the Federal Fair Labor Standards Act. (R.O. 2006 §135.370; Ord. No. 2481 §1, 3-22-06)

SECTION 135.380: WORK SCHEDULES

A. Daily and weekly work schedules shall be made at the sole discretion of the City. The shifts, workdays and hours to which employees are assigned shall be posted on department bulletin boards. Should it be necessary in the interest of efficient operations to establish daily or weekly work schedules departing from the normal workday or the normal workweek, the City will give at least forty eight (48) hours' advance notice of such change to the employees or as far in advance as is reasonably practical and will, where possible, grant the union opportunity for input upon request. Schedules will not be changed by the City for the purpose of harassing employees.

B. Employees covered by the Union of Operating Engineers Memorandum of Understanding shall be granted two (2) consecutive days off each calendar workweek with the exception of overtime work. (R.O. 2006 §135.380; Ord. No. 2481 §1, 3-22-06)

SECTION 135.390: ABSENCE OR LATE FOR WORK

If an employee must be late for work or absent, it is his/her responsibility to notify his/her supervisor at least thirty (30) minutes before their scheduled start time and abide by departmental policies and procedures. If an employee is unable to reach their immediate supervisor, a message should be left on the supervisor's voice mail and another employee, as designated by the department supervisor, should be contacted. (R.O. 2006 §135.390; Ord. No. 2481 §1, 3-22-06)

SECTION 135.400: REST PERIODS

The nature and schedule of rest periods shall be at the discretion of the supervisor. Federal exemptions may require different break schedules. (R.O. 2006 §135.400; Ord. No. 2481 §1, 3-22-06)

ARTICLE VI. EMPLOYEE PERFORMANCE AND CONDUCT

SECTION 135.410: EMPLOYEE RELATIONS

Our goal is to have an environment in which employees at all levels deal openly and directly with issues and concerns. When we collectively commit to an open and direct approach, we will have an excellent work environment, clear communications and positive attitudes. We believe that the City demonstrates its commitment to employees by carefully listening and effectively responding to employee concerns. (R.O. 2006 §135.410; Ord. No. 2481 §1, 3-22-06)

SECTION 135.420: FAIR TREATMENT/OPEN DOOR POLICY

A. It is our policy to maintain an open door for all of our employees for discussing any City-related concerns. Employees should feel free to discuss matters with any member of their management team.

B. *If You Have A Concern.* As part of keeping the City a positive place to work, we are interested in keeping friendly, direct and cooperative relationships among all of our employees. If at any time you feel that you have not been treated fairly or if you know of a problem affecting you, your coworkers or your department, it is your right and responsibility to bring it to our attention. We encourage you to try to resolve your problems informally by talking with a member of your management team.

C. *Problem Solving Procedure/Administrative Grievance.*

1. *Step 1.* Ask for time with your supervisor or manager. Be specific about the issue and what resolution you are seeking.

2. *Step 2.* If you cannot resolve the issue informally with your supervisor, you should complete an administrative problem solving form and give it to the supervisor within seven (7) working days of the incident causing the issue. Forms are available from your supervisor or Human Resources. Your supervisor, whenever possible, will address the issue. If a situation comes up where he/she needs to consult others for additional information or policy clarification, he or she will get back to you with an answer within five (5) days. Your supervisor will write his or her answer and the reasons for it on the form. You will be asked to sign the form to show that you have received your supervisor's answer. While we encourage you to try to work out any problems first with

your immediate supervisor, we realize this is not always possible. In that case, your supervisor will inform you of the appropriate next level of management to proceed to.

3. *Step 3. Next Level of Management.* If a workable solution cannot be reached between you and your supervisor, you may take the problem to the next level. To do so, sign the form in the space indicating that you want the next level of management to consider your issue and present it to him or her within five (5) working days. This level will have five (5) working days to consider the issue and give a decision. You will again be asked to sign the form indicating you have received a response.

4. *Step 4. City Administrator.* If you are still not satisfied, you may take your issue to Human Resources. Just sign the space on the form indicating you want help from Human Resources. The form must be presented to Human Resources within five (5) days. They will assist you and arrange to have your issue reviewed by the City Administrator. The Administrator will respond within fifteen (15) business days.

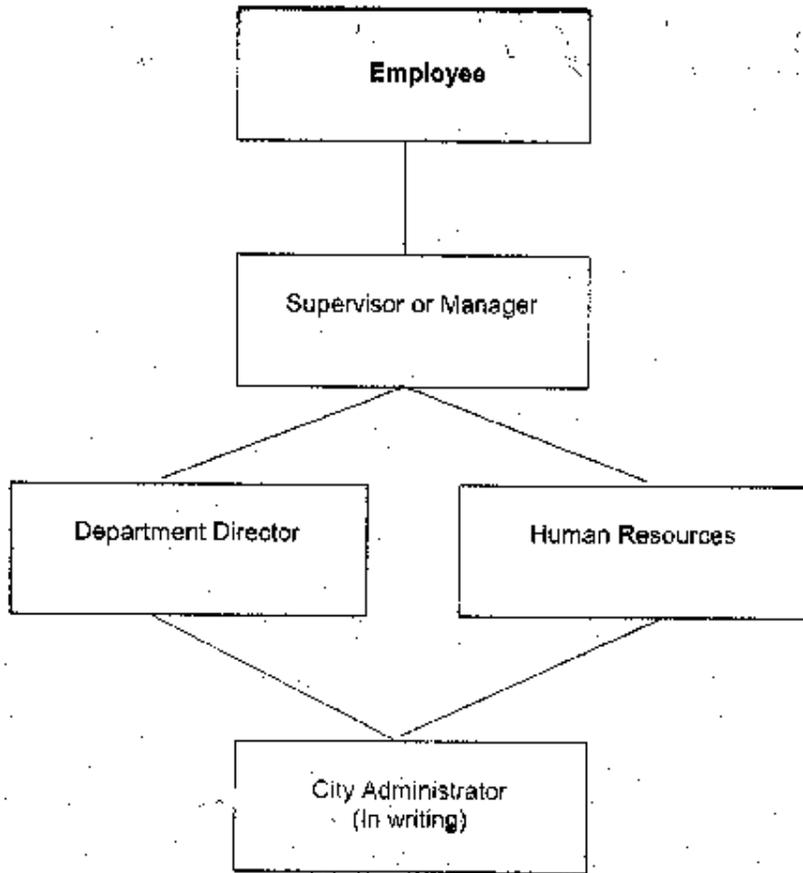
D. Time Limits/Steps. The suggested time limits and steps have been set up to ensure that any problems you may have will be resolved as quickly as possible. If time limits are exceeded at any step in the process, you may proceed to the next step. Time limits may be extended by mutual agreement if there are objective and valid reasons for doing so. Facts become clouded by the passage of time and only prompt action by everyone involved results in an equitable resolution of the conflict. If you do not carry the problem through the successive steps of the procedure within the time allotted, it will be assumed that the problem has been successfully resolved and it will not be considered further. If you have concerns over the appropriateness of the steps, please contact Human Resources for assistance.

E. Comments.

1. The procedures outlined above are available for use by all union, non-union, full- and part-time employees who are not supervisors. No one may criticize you, penalize you or discriminate against you in any way for their use. Use of these procedures is not considered a reflection on either the employee or supervisor. Supervisors are expected to be alert to anticipate or remove causes of issues. Likewise, employees are expected to air their problems promptly and in the proper channels. In this way, a fair and impartial review of the situation can be achieved. All conferences under these procedures shall be held during working hours at a mutually agreeable time.

2. If you lose time from your duties in discussing a problem, you will be paid for such time at your regular hourly rate and suffer no loss of earning. If you need any help in presenting your problem at any step, you may ask Human Resources. Human Resources staff will be available to assist you and ensure your problem receives proper attention.

FAIR TREATMENT (OPEN DOOR) POLICY CHART



(R.O. 2006 §135.420; Ord. No. 2481 §1, 3-22-06)

SECTION 135.430: PERFORMANCE EVALUATION REPORT

All supervisors shall submit employee performance evaluations on every full-time employee semi-annually, and at such other times as necessary, on forms furnished by the City Administrator. The supervisor shall discuss each performance evaluation with the employee in a private interview. If an employee feels the contents of the evaluation are not reflective of the employee's job performance and wishes to appeal, he/she may do so by submitting a written request for a review and reconsideration of the evaluation to the evaluating supervisor and following the chain of command one (1) step at a time. Performance evaluation reports for employees affected by disciplinary procedures shall be submitted as prescribed in [Article VII](#). (R.O. 2006 §135.430; Ord. No. 2481 §1, 3-22-06)

SECTION 135.440: FINANCIAL AFFAIRS

Employees shall arrange and conduct their personal financial affairs so that creditors and collection agencies will not have to make use of the offices of the City for the purpose of making collections. (R.O. 2006 §135.440; Ord. No. 2481 §1, 3-22-06)

SECTION 135.450: OUTSIDE EMPLOYMENT

Employees may not perform outside work which conflicts with or in any way negatively affects their ability to satisfactorily perform the job-related requirements of their City employment. The department head shall be notified and give written approval prior to performing any outside employment. (R.O. 2006 §135.450; Ord. No. 2481 §1, 3-22-06)

SECTION 135.460: RESERVED

Editor's Note--Ord. no. 2013-3271 §5, adopted January 16, 2013, repealed section 135.460 "political activity" in its entirety. Former section 135.460 derived from R.O. 2006 §135.460; ord. no. 2481 §1, 3-22-06.

SECTION 135.470: HOLDING PUBLIC OFFICE

A. No employee of the City shall hold any elected City office. Immediate resignation shall be required, should an employee of the City file for elective municipal office in Wentzville.

B. An employee may be a candidate for a non-partisan board such as, but not limited to, a school board or a library board or fire district, while retaining active City employment and if elected, may retain the City position provided there is no incompatibility of office. (R.O. 2006 §135.470; Ord. No. 2481 §1, 3-22-06; Ord. No. 2013-3271 §6, 1-16-13)

SECTIONS 135.480--135.510: RESERVED

Editor's Note--Ord. no. 2013-3271 §7, adopted January 16, 2013, repealed sections 135.480 "use of city facilities and materials", 135.490 "endorsement of products", 135.500 "acceptance of gifts" and 135.510 "confidential information" in their entirety. Former sections 135.480--135.510 derived from R.O. 2006 §§135.480--135.510; ord. no. 2481 §1, 3-22-06. These sections have been reserved for the city's future use.

SECTION 135.520: PERSONAL APPEARANCE

A. The City expects employees to maintain a neat, well-groomed appearance at all times. Employees should avoid extremes.

B. City employees are expected to dress and groom themselves appropriately for their required duties and responsibilities subject to specific department rules concerning safety, proper clothing and personal hygiene and grooming. (R.O. 2006 §135.520; Ord. No. 2481 §1, 3-22-06)

SECTION 135.530: WORKPLACE VIOLENCE

A. *Purpose.* The City does not tolerate acts of workplace violence committed by or against employees. The City strictly prohibits employees from making threats or engaging in violent

acts. NOTE: This is a zero tolerance policy, meaning the City disciplines or terminates every employee found to have violated this policy.

B. *Prohibited Conduct.* Prohibited conduct includes, but is not limited to:

1. Injuring a person physically;
2. Engaging in behavior that creates a reasonable fear of injury in another person;
3. Engaging in behavior that subjects another individual to extreme emotional distress;
4. Possessing, brandishing or using a weapon while on the City premises or engaged in City business, unless the weapon is City issued;
5. Damaging property intentionally;
6. Threatening to injure an individual or damage property; and
7. Committing injurious acts motivated by, or related to, domestic violence or sexual harassment.

C. *Identifying And Responding To Risks.* The City identifies and responds to workplace violence hazards as follows:

1. *Threat assessment.* The City will annually assess the vulnerability to violence and determine the appropriate preventative measures. The team annually reviews the workplace to identify existing or potential violence hazards. The worksite review should include, but not be limited to, inspecting security measures, analyzing records of violent incidents and monitoring trends and conducting screening surveys to learn about employees' security concerns. The Human Resources Department maintains records of all threats and incidents of violence committed against employees. Access to such records is on a need-to-know basis only.
2. *Security planning for at-risk employees.* Some employees are known to be at risk for violence because of the nature of their jobs. Other employees can be at risk because they are subject to violence, threats or harassment from a current or former spouse or partner or other non-employee. Human Resources and the Police Department work with at-risk employees and their supervisors to develop safety plans that address the specific risks the employees face while at work.
3. *Pre-hire screening.* The Human Resources Department must take reasonable steps to review job candidates' backgrounds to determine if they have a history of committing violent acts or making threats. Pre-hire screening generally consists of reference checks with prior employers, but the screening can include rigorous background investigations for safety-sensitive positions and positions involving extensive, unsupervised contact with the public.

D. Guidelines For Handling Violent Situations.

1. The Human Resources Department maintains and distributes to all employees detailed guidelines and procedures for handling workplace violence and threats.
2. The guidelines should be developed with the advice of the Police Department. The Human Resources Department is responsible for periodically reviewing the guidelines to ensure that they are adequate and up-to-date. If a violent incident occurs, the Human Resources Department must re-evaluate the guidelines and procedures and modify them accordingly.

E. Support For Victims Of Violence. Victims of violent incidents in the workplace might have to contend with a variety of medical, psychological and legal consequences. The City accommodates victims of workplace violence by:

1. Referring victims to appropriate community resources, such as medical centers, counseling services, victim advocacy groups, legal aid and domestic violence shelters;
2. Providing flexible work hours or short-term or extended leave;
3. Cooperating with law enforcement personnel in the investigation of the crime and the prosecution of the offender;
4. Providing a debriefing for employees twenty-four (24) to forty-eight (48) hours after a serious violent occurrence to explain what happened and what steps are being taken by the City to support affected employees.

F. Enforcement.

1. Human Resources and the Police Department must immediately investigate any reported violence, harassment or threats committed on the City's premises.
2. All employees who commit violent acts or who otherwise violate this policy are subject to corrective action or discipline up to and including termination of employment.
3. The City will seek the prosecution of all of those who engage in violence on its premises or against its employees while they are engaged in City business.

G. Employee Guidelines And Procedures.

1. While the City endeavors to provide our employees with a safe and secure workplace, the City recognizes that crime and violence sometimes can spill over into the workplace. We are providing you with these guidelines so you can be better prepared to handle violent and threatening situations. This document summarizes actions you should and should not take to deal with threatening or violent situations. Taking a few moments to

familiarize yourself with these guidelines is an important part of being prepared for workplace emergencies.

2. *General security practices.*

- a. Never hesitate to call the Police or security if confronted with a potentially violent situation. It is better to have called the Police unnecessarily than not to have the Police available when a threatening situation turns violent.
- b. Never attempt to physically restrain or physically remove a threatening or violent individual by yourself. Doing so puts you in danger and leaves you and the City vulnerable to possible lawsuits.
- c. Always report violent, threatening or harassing behavior to your supervisor or the Police. Alert your supervisor or the Police to the presence of strangers in your work area or the presence of any suspicious packages.
- d. In the event of armed robbery, comply with the robber's demands, including demands for City money or property.

3. *Coping with threatening or violent individuals.* Effective handling of threatening or violent individuals requires you to use good judgment and common sense and rely on your own assessment of the particular situation. Nevertheless, you might be able to resolve or cope with many types of threatening or violent situations by following the guidelines below.

- a. When confronted with an angry or hostile individual:
 - (1) Stay calm.
 - (2) Listen attentively.
 - (3) Maintain eye contact.
 - (4) Be courteous and patient, but try to keep the situation under control by expressing a willingness to sit and calmly discuss the matter with the individual.
- b. When confronted with a person shouting, swearing, threatening violence or engaging in bizarre or dangerous behavior:
 - (1) Stay calm.
 - (2) Be courteous and patient, but maintain your distance from the individual.
 - (3) Signal a co-worker or supervisor that you need help. Do not call for help yourself if the individual is directly confronting you.

- (4) Have the co-worker or supervisor call the Police.
- c. When confronted by someone with a gun, knife or other weapon:
- (1) Stay calm.
 - (2) Never try to grab the weapon.
 - (3) Quietly signal a co-worker or supervisor that you need help. Do not call for help yourself if the individual is directly confronting you.
 - (4) Have the co-worker or supervisor call the Police.
 - (5) Be courteous and patient. Keep talking, but follow the instructions from the person who has the weapon. Stall for time, but do not risk harm to yourself or others.
 - (6) Watch for a safe chance to escape to a safe area. Take direction from the Police once they arrive on the scene. (R.O. 2006 §135.530; Ord. No. 2481 §1, 3-22-06)

ARTICLE VII. DISCIPLINARY ACTION

SECTION 135.540: DISCIPLINE

A. All employees are expected to meet the City's standards of employee performance. Employee performance encompasses many factors, including attendance, punctuality, personal conduct, job proficiency, conduct on or off duty (if it brings discredit to the City) and general compliance with the City's policies and procedures.

B. If an employee does not meet these standards, the supervisor initiates a disciplinary process. The disciplinary process may result in a verbal or written reprimand, disciplinary probation, suspension, demotion or dismissal.

C. The City Administrator must approve a disciplinary probation, suspension, demotion or dismissal of an employee. (R.O. 2006 §135.540; Ord. No. 2481 §1, 3-22-06)

SECTION 135.550: IMPROPER CONDUCT

While by law the City generally may terminate employment for any non-discriminatory reason or no reason at all, the following are some examples of improper conduct, which constitute grounds for disciplinary action up to and including discharge. The list is not all-inclusive and circumstances constituting cause for disciplinary action may be based on conduct not included in the examples cited below.

1. Failure to report for work when scheduled;
2. Refusal to work overtime when necessary to keep essential City services operating;
3. Dereliction of duty or shirking of responsibilities;
4. Repeated tardiness or unauthorized absences;
5. Accepting a bribe in the form of money or other valuables;
6. Conviction of a felony, violent misdemeanor or numerous traffic violations;
7. Dishonesty;
8. Insubordination, disobedience of superiors' instructions or willful disregard of orders;
9. Giving directives that violate City ordinance, State code or government ethics;
10. Misconduct, on or off duty, if it brings discredit to the City;
11. Sleeping, gambling, drinking of alcoholic beverage or being under the influence of alcohol or narcotics while on duty;
12. Gross negligence in performing duties;
13. Failure to perform assigned duties;
14. Making a false report or other misrepresentation to superior;
15. Repeated criticism of any employee to the detriment of the City;
16. Claiming sick pay when physically fit;
17. Failure to follow procedures of personnel rules and regulations contained elsewhere in this Chapter;
18. Misappropriation, destruction, theft or conversion of City property;
19. Engaging in retaliation of any form against another employee or member of the public;
20. Refusal or neglect to make efforts to pay just debts;
21. Failure to properly report accidents or personal injuries;
22. Public consumption of alcohol while in City uniform;

23. Politically prohibited acts;
24. Hostility toward other employees or members of the public;
25. Violation of Sexual Harassment Policy; and
26. Punching the time clock card of another employee.
27. Violation of any applicable provision of [Chapter 125](#).
28. Violation of the Anti-Fraud and Corruption Policy.
29. Violation of the Political Activity Policy. (R.O. 2006 §135.550; Ord. No. 2481 §1, 3-22-06; Ord. No. 2013-3271 §8, 1-16-13)

SECTION 135.560: DISCIPLINARY PROCEDURE

Complaints initiated either by a citizen or a supervisor against a City employee, and the employee must be made aware of the complaint whenever it becomes evident disciplinary action may result.

1. It shall be the duty of all City employees to comply with and to assist in carrying into effect the provisions of the City's rules and regulations notwithstanding the general authority of Section 79.240, RSMo.
2. It is the duty of every City employee to attempt to correct any faults in his/her performance that are called to his/her attention and to make every effort to avoid conflict with the City's rules and regulations. The steps of progression will be determined by the offense.
3. It is the duty of every supervisor to discuss improper or inadequate performance with the employee in order to correct the deficiencies and to avoid the need to exercise disciplinary action. Disciplinary actions taken should be, whenever possible, of an increasingly progressive nature. The steps of progression typically are a reprimand, disciplinary probation, suspension, demotion and dismissal.
4. *Reprimand*. A verbal or written statement of an offense, which shall be made a part of the employee's personnel file.
5. *Disciplinary probation*. "*Disciplinary probation*" is defined as a period of time, not to exceed one hundred eighty (180) days, during which the employee is placed under close supervision and observation of his/her performance and/or conduct. An employee is not eligible for pay increases or promotional opportunities during this period.
6. *Suspension*. A temporary separation, without pay, for a period not to exceed thirty (30) consecutive days for any one (1) offense due to disciplinary reasons or pending the

outcome of an investigation involving an employee. An employee under suspension will not be permitted to exchange suspension time for vacation time or be eligible to take sick leave or to receive pay increases. If suspended pending the outcome of an investigation, and if it is determined that the suspension was not appropriate, the employee's salary may be made retroactive to the date suspension commenced.

7. *Demotion.* The movement of an employee to a position classification having a lower salary grade due to unsatisfactory performance and/or conduct. If an employee is moved to a lower pay grade as a result of the discipline process, the employee will be adjusted to fall within the lower salary range. If an employee requests a demotion, pay will be reduced.

8. *Dismissal.* An employee whose conduct, actions or performance violates or conflicts with the City's policies may be terminated immediately and without warning. (R.O. 2006 §135.560; Ord. No. 2481 §1, 3-22-06)

ARTICLE VIII. SEPARATION

SECTION 135.570: SEPARATION FROM CITY

Upon separation of an employee from the City, a separation form shall be completed by the employee and signed by the department head. The completed form shall then be taken by the employee to Human Resources for filing. Human Resources will inform the employee of COBRA regulations and will be responsible for notifying payroll to release the separation check and informing payroll of any COBRA requirements. (R.O. 2006 §135.570; Ord. No. 2481 §1, 3-22-06)

SECTION 135.580: EXIT INTERVIEW

The City Administrator and/or designee will conduct an exit interview with all employees leaving the employment of the City. (R.O. 2006 §135.580; Ord. No. 2481 §1, 3-22-06)

SECTION 135.590: SEPARATION OF EMPLOYMENT

Employees are required to give two (2) weeks' notice when terminating their employment with the City. If an employee does not give two (2) weeks' notice, he or she will not be considered eligible for rehire. Exceptions must be approved by the City Administrator. (R.O. 2006 §135.590; Ord. No. 2481 §1, 3-22-06)

SECTION 135.600: RETURN OF CITY PROPERTY

Any employee leaving City employment for any reason whether by resignation, dismissal, layoff, etc., is responsible for returning any City property which he/she may have in his/her possession. This includes, but is not limited to, tools, keys, clothing, office supplies and equipment. The employee's final paycheck will be held until all City property has been returned

and verified by his/her supervisor or the final paycheck will be reduced in an amount equal to the value of the properties not returned. (R.O. 2006 §135.600; Ord. No. 2481 §1, 3-22-06)

SECTION 135.610: RE-EMPLOYMENT

Any employee who voluntarily resigns employment with the City of Wentzville and is offered a position at a later date will begin work as a new employee, unless the employee has been separated from the City for less than thirty (30) calendar days. If the separation is for a period less than thirty (30) days, the employee will be reinstated with benefits equal to those at termination. (R.O. 2006 §135.610; Ord. No. 2481 §1, 3-22-06)

ARTICLE IX. SAFETY

SECTION 135.620: PERSONAL ACCIDENTS

A. When an employee is injured on the job, he/she must report the injury immediately to his/her supervisor and obtain any necessary medical assistance. All employees of the City are covered under a Workers' Compensation plan. These benefits, dependent on the injury, may consist of some compensation and reasonable medical expenses. As soon as possible, but not to exceed twenty-four (24) hours, a report of the accident should be completed and furnished to the City Clerk so the injured employee's right to Workers' Compensation benefits or medical expenses will not be jeopardized. Even if the injury is slight and no lost time is involved, a report must be made. This is necessary to protect the employee in case a future disability arises from the injury. The Workers' Compensation report shall be completed by the injured employee and/or the supervisor and signed by the supervisor. The forms that are necessary to report accidents are available in the office of the City Clerk.

B. The responsible supervisor will in all cases submit an accident report to the Safety Committee describing the accident, the probable causes and any preventative action taken. The Safety Committee shall review the report and make recommendations to the City Administrator.

C. The Safety Committee Chairperson shall follow up in writing with each employee involved in an accident. This letter shall include the status of the accident as chargeable or not and how that affects the employee's safety award, as well as corrective measures taken to prevent future accidents. (R.O. 2006 §135.620; Ord. No. 2481 §1, 3-22-06)

SECTION 135.630: VEHICLE ACCIDENTS

A. Vehicle operators involved in accidents must notify the Police Department immediately so that an investigation and report can be made. That employee should also notify his/her supervisor. The supervisor shall promptly notify the City Clerk so that the insurance carrier may be apprised of the accident.

B. A vehicle operator involved in an accident with a City vehicle outside of the City limits must notify the appropriate Police Department immediately for an investigation and report.

The employee shall also notify their supervisor and request that a copy of the accident report be submitted to the City Clerk.

C. The responsible supervisor will in all cases submit an accident report to the City Clerk and the Safety Committee describing the accident, the probable causes and any corrective action to be taken. The Safety Committee will treat any moving violation as an accident. The Safety Committee shall review the report and make recommendations to the City Administrator. (R.O. 2006 §135.630; Ord. No. 2481 §1, 3-22-06)

SECTION 135.640: SAFETY

A supervisor shall require all employees to wear the proper safety equipment in the performance of their duties. (R.O. 2006 §135.640; Ord. No. 2481 §1, 3-22-06)

SECTION 135.650: HAZARDS

All employees will be alert to any conditions anywhere in the City which may cause accidents or injury and shall report such conditions immediately in writing to their supervisor and to the Safety Committee. The City will promptly investigate such conditions and, if conditions are unsafe, appropriate corrective action will be taken. (R.O. 2006 §135.650; Ord. No. 2481 §1, 3-22-06)

SECTION 135.660: SAFETY AWARDS

A. Safety awards will be credited to all employees based on their safety record as recommended by the Safety Manual and Safety Committee.

B. *Safety Certificate Guidelines.* To receive a safety certificate and/or an award an employee must be accident free for the entire prior calendar year.

1. First (1st) year--certificate.
2. Second (2nd) consecutive year--four (4) hours paid leave.
3. Third (3rd) consecutive year--eight (8) hours paid leave.
4. Consecutive years--eight (8) hours paid leave.

C. The paid leave awarded based on an employee's safety record must be used before the end of the year. This time will not be carried over and employees will not receive payment if not used before the end of the year.

D. Upon separation of employment employees will not be compensated for unused safety hours.

E. If the Safety Committee recommends an employee be chargeable for an accident and/or claim, then the Safety Committee will notify the employee and their supervisor. The employee will not be eligible for a certificate and/or an award for that calendar year and must start over in the program. (R.O. 2006 §135.660; Ord. No. 2481 §1, 3-22-06)

ARTICLE X. EMPLOYEE BENEFITS

SECTION 135.670: EMPLOYEE BENEFITS

A. The City has established a variety of employee benefit plans designed to assist you. The City reserves the right to amend, modify or terminate, in whole or in part, any or all of the provisions of the benefit plans described herein. Further, the City reserves the exclusive right in its sole and absolute discretion to administer, apply and interpret the benefit plans described herein and to decide all matters arising in connection with the operation or administration of such plans.

B. Any change in employee benefit plans will be announced and described to employees by memo, letter, employee meeting or other appropriate communication method. (R.O. 2006 §135.670; Ord. No. 2481 §1, 3-22-06)

SECTION 135.680: MANDATORY PAYROLL DEDUCTIONS

The following deductions from an employee's gross pay are mandatory:

1. Federal income tax.
2. State income tax.
3. *Social Security*. The Federal Retirement Survivors Disability and Health Insurance Program (or Social Security as it is more commonly known) covers both private and public employees on a nationwide basis. Anyone employed by the City participates in this program upon acceptance of employment. The system provides retirement, permanent disability and survivor's benefits. The amount of benefits payable are directly related to the salary an employee earns over a specific period of time. The contributions that make the benefits possible are shared equally by the employee and the employer. The employee's share is deducted from gross pay each pay period and, with the employer's share, is forwarded to the Federal Government for deposit in the Social Security fund.
4. Court ordered deductions. (R.O. 2006 §135.680; Ord. No. 2481 §1, 3-22-06)

SECTION 135.690: OTHER DEDUCTIONS

No payroll deductions from an employee's pay, other than deductions required by law, shall be made without prior approval of the City Administrator and request of the employee. (R.O. 2006 §135.690; Ord. No. 2481 §1, 3-22-06)

SECTION 135.700: HOLIDAYS

A. Regular paid holidays for all full-time City employees, other than Police personnel, shall be as established by the Board of Aldermen. Such holidays shall include one (1) floating holiday for each such employee. The floating holiday shall be of the employee's choice with the approval of the supervisor. City Hall shall be closed on the following named holidays, except the floating holiday. If any of the holidays listed below fall on Saturday, the holiday will be recognized the Friday prior to the holiday. If any such holiday falls on a Sunday, the following Monday will be recognized as a paid holiday. For commissioned and non-commissioned Police personnel assigned to shift work, holiday pay will be based upon either the legal or observed holiday. However, in the event the legal holiday falls on the weekend and the Police personnel is assigned to work on the legal holiday and the City-observed holiday, the Police personnel will receive holiday pay for only the legal holiday and not for both days.

B. To be eligible for holiday pay, an employee must work the entire workdays preceding and following the paid holiday, unless the employee is on vacation leave or another approved paid absence.

C. The following are paid holidays for full-time City employees:

January first (1st)--New Year's Day

Martin Luther King, Jr. Day

Federal Presidents' Day

Good Friday

Federal Memorial Day

July fourth (4th)--Independence Day

Labor Day

Columbus Day

Federal Veterans Day

Thanksgiving

Day after Thanksgiving

Christmas Eve

December twenty-fifth (25th)--Christmas

One (1) floating holiday

D. Floating holiday must be used within the calendar year. This holiday will not be carried over and the employee will not receive payment if not used within the calendar year. Upon separation from employment employees will not receive or be compensated for any unused floating holiday pay.

E. Employees who receive the employee of the quarter award by peer nomination shall receive four (4) hours of paid leave. This leave must be used within three (3) months of receipt.

F. Employees who receive the employee of the year award by peer nomination shall receive eight (8) hours of paid leave. This leave must be used within three (3) months of receipt.

G. Part-time employees with benefits will receive prorated holiday pay based on the average number of hours worked during the previous month.

H. Police personnel may be scheduled to work on some or all of the above holidays. All Police personnel shall receive eight (8) hours of holiday on the pay period in which the holiday occurs.

I. If Police personnel are not scheduled for a normal Monday through Friday schedule (i.e., twelve (12) hour shift officers, communications officers, rangers, corrections officers and traffic officers) and work the day of the holiday, overtime pay will be paid for the hours physically worked at the rate of time and one-half (1½). Overtime will not be received for vacation, sick or comp hours used.

J. Any staff that is normally scheduled for Monday through Friday work on the day that the City recognizes the holiday will be paid at a rate of time and one-half (1½) for the hours physically worked plus their holiday pay. (R.O. 2006 §135.700; Ord. No. 2481 §1, 3-22-06)

SECTION 135.710: VACATION LEAVE

A. Full-time employees will accrue vacation on a monthly basis. Vacation time off may be taken in the following manner:

<i>Consecutive Length of Service</i>	<i>Accrual</i>
6 months	40 hours
1 year	40 hours
2 years, but less than 6 years	80 hours
6 years, but less than 11 years	120 hours

11 years, but less than 20 years	160 hours
20 years or more	200 hours

B. Full-time employees will accrue vacation on a monthly basis from their initial employment date. Employees are not authorized to use the accumulated vacation leave, however, until they have completed six (6) months of continuous service, unless otherwise authorized by the department head and the City Administrator. Vacation leave shall be earned before it is used. Salaried positions hired before September 1, 2001, are grandfathered under the old policy.

C. Vacation leave may not be taken in segments of less than one-quarter ($\frac{1}{4}$) hour increments.

D. Part-time employees with benefits will receive prorated vacation based on average hours worked during the previous year.

E. It is in the best interest of each employee's welfare that vacation leave be used on an annual basis. Vacation accruals must be in compliance with the scale below as of December thirty-first (31st) of each year.

<i>Annual Accrual</i>	Maximum Accrual
80 hours	120 hours
120 hours	180 hours
160 hours	240 hours
200 hours	300 hours
240 hours	360 hours

F. On January first (1st) of each year vacation hours in excess of the maximum accrual rate will be surrendered to the City. (R.O. 2006 §135.710; Ord. No. 2481 §1, 3-22-06)

SECTION 135.720: INSURANCE

A. All insurance questions should be directed to Human Resources. Full-time City employees are eligible to receive health, dental, vision and life insurance benefits.

B. Insurance becomes effective following sixty (60) days of continuous employment.

1. *Medical insurance.* Full-time employees, their spouses and dependents are currently covered under a plan ~~with the full cost of premium paid by the City.~~ Part-time employees who work more than fifteen hundred (1,500) hours annually are eligible for ~~paid~~ health insurance for the employee only.

2. *Dental insurance.* Full-time employees, their spouses and dependents are currently covered under a plan with the full cost of premium paid by the City. Part-time employees who work more than fifteen hundred (1,500) hours annually are eligible for dental insurance for employee only.

3. *Vision care insurance.* Employees only are covered under a plan with the full cost of the premium paid by the City. Part-time employees who work more than fifteen hundred (1,500) hours annually are also eligible for employee coverage.

4. *Life insurance.* Employees are insured for one (1) times their annual compensation (base salary or hourly wage). The full cost of the premium is paid by the City. (R.O. 2006 §135.720; Ord. No. 2481 §1, 3-22-06)

SECTION 135.730: RETIREMENT

A. Employees who work more than fifteen hundred (1,500) hours per year qualify for the City's retirement program.

B. On the first (1st) of the month after completion of six (6) months of employment with the City, an employee becomes eligible for participation in the Missouri Local Government Employees Retirement System (LAGERS).

C. LAGERS was created and is governed by the State of Missouri to provide retirement, survivors and disability benefits to the State's local government employees in the most efficient and economical manner possible. As such, LAGERS is a non-profit entity which has the responsibility of administering the law in accordance with the expressed intent of the General Assembly.

D. The City pays benefits provided through LAGERS. No deductions are withheld from the employee's payroll. After completion of five (5) years of credited service, an employee is entitled to a retirement benefit. If he/she leaves the City before completing the five (5) years, he/she is not eligible to receive any benefit from LAGERS.

E. Employees with questions regarding retirement should contact Human Resources or LAGERS.

F. An employee, who retires at age sixty-two (62), will be kept in the group dental and medical insurance program at retired employee's expense. An employee who has attained the age of fifty-five (55) years (fifty (50) for commissioned Police personnel) and has thirty (30) years service with the City of Wentzville may retire with full group health insurance benefits through the City's group plans at retiree's expense until they become eligible for Medicare. (R.O. 2006 §135.730; Ord. No. 2481 §1, 3-22-06)

SECTION 135.740: SICK LEAVE

It is important that every employee be on the job on time regularly. For this reason, careful attention is given to promptness, absence record and overall dependability. The City recognizes, however, that an employee, employee's spouse, children, parents or parents-in-law may occasionally be disabled by injury or illness. As a result, the sick leave policy is designed to provide protection to employees against loss of income during unavoidable illness or injury.

1. Full-time employees will be credited with eight (8) hours of sick leave for each full month worked. Part-time employees who work in excess of fifteen hundred (1,500) hours annually will be credited with prorated hours based upon the total number of hours worked each month. For your protection in the event of a long-term illness, sick leave may be accumulated up to twelve hundred (1,200) hours.

a. An active employee who qualifies for retirement under the City's retirement plan (LAGERS), and who applies for retirement and immediately retires from active service, is eligible to receive payment for up to seven hundred twenty (720) hours of accrued and unused sick leave. In the event of an employee's death, the designated beneficiary is eligible to receive payment for up to seven hundred twenty (720) hours of accrued and unused sick leave.

b. To be eligible for sick pay, employees unable to report to work due to illness must telephone their supervisor directly, each day of their absence, as far in advance as possible but no later than thirty (30) minutes after their scheduled arrival time.

c. Employees claiming sick leave in excess of three (3) working days will be required to submit a doctor's certificate documenting said illness. Supervisors may also request, at any time, a doctor's certificate documenting an illness requiring an absence of three (3) or less working days.

~~2. Annual wellness benefit. An employee with a minimum accumulation of two hundred forty (240) hours of sick leave as of the first (1st) day of October will be eligible for payment of unused sick leave according to the scale below.~~

~~a. Payment will be made on a separate check and distributed the Wednesday prior to Thanksgiving of each year.~~

~~b. Wellness recognition "pay days" will be deducted from the employee's accumulated total sick time at time of payment.~~

<i>Hours Earned</i>	Hours Used	Bonus Pay Hours
96	0	48
96	8	40
96	16	40

96	24	32
96	32	32
96	40	24
96	48	24
96	56	16
96	64	16
96	72	8
96	80	8
96	88	0
96	96	0

(R.O. 2006 §135.740; Ord. No. 2481 §1, 3-22-06)

SECTION 135.750: PERSONAL DAYS, USING ACCUMULATED SICK LEAVE

A. After working for six (6) consecutive months, and accumulating at least forty (40) hours of sick leave, full-time employees are eligible for twenty-four (24) hours of personal time off using accrued sick leave.

B. These hours may be used, for example, as vacation days. An employee does, however, need to have advance approval from his/her supervisor before using accrued time.

C. Use of these personal days will be deducted from an employee's regular sick leave accrual. A maximum of twenty-four (24) hours a year can be used, however, and personal days using accrued sick leave may not be carried over to the next calendar year. If an employee has not used any days by participating in this program, accrued but unused days will carry over as regular sick days.

D. *Non-Union And Salaried Employees.* When employees have accumulated two hundred forty (240) hours of sick leave, they are eligible for an additional personal day (eight (8) hours) using sick leave accrual (total of thirty-two (32) personal hours annually).

E. Part-time employees with benefits may also participate in this program in accordance with hours regularly worked during the previous months. (R.O. 2006 §135.750; Ord. No. 2481 §1, 3-22-06)

SECTION 135.760: FUNERAL LEAVE

In the event of a death in an employee's immediate family, he/she shall be granted up to three (3) workdays off with pay. For this purpose, "*immediate family*" is defined as:

1. Spouse, spouse's immediate family members:

a. Child or stepchild,

- b. Parents, stepparents,
 - c. Siblings, stepsiblings,
 - d. Grandparents, stepgrandparents,
 - e. Grandchildren.
2. Immediate family also includes members of the family of the employee's spouse.
- a. Up to one (1) paid day of funeral leave for an employee's other relatives will be granted.
 - b. In extenuating circumstances, the City Administrator may approve additional leave.
 - c. If additional time off is required because the employee's absence from the family would create a hardship, the department head may grant the use of sick leave or vacation leave.
 - d. In the event of a current or former employee's death, employees who wish to do so will be granted time off to attend the local funeral. (R.O. 2006 §135.760; Ord. No. 2481 §1, 3-22-06)

SECTION 135.770: INJURY LEAVE

- A. Employees, regardless of their employment status, will be granted leave with pay in the event of an injury on the job which renders them incapable of performing their normal duties, unless it can be shown that the injury occurred as a result of a willful or negligent act by the injured employee.
- B. When an employee takes injury leave because of a physical condition for which payment is received from Workers' Compensation, the employee will be paid only the Workers' Compensation payment. The City does, however, compensate the employee for the first three (3) days following an on the job injury when Workers' Compensation payments are not received.
- C. An employee must report all Workers' Compensation activity to their supervisor and the City Clerk when doing any work activity while receiving Worker's Compensation payments.
- D. Employees must use accumulated paid leave such as sick leave or vacation to attend physical therapy or other doctors' appointments that occur during regular working hours. (R.O. 2006 §135.770; Ord. No. 2481 §1, 3-22-06)

SECTION 135.780: TEMPORARY TRANSITIONAL DUTY

A. *Purpose.* This policy establishes the authority for temporary transitional duty assignments and procedures for granting temporary transitional duty to eligible employees.

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

C. *Definitions.*

1. *Eligible personnel.* For purposes of this policy, any employee with at least ninety (90) days of service, suffering from medically certified illness, injury or disability requiring treatment of a licensed healthcare provider and who because of injury, illness or disability is temporarily unable to perform the regular assignment but is capable of performing temporary alternative assignments.

2. *Maximum medical improvement.* The point when recovering from injury, illness or disability at which an employee has reached maximum medical improvement.

D. *Procedures.*

1. *General provisions.*

a. Temporary transitional duty positions are limited in number and variety. Therefore,

(1) Personnel injured or otherwise disabled in the course and scope of employment shall be given preference in initial assignment to transitional duty; and

(2) Assignments may be changed at any time if deemed in the best interest of the City while keeping within the medical restrictions; and

(3) Eligibility to participate in the program will cease when the employee has reached maximum medical improvement.

b. The Family and Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act or other Federal and State law remain applicable to employees accepting transitional duty assignments.

(1) Employees placed on temporary transitional duty will be required to use accumulated time such as sick or vacation to attend physical therapy or go to a doctor's appointment.

c. No specific positions within the City shall be established for use as a temporary transitional duty assignment, nor shall any existing positions be designated or utilized exclusively for personnel on temporary transitional duty.

d. Transitional duty assignments are strictly temporary and typically do not exceed ninety (90) days in duration. After ninety (90) days, personnel on temporary transitional duty who are not capable of returning to their original duty assignment shall:

(1) Present a request for an extension of temporary transitional duty (not to exceed an additional ninety (90) days), with supporting documentation, to the program coordinator; or

(2) Pursue other options as provided by employment provision of this City or Federal or State law.

e. Law enforcement personnel on temporary transitional duty are prohibited from engaging in outside employment, on behalf of the City, in which they may reasonably be expected to perform law enforcement functions for which they have been determined physically or mentally unable to perform on behalf of this City and that forms the basis for their temporary transitional duty assignment.

f. Depending upon the nature and extent of the disability, law enforcement personnel on temporary transitional duty may be prohibited or restricted from wearing the departmental uniform, carrying the service weapon or otherwise limited in employing Police powers as determined by the Chief of Police so long as such limitation is consistent with the provisions of Subsections (D)(2) and (D)(3) of this policy.

g. Transitional duty assignments shall not be established for disciplinary purposes.

h. Employees may not refuse temporary transitional duty assignments that are supported by and consistent with the recommendations of a City-selected physician. The City may interpret failure to accept and perform transitional duty work as a dereliction of duty, unless the employee has pursued other options as provided by the employment provisions of this City or Federal or State law.

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

2. Temporary transitional duty assignments.

a. Temporary transitional duty assignments may be drawn from a range of areas that include, but are not limited to, the following:

- (1) Administrative projects (e.g., report review, special projects),
- (2) Clerical functions (e.g., filing),
- (3) Desk assignments (e.g., booking officer, bookkeeping),
- (4) Communications (e.g., complaint taker),
- (5) Inspections (e.g., sidewalks, street signs, buildings, equipment),
- (6) Updating (e.g., MSDS at various locations),
- (7) Painting (e.g., fire hydrants, park benches and equipment),
- (8) Community relations (e.g., Police community awareness visits),
- (9) Volunteer work at City-supported charities (e.g., senior center).

b. Department heads shall notify the program coordinator of any work that may be used for temporary transitional duty.

c. In addition to consideration included in Subsection (D)(1)(a) of this policy, decisions on temporary transitional duty assignments shall be made based upon the availability of an appropriate assignment given the applicant's knowledge, skills and abilities; availability of transitional duty assignments; and the physical limitations imposed on the employee by the City-selected physician.

d. Every effort shall be made to assign employees to positions consistent with their position and pay classification. However, where appropriate, personnel may be assigned to positions within other departments and positions designated for personnel of lower position or pay classification. Employees thus assigned shall:

- (1) Retain the privileges of their rank but shall answer to the supervisor of the unit to which they are assigned with regard to work responsibilities and performance; and
- (2) Retain the pay grade and related benefits of the position held prior to their assignment to temporary transitional duty as controlled by the employment provisions of the City of Wentzville.
- (3) For work-related accidents, if the employee is not retained at the same the pay grade of the position held prior to their assignment to transitional duty, Workers' Compensation temporary partial disability benefits may be available.

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

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

4. *Request for and assignment to temporary transitional duty for non-work conditions.*

- a. Requests for temporary transitional duty assignments are usually completed by the employee. However, the supervisor may complete the request as described in Subsection (D)(4)(c). Requests must be accompanied by a statement of medical certification to support the requested reassignment, which must be signed by the treating physician. The certificate must include an assessment of the nature and probable duration of the disability, prognosis for recovery, nature of work restriction and an acknowledgement by the health care provider of familiarity with the transitional duty assignment and the fact that the employee can physically perform the duties involved.
- b. The request for temporary transitional duty and the physician's statement shall be forwarded to the City designated authority who shall make a recommendation regarding the assignment to the City Administrator or his designate.

(1) This City may require the employee to submit to an independent medical examination by a physician of the City's choosing. In the event the opinion of the

City-selected physician differs from that of the foregoing health provider, the employee may request a third (3rd) opinion at the employer's expense.

(2) The employee and representatives of the City shall cooperate and act in good faith in selecting any third (3rd) health care provider and both parties shall be bound by that medical decision.

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

(1) Notice shall be provided to the employee of the proposed temporary transitional duty assignment together with justification for the recommendation.

(2) Employees maintain the right to challenge the transitional duty assignment.

(3) An employee may be reassigned if, in the opinion of the City Administrator, failure to reassign may jeopardize the safety and health of the employee, other employees or the public.

d. As a condition of continued assignment to temporary transitional duty, employees shall be required to submit to periodic physical assessments of their condition as specified by the City Administrator or his designate. (R.O. 2006 §135.780; Ord. No. 2481 §1, 3-22-06)

SECTION 135.790: JURY DUTY LEAVE

An employee may be granted leave with pay when required to be absent from work for jury duty or as a trial witness. To qualify for jury pay the employee must present a copy of the voucher received from the Circuit Clerk's office to the Payroll Clerk's office. Compensation for such leave shall be limited to the difference between the amount of compensation received for this service and the employee's regular City pay. If not reimbursed after ninety (90) days, the amount will be deducted from paycheck. The City does not reimburse mileage. (R.O. 2006 §135.790; Ord. No. 2481 §1, 3-22-06)

SECTION 135.800: FAMILY AND MEDICAL LEAVE

A. The Family and Medical Leave Act (FMLA) provides eligible employees with up to twelve (12) workweeks of unpaid leave for certain family and medical reasons within any twelve (12) month period. The twelve (12) month period is measured forward from the day the employee's first (1st) FMLA leave begins. During this leave, an eligible employee is entitled to continue insurance coverage as if the employee had continued to work. Upon

return from leave, subject to some exceptions, an employee has a right to return to the same or equivalent position.

B. To be eligible for FMLA leave, an employee must have been employed by the City of Wentzville for a least twelve (12) months and have worked for at least one thousand two hundred fifty (1,250) hours during the twelve (12) month period immediately preceding the commencement of the leave.

C. FMLA leave may be taken for any one (1) or for a combination of the following reasons:

1. The birth of the employee's child or to care for the newborn child;
2. The placement of a child with the employee for adoption or foster care or to care for the newly placed child;
3. To care for the employee's spouse, parent or child with a serious health condition;
4. The employee's own serious health condition that makes the employee unable to perform one (1) or more of the essential functions of his or her job.

D. A "*serious health condition*" is an injury, illness, impairment or physical or mental condition that involves in-patient care or continuing treatment by a health care provider.

E. An employee should request FMLA leave by completing the City's request for leave form and medical certification and submitting it to Human Resources.

F. The City will notify the employee that leave has been designated as FMLA leave. The City may provisionally designate the employee's leave as FMLA leave if it has not received medical certification or has not otherwise been able to confirm that the employee's leave qualifies as FMLA leave. If an employee has not notified the City of the reason for the leave and the employee desires that leave be counted as FMLA leave, the employee must notify Human Resources within two (2) business days of the employee's return to work that the leave was for a FMLA reason.

G. When the need for leave is foreseeable, such as for childbirth, placement of a child or planned medical treatment for the employee's or family member's serious health condition, the employee must provide the City with at least thirty (30) days' advance notice or as much notice as is practicable. When the timing of the leave is not foreseeable, the employee must provide the City with notice of the need for leave as soon as practicable.

H. Workers' Compensation claims and other absences qualifying as a serious health condition shall be charged to the employee's twelve (12) week leave entitlement under FMLA.

I. The City may require the employee to provide appropriate documentation (i.e., medical certification, recertification of a serious health condition, statement of family relationship

such as birth certificate or court document, fitness for duty certification) prior to approving a request for FMLA leave or prior to the employee's return to work.

J. Any paid leave used for a FMLA qualifying reason will be charged against the employee's entitlement to FMLA leave. The substitution of paid leave for unpaid leave does not extend the twelve (12) workweek leave period.

K. Employees on FMLA will be required to use accumulated sick time.

L. During unpaid leave, vacation and sick time will not be accrued. (R.O. 2006 §135.800; Ord. No. 2481 §1, 3-22-06)

SECTION 135.810: TRAINING LEAVE

Upon request by the supervisor and approval by the City Administrator, an employee may be granted leave with pay to attend training programs or professional conferences. (R.O. 2006 §135.810; Ord. No. 2481 §1, 3-22-06)

SECTION 135.820: ABSENCE WITHOUT LEAVE

A. An employee absent from duty, including absence for a single day or part of a day without specific prior authorization under the procedures set out in this Chapter, shall be deemed to be absent without leave. Any such absence shall be without pay and may be cause for disciplinary action.

B. An employee absent without leave will not accrue vacation or sick leave. When it is deemed that the employee is absent without leave, the City is entitled to deduct from the employee's pay the amount equivalent to the time employee was absent without leave.

C. An employee receiving no pay at any time during the twelve (12) months preceding October first (1st) shall not be eligible to participate in the "Annual Wellness Benefit". The only exception to this shall be employees on approved Workers' Compensation leave, leave approved pursuant to the Family and Medical Leave Act and military leave.

Note: This policy is not applicable if the employee is on an approved leave under the Family and Medical Leave Act or any other Federal or State mandated regulation. (R.O. 2006 §135.820; Ord. No. 2481 §1, 3-22-06)

SECTION 135.830: SHARED LEAVE

The Shared Leave Program shall collect donated hours and maintain a "pool" of all donated hours and shall award shared leave to employees in the form of paid sick leave as outlined below:

1. *Administration of the Shared Leave Program.*

a. The City employees Shared Leave Program will be administered by a Shared Leave Program Committee. The Committee will be chaired by the Assistant City Administrator. The Human Resources Specialist shall be a permanent member of the Committee and shall provide administrative and clerical support for the Committee. The City Administrator shall designate three (3) additional members who shall serve three (3) year terms, with the first (1st) year of the program member terms will be a one (1) year term member, a two (2) year term member and a three (3) year term member.

b. The Leave Program Committee shall develop all necessary forms, systems and procedures to administer the Shared Leave Program as set forth in this Section.

2. *Consideration of requests for shared leave.* The Shared Leave Program Committee shall consider requests for shared leave under the terms of this policy and shall approve or deny requests. Decisions of the Committee are not appealable.

3. *Donations of leave.*

a. Vacation, sick, personal sick, floating holiday and safety days may be donated to the Shared Leave Program. The donor must complete a form offer to donate leave. The donation must be accepted by the Leave Program Committee prior to hours being deducted from the donor's balance.

b. General notices requesting donations of leave to the "pool" may be posted or distributed by the Human Resources office only. Personal solicitations of individuals by other employees or elected officials is strictly prohibited. All donations are to be completely voluntary.

c. Donations may not be made to a particular employee who is applying to the Committee for shared leave.

d. Leave, once donated, cannot be returned to the donor.

e. Employees may donate leave to the employee Shared Leave Program in accordance with the following conditions:

(1) Leave may only be donated in eight (8) hour increments unless noted elsewhere in this policy.

(2) Sick leave may only be donated during the election period to participate in the "Annual Wellness Benefit", typically in October of each year, unless official requests are posted at other times during the year.

(3) Employees must have at least eighty (80) hours of accumulated sick leave in their own account in order to be eligible to donate leave.

(4) *Accumulated vacation leave.* The minimum amount of donation is eight (8) hours and must be made in eight (8) hour increments.

(5) *Accumulated sick leave.* Employees may donate some or all hours (in eight (8) hour increments) that would otherwise be eligible for the "Annual Wellness Benefit". This may only be done during the election period to participate in the "Annual Wellness Benefit" program. Each eight (8) hour increment donated may, at the employee's request, be matched from their total sick leave bank without making an additional deduction from buy-back eligibility.

(6) *Personal sick leave.* Employees may donate sick leave that would otherwise be eligible for use as personal sick without this donation impacting the wellness buy-back program. Maximum donation of personal sick is twenty-four (24) hours each calendar year.

(7) Floating holiday may be donated annually.

(8) Safety Day may be donated annually, if four (4) hours are received four (4) hours may be donated, if eight (8) hours are received eight (8) hours must be donated.

(9) No compensatory time may be donated.

4. *Eligibility to receive shared leave.* In order to receive shared leave from the City's Shared Leave Program, the employee must satisfy the following conditions:

a. The employee must have completed six (6) months of continuous service to the City of Wentzville.

b. The employee must have a catastrophic illness or injury (an illness or injury which is life threatening or is expected to result in a period of total disability of three (3) months or longer). No leave will be awarded due to illness or injury to a family member.

c. While an application to the leave program may be made by the employee or a designated representative when it becomes apparent that the employee will not have sufficient leave to cover the anticipated absence, no shared leave may be used until all of the employee's vacation, sick leave, floating holiday, safety day and all earned compensatory time have been exhausted.

d. To be eligible to request shared leave an employee must be unable to work for a least one hundred sixty (160) hours.

e. The employee must have a successful record of performance and a satisfactory attendance record prior to the illness or injury. The Leave Program Committee shall

consider performance evaluations, attendance records and input from the employee's department head when considering requests for shared leave.

f. No shared leave may be used once the employee has been off work for one thousand forty (1,040) hours.

g. The employee must submit appropriate physician statements which document eligibility for shared leave.

h. The Leave Committee may determine the amount of shared leave that will be authorized subject to any limitations included in this policy.

5. Miscellaneous provisions.

a. Employees are encouraged to donate leave to the leave program, but it is not required that an employee have contributed to the leave program in the past in order to qualify for shared leave.

b. Shared leave shall be awarded in the form of paid sick leave at the receiving employee's regular (hourly) rate of pay.

c. Employees do not earn vacation leave or sick leave while on shared leave.

d. Employees insurance benefits continue while the employee is on shared leave.

e. An employee is not required to "pay back" shared leave which has been used by them.

f. The City has the right to modify or terminate the program at any time in its sole discretion. Employees have no vested right in the continuance of the program.

g. Shared leave time that is awarded and also qualifies for the twelve (12) week Family Medical Leave Act entitlement shall run concurrently.

h. The balance of the shared leave bank shall not exceed two thousand eighty (2,080) hours. (R.O. 2006 §135.830; Ord. No. 2481 §1, 3-22-06)

SECTION 135.840: MILITARY LEAVE

A. The City will comply with the Uniform Services Employment and Re-employment Rights Act (USERRA) and applicable State laws concerning employees who participate in the National Guard and Reserves.

1. *Annual service requirement.* Employees who are members of the reserve components of any branch of the United States military service or National Guard shall be granted up to fifteen (15) calendar days of leave with pay for the purpose of participating in required

annual active duty for training. Participants must notify their supervisor at least thirty (30) days in advance, unless advance notice is excused under applicable Federal or State law. A copy of their orders must be submitted to Human Resources.

2. *Active military service.* Employees who are called into active military service will provide the City advance notice when required to take a leave of absence. A written notice is required and a copy of order should be provided. In periods of military leave of absence for more than thirty (30) calendar days, the City may require official written military orders.

B. Because an employer is not required to pay an employee who is on military leave, the City offers differential pay for thirty (30) calendar days of military leave each calendar year. Differential pay (the difference between City pay and military pay) will be paid in the next payroll cycle after pay stubs are submitted. The employee must provide stubs to payroll within thirty (30) days of return in order to be eligible.

C. The City will continue to pay health and dental benefits for up to sixty (60) calendar days from the date leave commences to the employee and their dependents, provided said dependents were covered on the day leave commenced. (R.O. 2006 §135.840; Ord. No. 2481 §1, 3-22-06)

SECTION 135.850: TUITION ASSISTANCE

A. *Tuition Assistance Plan.* This plan was implemented to serve as both an employee incentive and employee retention plan. The course or degree program must be approved prior to enrollment (forms at City Hall) by the supervisor and the City Administrator or his/her designee. Eligible employees must be full-time and have been employed by the City for a minimum of six (6) months. For budgeting purposes, the employee is responsible for notifying his/her supervisor of his/her intent to participate in this program prior to the City's annual budget preparation. City reimbursement will be as follows:

1. *Degree program.*

a. *Job-related.* Employees in a current City job-related degree program shall request prior approval for reimbursement for the program from the City Administrator, which will include their advisor's recommendation for degree credentials.

(1) Co-curriculum courses shall be reimbursed one hundred percent (100%) with a grade of "C" or better.

(2) Job-related electives as preapproved by the City Administrator will also be reimbursed at one hundred percent (100%) with a grade of "C" or better.

(3) All other electives will be reimbursed at fifty percent (50%) with a grade of "C" or better.

2. *Non-degree programs.*

- a. Preauthorized job-related courses will be reimbursed at one hundred percent (100%) with a grade of "C" or better.
- b. Non-job-related courses shall not be reimbursed.

3. *Technical training programs.*

- a. Preauthorized job-related courses will be reimbursed at one hundred percent (100%) with a grade of "C" or better.
- b. Non-job-related courses shall not be reimbursed.

4. *Provisions.*

- a. Under no circumstances will the City reimburse any employee for more than the total amount of eighteen (18) credit hours at the State rate per calendar year. Reimbursement will be for the actual cost of the course, not to exceed the annual maximum as set forth by the University of Missouri--St. Louis cost per credit hour.
- b. Tuition shall include: tuition, administration fees, course/lab fees, student ID fee, facility fee and subscription fee.

5. *Books.*

- a. Books bought and donated to the City for the City reference library prior to reimbursement shall be reimbursed at one hundred percent (100%).
- b. Books bought "new" and retained by the employee at completion of classes shall be reimbursed at fifty percent (50%).

B. All other expenses including travel, meals and course supplies shall be the expense of the employee. There will be no reimbursement for mileage or time attending classes and studying. Homework and study must be on the employee's personal time. No courses shall be taken during regularly scheduled working hours.

- a. *Reimbursement agreement.* No reimbursement shall be paid to any employee who has not signed the reimbursement agreement. Forms for reimbursement may be obtained from City Hall. Reimbursement is based on the completion date of training as follows:

Employees leaving employment less than three (3) years from the date of reimbursement shall be required to reimburse the City for all tuition paid based on the following schedule:

<i>Last Day Worked</i>	Reimburse Schedule
0 to 6 months	100%
7 to 12 months	75%
13 to 24 months	50%
25 to 36 months	33 1/3%

(R.O. 2006 §135.850; Ord. No. 2481 §1, 3-22-06)

SECTION 135.860: EMPLOYEE ASSISTANCE PROGRAM

A. The City offers an employee assistance program for employees and their immediate family members who wish to use the program to aid in resolving a personal problem. The program is also designed to deal with personal concerns that negatively affect the employee's work performance.

B. The City recognizes that virtually all personal concerns can be successfully dealt with and resolved provided they are identified at an early stage and referral is made to an appropriate source. This applies whether the problem is physical illness, mental or emotional illness, substance abuse, marital or family distress, legal or financial concerns.

C. The employee assistance program provides a service which is handled by professionals with a high degree of confidentiality. No records or information will be disclosed by the service provider to anyone other than the employee without the employee's consent (unless required by law).

D. Although use of the employee assistance program is normally voluntary, in certain work-related situations a department head may, with approval of the City Administrator, refer an employee for mandatory assessment, counseling and/or treatment recommended by the outside professional. Under these circumstances, it will be the employee's responsibility to comply with the plan recommended by the program counselor and make every effort to meet acceptable work performance standards. (R.O. 2006 §135.860; Ord. No. 2481 §1, 3-22-06)

ARTICLE XI. RECORDS

SECTION 135.870: EMPLOYMENT RECORDS

Official employment records and leave records are maintained in the Human Resources office. (R.O. 2006 §135.870; Ord. No. 2481 §1, 3-22-06)

SECTION 135.880: CHANGE OF NAME, ADDRESS, MARITAL STATUS, ETC.

A. A change in an employee's name, address, telephone number or marital status should be immediately reported to the Human Resources office. New Federal and State withholding

exemption certificates must be completed for a change of name, marital status or for the number of exemptions.

B. Employees should report changes of address even after their employment is terminated so that W-2 forms and mail may be forwarded to them. All employees are required to review this Chapter yearly. (R.O. 2006 §135.880; Ord. No. 2481 §1, 3-22-06)

ARTICLE XII. OTHER

SECTION 135.890: TRAVEL

A. *Travel Requests.* Employees planning to travel where overnight lodging is required must submit travel requests to their supervisor. Requests should be submitted in sufficient time to allow approval from the departmental chain of command in cases where it applies.

B. *Use Of Personal Vehicle.* If an employee desires to use his/her personal vehicle on City business trips out of town, prior approval from the department head and/or Finance Director shall be obtained for its use. Reimbursement will be made at current Internal Revenue Service (IRS) approved mileage expense on an approved voucher, but the total expense shall not exceed the fare for commercial air transportation to the same destination.

C. *Travel Advance.* Employees traveling on authorized official business may request an advance to cover estimated expenses. The advance shall not exceed an amount equal to the number of days times the daily maximum allowance rates.

1. Maximum daily allowance rates are published annually and subject to change. For up-to-date rates, contact the Finance Department.
2. Any exception to the maximum daily allowance rates must be approved by the Finance Director.
3. Travelers will be advanced the per diem allowed for each full day of travel. This will be reduced by any meals provided at the training and any not needed on partial travel days. Receipts for meals are not needed. If an employee is required to travel to an area with a higher per diem rate they may request that their advance be reviewed for the GSA rate appropriate for that region. The per diem includes meals and incidentals (tips given a baggage carrier or other hotel employee and taxis except for transportation to and from the airport).

D. *Travel Expense Reports.* Employees will submit a travel expense report to the City Finance Director within seven (7) working days of returning from travel. Detail receipts for registration fees, lodging and transportation are required.

E. *Authorized Travel Expenses.*

1. Air, train, bus fares, cost of round-trip coach ticket,
2. Personal vehicle, limited to mileage reimbursement allowed by current IRS expense limit,
3. Room (motel/hotel) will be reimbursed on an actual basis with the submission of receipts,
4. Preapproved car rental will be reimbursed on an actual basis with submission of receipts.

F. Unauthorized Travel Expenses. The City will not pay for personal telephone calls (except for one (1) brief call to a family member daily while out of town), movie or VCR rentals, bar or liquor bills or any other expenses not deemed mandatory. Expenses may be rejected by the City Administrator if deemed unreasonable.

G. Unauthorized Person. The City will not pay the expenses of spouses or family member(s), unless authorized by the Board of Aldermen. Transportation, meals and lodging for such individuals should be deducted from all receipts. Advance payment of spouse's conference expenses (if applicable) will be expected prior to travel.

H. Overtime. The City will pay employees who are traveling in connection with official City business and are not exempt from the Fair Labor Standards Act (FLSA) overtime pay for hours worked in excess of forty (40) hours per week as required by the regulations of the FLSA. The City will not pay for time spent in travel unless this time spans over the normal workweek. The City will pay these employees only for work which the employee is required to perform while traveling. (29 CFR 785.41) The City will not deem the employee to be working during meal time, sleep time or leisure time while traveling in connection with official City business. (R.O. 2006 §135.890; Ord. No. 2481 §1, 3-22-06; Ord. No. 2632 §§1--2, 10-25-06)

SECTION 135.900: UNIFORMS

A. Employees in certain departments are required to wear uniforms in the performance of their day-to-day responsibilities. Specific guidelines will be outlined by the City Administrator in the annual budget including a description of the positions covered and the uniform requirements.

B. Police Department employees should consult the Police Department's SOP Manual covering uniforms and equipment for eligible personnel.

C. Upon termination of employment, all City-issued articles are to be returned before a final paycheck is issued.

D. With the approval of the department head, employees who are not required to wear uniforms may purchase items by reimbursing the City for any cost the City may incur on their behalf. (R.O. 2006 §135.900; Ord. No. 2481 §1, 3-22-06)

SECTION 135.910: TIME CLOCK

A. An employee is responsible for his/her time.

B. An employee must swipe in and out or a warning will be issued by the supervisor or department head.

C. Payroll adjustment slips must be provided for any adjustment other than regular hours. The payroll adjustment slip must be signed by the employee and their supervisor with an explanation.

D. It is the employee's responsibility to complete a payroll adjustment slip and get the supervisor's signature pre-approving the leave when taking time off.

E. Any clock edit must be signed by the employee and their supervisor with an explanation. (R.O. 2006 §135.910; Ord. No. 2481 §1, 3-22-06)

ARTICLE XIII. DEFINITIONS

SECTION 135.920: MEANINGS IN GENERAL

Unless otherwise expressly stated, the following terms shall have the meanings indicated in this Chapter. Where terms are not defined by this Chapter, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply. (R.O. 2006 §135.920; Ord. No. 2481 §1, 3-22-06)

SECTION 135.930: SPECIFIC MEANINGS

ALLOCATION: The assignment of a position to its appropriate class in relation to duties performed.

APPEAL: The right of employee to have a hearing beyond his/her immediate supervisor with higher authority for review of a grievance.

APPOINTMENT: The assignment of selected candidates for employment to a classified or unclassified position authorized by the current and approved budget.

APPOINTMENT, RESERVE: Appointment status for voluntary service in any department, which is subject to special employment regulations, which is provided for in applicable departmental policies.

APPOINTMENT, TEMPORARY: Appointment status which is full-time or part-time but limited to a prescribed period of time and which is covered by all policies and procedures of this Chapter except employee benefits.

CITY: The words "*the City*" shall mean the City of Wentzville, Missouri.

CLASSIFICATION: The act of grouping positions in classes with regard to:

1. Duties and responsibilities,
2. Requirements as to education, knowledge, experience and ability,
3. Tests of fitness,
4. Grades of pay.

COMPENSATION: The rates of pay which have been established for the respective classes of work.

COMPENSATORY TIME: Time off which is taken in lieu of receiving paid overtime. Compensatory time is available only to non-exempt employees who have, with approval, worked hours in excess of the standard workweek.

DEMOTION: Assignment of an employee from one class to another which has a lower grade of pay.

DEPARTMENT: A primary organizational unit which is under the immediate charge of a department head who reports to the City Administrator.

DEPARTMENT HEAD: A person who reports directly to the City Administrator and manages the overall work activities in at least one (1) specific operating unit of the City, i.e., Parks and Recreation, Police, Economic Development, Public Works, Finance, City Clerk.

DISCIPLINARY PROBATION: An employment status (not to exceed one hundred eighty (180) days) which shall be recommended by the department head and approved by the City Administrator, resulting from unsatisfactory performance or conduct.

DISCIPLINE: The process that results in a verbal or written reprimand, disciplinary probation, suspension, demotion or dismissal of an employee when it has been determined that the employee has failed to perform his/her appointed duties satisfactorily or has failed to comply with the personnel policies and procedures of the City of Wentzville.

DISMISSAL: The permanent separation of an employee from City employment for unsatisfactory performance or conduct.

FULL-TIME EMPLOYEE: A person who is working for any department of the City, excluding an elected official, whose position is budgeted to work two thousand eighty (2,080) hours per year.

JOB DESCRIPTION: A detailed description of each position within the classified service will be prepared, periodically reviewed and updated. The description will consist of a position title, a general statement of the level of work and of the distinguishing features of work, examples of duties and the desirable qualifications for the position. A master file of all job descriptions shall be maintained. Each department head shall maintain a file of those job descriptions pertaining to the individual department.

LAYOFF: The involuntary non-disciplinary separation of an employee from a position.

LEAVE: An approved absence from work.

OFFICER: Any official of the City who holds office by virtue of an election or by appointment by the Board of Aldermen and who works on an annualized salary basis.

OVERTIME: Authorized time worked by an hourly employee (non-exempt from Fair Labor Standards Act) including vacation, floating holiday, safety day, employee of the quarter and holiday in excess of forty (40) hours per week or in accordance with current contract provisions (exemption for public safety officers).

PART-TIME EMPLOYEE WITH BENEFITS: An employee who is scheduled to work less than full time (two thousand eighty (2,080) hours) but at least fifteen hundred (1,500) hours annually.

PART-TIME EMPLOYEE WITHOUT BENEFITS: An employee who is scheduled to work less than fifteen hundred (1,500) hours per year.

PAY GRADE: A grade of pay with minimum and maximum pay rates assigned to a class of positions as the compensation for the class of positions.

PERFORMANCE EVALUATION: A semi-annual review of an employee's work performance and conduct by the employee's immediate supervisor. The evaluation is then reviewed by the individual to whom the supervisor reports.

POSITION: Any office or employment, whether occupied or vacant, full-time or part-time, consisting of duties and responsibilities as stated in the job description and assigned to one (1) individual by competent authority.

POSITION CLASSIFICATION: A group of positions which are sufficiently similar in duties, responsibilities and authority to warrant the use of the same title, class specifications and pay grade.

PROMOTION: The advancement of an employee to a higher pay grade which can take place either through filling a vacant position or reclassification upward of the employee's present position because of increased responsibilities, authority and/or duties.

RANDOM DRUG TESTING: Random testing performed at a medical institution as contracted by the City.

RECLASSIFICATION: Reclassification upward or downward of a position may take place when it is shown that the duties, responsibilities of and/or salary requirements for the position have changed to cause an upward or downward movement in classification.

RESIDENT: A person whose principal domicile is within the corporate boundaries of the City of Wentzville, Missouri.

SEASONAL EMPLOYEE: Employee who is employed in a department typically offering recreational or organized camp services and who works less than seven (7) months in any calendar year.

SEPARATION: When an employee leaves the service of the City of Wentzville for one (1) of the following reasons: resignation, dismissal, retirement, layoff, physical disability or death.

SEPARATION DATE: The last day an employee is in the workplace and performing job duties.

SUPERVISOR: A person who oversees the activities of other employees in one (1) or more specific functions within a City department.

SUSPENSION: An enforced leave of absence with or without pay for disciplinary purposes or pending investigation of charges made against an employee.

WORKDAY: Scheduled number of hours an employee is required to work per day. (R.O. 2006 §135.930; Ord. No. 2481 §1, 3-22-06)

CHAPTER 125: CODE OF ETHICS

Editor's Note — Ord. no. 2013-3271 §1, adopted January 16, 2013, repealed ch. 125 "conflicts of interest" and enacted new provisions set out herein. Former ch. 125 derived from R.O. 2006 125.010 — 125.060; CC 1988 §§2-6 (a — l), 2-7; ord. no. 1123 §§1 — 5, 8-28-1991; ord. no. 1173 §§1 — 6, 5-26-1993; ord. no. 1185 §§1 — 5, 9-8-1993; ord. no. 1219 §§1 — 5, 7-27-1994; ord. no. 1266 §§1 — 5, 8-23-1995; ord. no. 1382 §§1 — 5, 8-27-1997; ord. no. 1455 §1, 9-23-1998; ord. no. 1547 §§1 — 5, 8-11-1999; ord. no. 1782 §§1 — 5, 8-8-2001; ord. no. 1990 §§1 — 5, 8-27-2003; ord. no. 2392 §§1 — 5, 8-24-2005; ord. no. 2767 §§1 — 5, 8-22-2007; ord. no. 3014 §§1 — 5, 8-26-2009; ord. no. 2011-3160 §§1 — 4, 8-10-2011.

SECTION 125.010: PURPOSE AND APPLICABILITY -- DECLARATION OF POLICY

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a Code of Ethics for all officials and employees of the City of Wentzville, whether elected or appointed, paid or unpaid. The purpose of this Chapter is to establish ethical standards of conduct for all officials and employees by setting forth those acts or actions that are incompatible with the best interests of the City and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the City. The provisions and purpose of this Chapter and such rules and regulations as may be established are hereby declared to be in the best interests of the City. This policy shall apply to the Mayor, Board of Aldermen, paid employees, members of all boards and commissions, and volunteers for the City of Wentzville. (Ord. No. 2013-3271 §1, 1-16-13)

SECTION 125.020: RESPONSIBILITIES OF PUBLIC OFFICE

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and to carry out impartially the laws of the Nation, State, County, and the City and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office, regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach. (Ord. No. 2013-3271 §1, 1-16-13)

SECTION 125.030: DEFINITIONS

As used herein, all capitalized words or phrases shall have the following meanings:

CONFIDENTIAL INFORMATION: All information whether transmitted orally or in writing which is of such a nature that it is not, at that time, a matter of public record or public knowledge.

DISCLOSURE OF INTEREST: A disclosure pursuant to [Section 125.050\(B\)](#) ("Conflicts of Interest").

ENTITY: Any individual, sole proprietorship, corporation, company, business endeavor, partnership, association, or any other organization whatsoever, whether for profit or not-for-profit.

SPECIAL MONETARY BENEFIT: Being materially affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected. In all such matters such officials must recuse themselves from acting, except that such official may act on increases in compensation subject to the restrictions of Section 13 of Article VII of the Missouri Constitution.

SUBSTANTIAL INTEREST: Ownership by the individual, his spouse or his dependent children, whether singularly or collectively, directly or indirectly of:

1. Ten percent (10%) or more of any entity involved; or
2. An interest having a value of ten thousand dollars (\$10,000.00) or more in the matter in any entity involved; or
3. The receipt of a salary, gratuity or other compensation or remuneration of five thousand dollars (\$5,000.00) or more per year from any entity involved in the matter. (Ord. No. 2013-3271 §1, 1-16-13)

SECTION 125.040: ORIENTATION TRAINING

A. A person shall receive orientation training on ethics within a reasonable length of time after election as either a member of the Board of Aldermen or to the office of Mayor or appointment to a City board, commission or committee and after taking office. It shall be the responsibility of the City Administrator to provide this training, which shall include: legislative procedures, applicable Sections of Chapter 105, RSMo. (Conflict of Interest and Missouri Ethics Commission); Chapter 130, RSMo. (Campaign Financial Disclosure); Chapter 610, RSMo. (the Sunshine Law); this Code of Ethics, the Anti-Fraud and Corruption provisions of the Code (Chapter 150) and the Political Activity provisions of the Code (Chapter 155). Such training will also be provided every three years thereafter.

B. The City Administrator shall furnish each elected or appointed official with a written synopsis of the functions and responsibilities of each City department and a synopsis of the City financing sources, including definition of terms. Elected and appointed officials will have the opportunity to meet with each department head, receive orientation on that department's functions and responsibilities, and to meet with the City Administrator and receive orientation on any compensation and benefits.

C. Appointed department heads and all other City employees will receive training regarding the Ethics provisions of the Code (Chapter 125), the Anti-Fraud and Corruption provisions of the Code (Chapter 150) and the Political Activity provisions of the Code (Chapter 155) from the Human Resources Department during new hire orientation and every three years thereafter.

D. Contracted vendors or subcontracted companies will receive a copy of this policy and shall be responsible for training their personnel. (Ord. No. 2013-3271 §1, 1-16-13)

SECTION 125.050: CONFLICTS OF INTEREST

A. While Section 105.476, RSMo., permits the City to establish additional or more stringent requirements than those specified in Sections 105.450 to 105.498, RSMo., in addition to the requirements set forth in this Code of Ethics, all elected and appointed officials, as well as employees of a political subdivision, must comply with the applicable provisions of Sections 105.452, 105.454, and 105.458, RSMo., on conflicts of interest, as well as any other State law governing official conduct.

B. Any member of any board, commission or committee of the City who has a substantial interest in any measure, bill, order or ordinance proposed or pending before the board, commission or committee must disclose that interest to the City Clerk and such disclosure shall be recorded in the board, commission or committee minutes.

C. Elected and appointed officials should avoid the appearance of impropriety by refraining from engaging in conduct that makes their decisions appear to have been unduly influenced by others rather than being arrived at independently. All employees, elected and appointed officials should avoid the appearance of impropriety. Decisions should be arrived at independently from undue influence and pressure based on personal relationships and affiliations. Other situations may not be covered by these guidelines. In these situations, members of the Board of Aldermen, employees and members of all City boards and commissions are encouraged to seek counsel from the City Administrator prior to acting. Again, the appearance of fairness and impartiality is as important as actual fairness and impartiality. When a conflict of interest or potential appearance of impropriety does occur, the following steps should be taken:

1. The member or official must declare and the record should show that a conflict of interest exists or potential appearance of impropriety with respect to a particular issue and that the member will not participate in any discussion or action;

2. The member or official shall explain and the record should show what constitutes the specific conflict or potential appearance of impropriety;
3. The member or official must step down from his or her regular seat and leave the room;
4. The member or official should not speak with any other members during or prior to the discussion of the issue at hand;
5. The member or official should not represent or speak on behalf of any interested party but may utilize a representative to convey his or her own position as a private citizen during the discussion of the issue at hand; and
6. The member or official must not discuss the issue privately with any other member voting on the matter. (Ord. No. 2013-3271 §1, 1-16-13)

D. To avoid the appearance of impropriety, conflict, and division of loyalty that may arise by continuing in certain employment while serving as the Mayor or as an Aldermen in the City of Wentzville, a person serving as Mayor or Aldermen shall not be employed by St. Charles County or a county located in the State of Missouri that is contiguous to St. Charles County or State of Missouri that is contiguous to St. Charles County or by a municipality, town or village in St. Charles County, if such person is actively employed in such a county or municipality in an executive or administrative capacity. An “executive or administrative” capacity is a position that has managerial, supervisory, and/or policy-making functions.

SECTION 125.060: DISCLOSURE REPORTS

Each elected official, candidate for elective office, the Mayor, City Administrator, and the Director of Finance shall disclose the following information by May first (1st), or the appropriate deadline as referenced in Section 105.487, RSMo., if any such transactions occurred during the previous calendar year:

1. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00), if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision.
2. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.

3. The Mayor, City Administrator, Director of Finance, and candidates for Mayor also shall additionally disclose by May first (1st), or the appropriate deadline as referenced in Section 105.487, RSMo., the following information for the previous calendar year:

a. The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement;

b. The name and address of each sole proprietorship that he owned; the name address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent (10%) or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent (2%) or more of any class of outstanding stock, limited partnership units or other equity interests;

c. The name and address of each corporation for which such person served in the capacity of a director, officer, or receiver.

4. Financial disclosure reports giving the financial information required in this Section shall be filed with the City Clerk and with the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.

5. Each applicant submitting an application for a board or commission shall disclose at the time of submitting the application and each appointed official shall disclose by March first (1st), all information set forth in Subsections (1) and (2) above if any such transactions occurred during the previous calendar year. The City Clerk will provide the forms for reporting and completed forms will be submitted to and kept on file in the City Clerk's office. (Ord. No. 2013-3271 §1, 1-16-13; Ord. No. 2013-3277 §1, 2-13-13)

SECTION 125.070: USE OF CITY-OWNED PROPERTY

Unless expressly permitted by a contract approved by the Board of Aldermen, no official or employee shall request or permit the use of City-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business. For purposes of this Section "*personal convenience*" shall not include an employee's reasonable use of a City-owned vehicle for obtaining meals while the employee is currently using the vehicle for City business. (Ord. No. 2013-3271 §1, 1-16-13)

SECTION 125.080: SOLICITATION -- GIFTS AND GRATUITIES

A. Employees shall not solicit or accept from any entity any gift or discount (including money, tangible or intangible personal property, food, beverage, loan, promise, service or entertainment) for the benefit of the employee(s) or the City or any other entity, if an employee knows or should know that the public may reasonably infer that the entity:

1. Seeks to influence action of an official nature or seeks to affect the performance or non-performance of an official duty, or
2. Has an interest, which may be substantially affected directly or indirectly by the performance or non-performance of an official duty.

B. It is expressly prohibited for any elected or appointed City Official or employee in any way to use his/her position or influence for private gain for himself/herself or others.

C. It is expressly prohibited for an employee to accept anything with a value over twenty-five (\$25.00), or multiple items having an aggregate value over twenty-five (\$25.00) per quarter, or a single item having a value over one hundred dollars (\$100.00) in a single calendar year, from a contractor, vendor, person providing or seeking to provide services/materials to the City of Wentzville, or person with a pending matter before the City (including a matter concluded within the past ninety (90) days or a matter expected to commence within ninety (90) days), including not only tangible items and money, but also discounts that are not available to the general public. However, the foregoing prohibition does not apply to donations made to the City and then distributed by the City to specific employees and/or officials, and discount programs for City employees and/or officials, when such donations and discount programs have been approved in accordance with the City's Donations Policy and Procedures.

D. In conformance with the above provisions and subject to the limitations of Section (A) above:

1. Attendance by elected and appointed City Officials and employees in their official capacity at luncheons or other events directly related to educational or professional enhancement of their positions with the City is permitted;
2. Elected and appointed officials and employees may enter bona-fide raffles, and door prize, attendance prize or "fish bowl" drawings at events that they are attending in their official capacity and retain any prize they may win through such raffle or drawing provided the value of the item is below \$300 and the receipt of such item valued between \$75 and \$300 is reported to the City Administrator.
3. Employees may accept discounts and promotions that are offered universally to the public and/or to employees of private or public employers;

4. Promotional items given away by the City for the purposes of promoting economic development within the City or to otherwise promote the City of Wentzville for other public purposes.

5. Solicitations by the Mayor which solely benefit charitable (Section 501(c) (3) tax-exempt) entities, including solicitations for the Mayor's Ball are permitted. Provided, however, the Mayor shall disclose to the City Clerk the identity of the charity for whom solicitations are being sought prior to soliciting donations and the same shall be disclosed at the next regular or special meeting of the Board of Aldermen;

6. Donations of food, gifts or other items, and discount programs that are made to an employee or group of employees generally for the City that do not exceed a value of \$25.00 per employee per quarter, provided however, that the conditions under Subsection A continue to be met, are permitted; and

7. As part of the City's wellness program, employees and dependents are permitted to use the work out facilities and participate in wellness programs at Progress Park and to purchase pool passes at the resident rate regardless of personal residency.

E. Nothing herein shall apply to campaign contributions made to elected officials or candidates for elective positions made and reported in accordance with applicable law are not within the scope of this Section. (Ord. No. 3365 2-12-14)

SECTION 125.090: DONATIONS AND SPONSORSHIPS

A. Donations To And Sponsorships Of The City.

1. Valued between twenty-five (\$25.00) and five thousand dollars (\$5,000.00).

a. The City Administrator will consider the guidelines established in this policy and either accept or reject offers of donations of money, equipment, in-kind contributions or sponsorships to the City between twenty-five (\$25.00) and five thousand dollars (\$5,000.00) in any calendar year from any single source.

b. Donated money will be expended for general purposes or specified purposes, if agreed upon with the donor, as one-time supplements to the City's operating budget. Donations of equipment will be considered based on program outcomes, department goals and needs. Each donation will be evaluated for usefulness, and costs of potential replacement/rental rates will be considered. In-kind contributions and sponsorships, or business discounts for specific events will be treated in the same way as donated funds.

c. The City Administrator will accept or reject business discount offers for City employees and/or officials with a cumulative annual value of between twenty-five (\$25.00) and five thousand dollars (\$5,000.00) in any calendar year from any single

source. Acceptance of such discount offers by individuals shall comply with the policies and procedures set forth in the City's Anti-Fraud and Corruption Policy. Unless otherwise directed by the Board of Aldermen, the City Administrator shall determine any necessary allocation of gifts to the City.

d. Donations, sponsorships, and business discounts that are approved by the City Administrator shall be recorded by the office of the City Administrator. Recorded information shall include the name of the donor or sponsor, a description of the donation, sponsorship or discount including approximate material value, and the date of approval by the City Administrator. These records shall be considered open records accessible by and available to the public.

2. *Valued at more than five thousand dollars (\$5,000.00).*

a. For monetary, equipment and in-kind contributions, sponsorships, or discounts with material values over five thousand dollars (\$5,000.00) in any calendar year from any single source, the Board of Aldermen shall be provided a written report outlining the purpose of each proposed transaction and any relevant considerations of the guidelines provided. The Board of Aldermen will decide, on a per-case basis, if donations or sponsorships should be accepted or rejected. Corporations offering in-kind contributions will be requested to state the value of the offered item or service.

b. All donations and sponsorships valued at more than five thousand dollars (\$5,000.00) for a certain project, item or fund or from any single donor, either separately or cumulatively, during a calendar year require Board of Aldermen approval. In the event multiple donations or sponsorships exceed five thousand dollars (\$5,000.00) in a calendar year, Board of Aldermen approval will be required. Subsequent to the Board's acceptance, procedures for handling transactions of more than five thousand dollars (\$5,000.00) shall be the same as those for the acceptance of transactions valued at five thousand dollars (\$5,000.00) or less.

3. *Guidelines for accepting donations.* The following criteria shall be considered in the acceptance or rejection of all donations:

a. Does acceptance of funds, equipment or in-kind services, materials, or business discounts present a conflict of interest for the City or its officials and employees? Regardless of the value, donations shall not be accepted if there is reason to believe there may be a conflict of interest. Examples may include donations from:

(1) Donors that are involved in a matter under current review with a pending outcome with any City process such as any zoning or development matter, building inspection, public-private partnership for financing public infrastructure or projects, police investigation, Building/Property Maintenance Code investigation, or any investigation into the violation of Municipal Code.

(2) Contractors, vendors, or persons seeking to provide services/materials to the City of Wentzville.

b. Are there restrictions upon the use of the item or funds that make it impractical or inappropriate to accept?

c. Are there restrictions on disposal or retention of the item or funds that make it impractical or inappropriate to accept?

d. Is any required accounting for the item or funds excessively difficult?

e. Would donated materials or equipment require extensive or costly repair or maintenance, and if so, is maintenance support available?

f. Does the equipment or materials require the purchase of additional items to be useful?

g. What effect will the donation have on the City's budget? Donations are to be considered one-time supplements and should not be used to develop new programs or services which would require budget supplements from the City in the current or subsequent years, unless a benefit analysis proves the donation to be fiscally responsible, cost effective and receives approval as outlined in this policy.

B. *Solicitations.*

1. Solicitation of donations to the City shall be subject to this Section as well as the procedures applicable to acceptance of an unsolicited donation under [Section 125.080](#) "Solicitation--Gifts and Gratuities" and [Section 125.090\(A\)](#) "Donations and Sponsorships". Approval of a solicitation shall constitute approval of acceptance unless the terms and conditions required for acceptance are materially different from those included with the solicitation.

2. Except as otherwise permitted under Section 125.080 (D) (3), individual employees shall obtain approval prior to soliciting donations to the City. If the total amount of the solicitation sought is for a donation of five thousand dollars (\$5,000.00) or less, approval shall be obtained from the City Administrator. If the solicitation is for a donation of over five thousand dollars (\$5,000.00), approval shall be obtained from the Board of Aldermen. Elected and appointed City Officials shall not solicit donations to the City.

3. Other than a donation solicitation approved pursuant to previous Sections of this policy, no elected or appointed City Official or employee of the City shall directly solicit anything of value, for any purpose, from an entity:

a. That is currently seeking to do business or subject to official action of, or doing business with the City, or anticipated to be doing so in the immediate future; or

- b. Whose interests may be substantially affected by the performance or non-performance of the individual's official duties.
4. Elected and appointed City Officials and employees soliciting donations in compliance with this policy (i.e. either with approval or after restrictions no longer apply) from those that are or have previously engaged in the conduct set forth in previous Sections of this policy shall make clear that such solicitations are not connected to or presented as requests for payment for services rendered and otherwise strive to avoid any semblance of impropriety.
5. Those soliciting donations are prohibited from exerting any form of pressure upon those they have benefited through official acts.
6. Elected and appointed City Officials and employees shall not offer any form of "special access" to themselves in exchange for donations.
7. Unless authorized by the Board of Aldermen, elected and appointed City Officials and employees shall not solicit anything of value for a purpose unrelated to official City business through any means that may suggest that the solicitation is made with authority or on behalf of the City.
8. Elected and appointed City Officials shall not directly solicit anything of value from City employees. City employees shall not directly solicit anything of value from their subordinates. Notwithstanding the foregoing, employee coordinated fund-raising campaigns for charitable or similar programs directed to all employees or a department of employees may be permitted as approved by the City Administrator, and employees may collect money (solicit donations) for co-workers in recognition of a co-worker's retirement, birthday, family member's death or in similar situations.
9. Any communications related to a solicitation authorized hereunder shall be in a self-contained correspondence and not combined with other City business.
10. Upon receipt by the City of any donation for a City-sponsored event or program, written communication from the Mayor's Office shall be sent to the donor acknowledging receipt of the donation and a written statement from the City's Finance Department shall be sent to the donor within sixty (60) days of the event or completion of the program confirming that the donated funds, goods or services were utilized by the City in connection with the event or program for which the funds, goods or services were donated.
- C. In conformance with the above Sections, the solicitation of donations or purchases by City employees which are solely for the benefit of the following are permitted:
- (i) One or more of the following City-sponsored or City-supported events or programs: Wabash Days, Soapbox Derby Race, Easter Eggstravanganza, 4th of July

Celebration, Holiday Night Lights, City-Sponsored Youth Sports; CERT, DARE, Explorers, Special Olympics and National Night out; and

(ii) Such other City-sponsored or City-supported special events and programs as approved by the City Administrator or the Board of Aldermen.

D. *Exemptions.* Nothing herein shall apply to:

1. Donations of real property, or solicitations therefor, for the purpose of establishing parks or other public places or for real property, or any interests therein, to facilitate public works projects;
2. Non-profit, 501(c)(3) or other recognized tax-exempt entities formed for or whose stated purpose is raising funds for, donating manpower, materials or real estate to, or otherwise supporting the City or governmental entities in general; or
3. Calls for assistance, actions or responses to natural disasters or other emergency situations affecting all or part of the community.
4. Solicitations of campaign contributions. Such activities are subject to separate regulations, including Chapter 130, RSMo. (Ord. No. 3365 2-12-14)

SECTION 125.100: AVOIDING UNDUE INFLUENCE

A. An elected or appointed official serving in an executive or administrative capacity shall not directly or indirectly attempt to influence any decision of either the City of Wentzville or any employee of the City over which he/she has supervisory power:

1. When that official knows the result of such decision may be the acceptance of the performance of a service or the sale, rental, or lease of any property to that agency for consideration in excess of five hundred dollars (\$500.00) value per annum to him/her, to his/her spouse, to a dependent child in his/her custody or to any entity with which he/she is associated unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received; or
2. When that official has received, is receiving, or has been promised any consideration from any entity.

B. No City Official or employee shall favorably act on any matter that is so specifically designed to provide a special monetary benefit to such official/employee or his/her spouse or dependent children by reason of such act. This includes, but is not limited to, increases in retirement benefits, whether received from the State of Missouri or any third party.

C. To avoid the appearance of undue influence, except for the purpose of any investigations as established by this Code, Board members shall not interfere with administrative City Officers or employees who are subject to the direction and supervision of the Mayor and City Administrator. Individual Board members shall not give any orders to any such officer or employee, either publicly or privately. (Ord. No. 2013-3271 §1, 1-16-13)

SECTION 125.110: PRESERVATION OF CONFIDENTIAL INFORMATION

No City Official or employee shall:

1. Without proper approval, disclose confidential information concerning the property, government, personnel or affairs of the City;
2. Use confidential information obtained in the course of employment or official capacity with intent to result in financial gain for himself/herself, his/her spouse, his/her dependent child in his/her custody, or any business with which he/she is associated; or
3. Disclose any confidential information obtained in the course of employment or official capacity with intent to result in financial gain for himself/herself or any other person or to give another a competitive advantage over others dealing with the City. (Ord. No. 2013-3271 §1, 1-16-13)

SECTION 125.120: BIDDING

No official or employee shall:

1. Disclose any information to any entity regarding matters that is contained in bids that are in process (i.e., between the time a notice of bid is issued to the time the bid is awarded) or are going to be in process (i.e., while bid specifications are being developed) for a service to be contracted by the City, other than that information which has been disclosed to all bidders or the general public; or
2. Sell, rent or lease any property to the City for consideration in excess of five hundred dollars (\$500.00) per annum unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received. (Ord. No. 2013-3271 §1, 1-16-13)

SECTION 125.130: PARTICIPATION IN CITY CONTRACTS

A. No City Officer or employee shall, in the capacity of such an officer or employee, make or participate in the making of a contract with any entity by which the officer or employee is employed or in whose business the officer or employee has a substantial interest.

B. No City Officer or employee with procurement or contract management authority shall, during their term of office or during employment or within twelve (12) months of termination of employment, make or participate in the making of a contract with any entity by which the officer or employee has a substantial interest.

C. No entity shall enter into any contract where any City public official or employee, acting in that capacity, is a signatory to or a participant in the making of the contract and is employed by or has a substantial interest in the entity.

D. For purposes of this Section, a City public official or employee does not make or participate in the making of a contract if the public official or employee abstains from any action in regard to the contract and employee files written notification of abstention with the City Administrator.

E. This Section shall not apply to the following:

1. Contracts let after competitive bidding has been advertised for by published notice; and
2. Contracts for property or services for which the price or rate is fixed by law.

F. No City Officer or employee perform any service for the City for any consideration other than the compensation from the City for the performance of his/her official duties. (Ord. No. 2013-3271 §1, 1-16-13)

SECTION 125.140: ENDORSEMENT OF PRODUCTS OR SERVICES

A. A City employee in his/her official capacity shall not knowingly assist in the sale of any goods or services by permitting his/her endorsement of said goods or services to be used for advertising purposes, without the express written consent of the City Administrator.

B. Nothing herein shall be deemed to apply to an employee's response to inquiries by the Board of Aldermen, his/her supervisors, other governmental entities, or members of the public as to that employee's experience with particular goods or services. (Ord. No. 2013-3271 §1, 1-16-13)

SECTION 125.150: PARTICIPATION IN OTHER MATTERS

A City Official or employee shall not be deemed to have passed or acted upon any matter if the public official or employee abstains from any action in regard to the matter. (Ord. No. 2013-3271 §1, 1-16-13)

SECTION 125.160: RESTRICTION ON FORMER PUBLIC OFFICIALS OR EMPLOYEES

A. *Matters Connected With Their Former Duties.* No elected or appointed official or employee of the City, serving in an executive or administrative capacity, shall:

1. For a period of one (1) year after termination of his or her office or employment, perform any service for consideration by which performance he or she attempts to influence a decision of the Board of Aldermen or any other board or commission of the City, or a decision of any official or employee over which he or she had supervisory power, except that this provision shall not be construed to prohibit any person from performing such service and receiving compensation therefor in any adversary proceeding or in the preparation or filing of any public document;
2. Perform any service for any consideration for any person, firm or corporation after termination of his or her office or employment in relation to any case, decision, proceeding or application with respect to which he or she was directly concerned or in which he or she personally participated during the period of his or her service or employment.

B. *Selling To The City.*

1. It shall be a breach of ethical standards for any former City Official or employee to engage in selling or attempting to sell supplies, services or construction to the City for one (1) year following the date term or employment ceased.
2. The term "*sell*", as used herein, means signing a bid, proposal or contract; negotiating a contract; contacting any City Official or employee for the purpose of obtaining, negotiating or discussing changes in specifications, price, cost allowances or the terms of a contract; settling disputes concerning performance of a contract; or any other liaison activity with a view toward the ultimate consummation of a sale although the actual contract therefor is subsequently negotiated by another person; provided however, that this Section is not intended to preclude a former public official or employee from accepting employment with private industry solely because the former public official's or employee's employer is a contractor with this City, nor shall a former public official or employee be precluded from serving as a consultant to this City under specific circumstances outlined in a contract approved by the Board of Aldermen.
3. This Section shall not apply if the former City Official or employee, before he/she engages in or attempts to sell, makes a full disclosure to the Board of Aldermen of the former official's date of service and position with the City or employee's date of employment and position with the City and the Board of Aldermen determines that it is in the best interest of the City to permit the former official or employee to sell or attempt to sell such supplies, services or construction. (Ord. No. 2013-3271 §1, 1-16-13)

SECTION 125.170: RESPONSIBILITIES UNDER CODE OF ETHICS

A. *Employees.* If an employee becomes aware of a violation of this policy, the concerns should be reported to the Department Director immediately. If the situation is not immediately resolved or if the employee is unable to address or uncomfortable addressing the Department Director, he or she should report the incident to the City Administrator or Human Resources. If the suspected violation involves an elected City Official, he or she should report the incident to the City Administrator who shall immediately notify the Mayor, or the President of the Board of Aldermen if the Mayor is an interested party. It may be helpful to make a written record of the date, time and nature of the incident(s) and the names of any witnesses.

It is important to report concerns, regardless of the seriousness, as soon as possible. The City cannot assist in stopping violations of this policy if it is unaware of the problem. Publicizing information about alleged violations without following the appropriate reporting procedures might be considered evidence of a vexatious intent on part of the accuser.

B. *Department Directors.* Department Directors must deal expeditiously and fairly with allegations of violations within their departments whether or not there has been a written or formal complaint. Department Directors must:

1. Take all complaints or concerns of alleged or possible harassment or discrimination seriously no matter how minor or who is involved.
2. Ensure that the suspected violation is reported to the City Administrator or Human Resources immediately so that a prompt investigation can occur.
3. Take any appropriate action to prevent retaliation or prohibited conduct from reoccurring during and after any investigations or complaints.
4. Department Directors and supervisors who knowingly allow or tolerate violations of this policy shall be subject to discipline.

C. *City Administrator, Mayor And/Or President Of The Board Of Aldermen.* The City Administrator and Mayor, or President of the Board of Aldermen in the case of a conflict in the office of Mayor, are responsible for:

1. Explaining the City's Code of Ethics policy and investigation procedures to the person reporting the possible violation and the respondent.
2. Exploring informal means of resolving complaints.
3. Notifying the police if criminal activities are alleged.

4. Arranging for an investigation, either internally or through a third party, of the alleged violation and the preparation of a written report. (Ord. No. 2013-3271 §1, 1-16-13)

SECTION 125.180: ADVISORY OPINIONS

A. Where an employee has a doubt as to the applicability of any provision of this code of conduct to a particular situation regarding that employee or as to the definition of terms used herein, the employee may apply by signed writing to the City Administrator for an advisory opinion. Elected officials and appointed officials shall have the right to apply to the City Attorney for an advisory opinion regarding particular situations in which they are personally involved or as to the definition of terms used herein. The individual shall have the opportunity to present his/her interpretation of the facts at issue and of the applicability of provisions of the code before such advisory opinion is made. The application shall at a minimum provide sufficient detail to fully and accurately describe the situation and shall be certified as true to the best knowledge, information and belief of the applicant. The City Administrator shall freely seek the advice and assistance of the City Attorney where interpretation of the law is required.

B. No person who relies upon an advisory opinion rendered pursuant to this Chapter may be found in violation of this Chapter except where such opinion has been fraudulently obtained or where the person so relying failed to provide or omitted material facts in the request for the advisory opinion.

C. Such opinion until amended, distinguished or revoked shall be binding on the City, the Board of Aldermen and the City Administrator and City Attorney in any subsequent actions concerning the elected official, appointed official or employee who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion.

D. Any advisory opinion prepared by the City Administrator or City Attorney shall be in writing and a copy shall be sent to the City Clerk to be retained and made available to the public upon request. (Ord. No. 2013-3271 §1, 1-16-13)

SECTION 125.190: RESOLUTION PROCEDURES

A. Incidents of possible violations of this Code of Ethics should be reported using the following procedures.

1. To assist the City in its investigation into an alleged violation of this policy, employees will often be asked to provide a written report of possible violation. Any report of possible violation should be submitted as soon as possible after an incident of alleged violation. The Director of Human Resources may assist the person reporting the incident in completing a report of possible violation form.

2. To ensure the prompt and thorough investigation of a complaint, the reporting person should provide as much of the following information as is possible:

- a. The name, department and position of the person or persons allegedly violating the Code of Ethics ("Respondent(s)").
- b. A description of the incident(s), including the date(s), location(s) and the presence of any witnesses.
- c. Any other information the reporting person believes to be relevant to the complaint of violation.

B. While all employee inquiries and reports of possible violations are treated as confidentially as possible, employees understand that the City, as a public governmental body, strives to comply to the fullest with Missouri's open records and meetings laws, and has a duty to make public certain records of public concern. To that end, the following is a general statement of the City's policies on handling records relating to reports of possible violations.

1. *Reports of possible violations by employees.* In keeping with the Personnel Policy and [Chapter 112](#), information contained in a report of possible violation regarding an employee is kept as confidential as possible. However, the identity of the reporting person usually is revealed to the respondent and witnesses. Retaliation against the reporting person will not be tolerated. All information pertaining to a report of possible violation or investigation is maintained by the Director of Human Resources in secure files.

2. *Reports of possible violations by elected officials.* Except where it has been decided to proceed pursuant to a criminal investigation by law enforcement, information contained in a report of possible violation regarding an elected official shall be made available to the public except that in the case of a report of possible violation filed by an employee, the name of the employee shall be kept as confidential as possible. However, the identity of the reporting person usually is revealed to the respondent official and witnesses. Retaliation against the reporting person will not be tolerated. The report of possible violation may be made available to the public by the Board of Aldermen. An investigation of the report of possible violation shall be kept confidential until it is concluded.

3. The Director of Human Resources can answer any questions relating to the procedures for handling information related to reports of possible violations and investigations to reporting persons and respondents.

C. *Investigation Of Reports Of Possible Violations.*

1. In the case of the report of possible violation involving an employee, the provisions of the Personnel Policy shall apply.

2. Except where the report of possible violation involves an employee, any report of possible violation of the provisions of this Code of Ethics ([Chapter 125](#)) and/or Chapter 105, RSMo., believed by the disciplinary authority to have merit shall be presented to either:

a. An independent investigator, or

b. The Missouri Ethics Commission established under Section 105.955, RSMo., or its successor, or

c. May be referred to the appropriate Law Enforcement Agency. Upon receipt of any investigative report from either an independent investigator or the Missouri Ethics Commission under Section 105.961, RSMo., as amended or revised, that indicates that there is probable cause that a violation has occurred, the appropriate disciplinary authority shall determine whether to follow the recommendations contained in the report within the time allowed by Statute (including any stay resulting from an appeal) and whether to take any other appropriate disciplinary action. As provided by Statute, in the case of a person that is an elected official, the appropriate disciplinary authority is the disinterested members of the Board of Aldermen and in the case of a person that is an appointed official or employee, the appropriate disciplinary authority is the person with immediate supervisory authority over the person. However, the City Administrator and Board of Aldermen retain their respective ultimate supervisory authority in such matters and may determine to act as the disciplinary authority as set forth in the Municipal Code and Chapter 79, RSMo.

D. Proceedings.

1. In conjunction with determining whether to follow the recommendations of a report received from the independent investigator or Missouri Ethics Commission or to take any other appropriate disciplinary action, the disciplinary authority shall determine:

a. If the subject of the report is an employee, then the provisions of the Personnel Policy and related laws and regulations shall apply and not those of Subsection (D) below.

b. If the subject of the report is not an employee, then the provisions of this Subsection (D) shall apply.

2. The disciplinary authority, if the matter was referred to the Missouri Ethics Commission, may simply accept the decision of the Commission without a hearing; or in the case of an independent investigation, may determine to take no further action. But, when a hearing is scheduled hereunder either in reference to a report from an independent

investigator or in further action on a decision of the Missouri Ethics Commission, the reporting person and respondent shall be given reasonable notice thereof by certified mail. However, if the respondent agrees that he/she has committed a violation as alleged in the complaint, the appropriate disciplinary authority will not hold a hearing, but instead will promptly hold a public meeting to consider the matter and render a decision regarding the appropriate discipline or penalty.

3. The hearing shall be held within twenty (20) days of the receipt of the investigative report unless:

- a. The respondent requests a later date not to exceed twenty (20) additional days.
- b. The disciplinary authority itself determines that more time is required, not to exceed twenty (20) additional days.

On request from the respondent, the disciplinary authority may grant an expedited date for the hearing.

4. The disciplinary authority may meet prior to the hearing to prepare for the hearing. Such a meeting shall be a work meeting and no evidence, testimony, or public comments will be accepted during such a meeting. The respondent shall not participate in the work meeting as doing so will be deemed a conflict of interest in violation of this Chapter and an improper ex parte communication with the disciplinary authority. The work meeting shall be open to the public but portions of the meeting may be closed for the purpose of discussions with legal counsel pursuant to Section 610.021(1), RSMo.

5. The hearing shall be conducted in the manner most conducive to the determination of the truth and the disciplinary authority shall not be bound by technical rules of evidence. Decisions made shall not be invalidated by any informality in the proceedings.

6. Hearings shall be open meetings under the open meetings and records policy of the City ([Chapter 112](#)). Notice of the hearing shall be posted in conformance with the above stated policy.

7. All hearings shall be conducted as follows:

a. The disciplinary authority shall receive evidence from:

- (1) The independent investigator or the Missouri State Ethics Commission (in the form of its report or decision);
- (2) The reporting person;
- (3) The respondent;

(4) Any other witnesses called by the above parties; and

(5) Any other person the disciplinary authority deems necessary.

b. Opening statements and closing arguments shall be permitted. The disciplinary authority may request any witnesses to appear at a fixed time and/or the production of any records or material evidence. Failure or inability of the reporting person to appear or produce evidence shall not be grounds for dismissal. The respondent is entitled to present his/her witnesses and evidence in defense. Rebuttal may be permitted.

c. Parties will be allowed to examine and cross-examine witnesses. The disciplinary authority may also examine witnesses directly or through its counsel.

d. Both the reporting person and the respondent may be represented by legal counsel at their own expense.

8. The disciplinary authority shall determine the relevancy, weight and credibility of testimony and evidence. The disciplinary authority shall base its findings on the preponderance of evidence.

9. The hearing may be continued by the disciplinary authority to allow for additional information to be presented. The disciplinary authority may set time constraints on the proceedings.

10. The City Attorney shall serve as counsel to the disciplinary authority but to avoid any conflict or appearance of thereof shall not present evidence or conduct the hearing on behalf of the City; the City may use the prosecuting attorney or employ special counsel to put on evidence or conduct the hearing for the City.

11. A transcript of the hearing shall be made unless waived by the reporting person, the respondent and the disciplinary authority.

12. Within three (3) business days of the close of the hearing, the respondent, reporting party and counsel for the City before the disciplinary authority may submit proposed findings of fact and conclusions of law for use and consideration of the disciplinary authority.

E. *Decisions.* The disciplinary authority, upon completion of a hearing or admission of a violation, shall render a written decision within ten (10) business days after the deadline for receipt of any proposed findings of fact and conclusions of law. The decision shall:

1. Determine whether or not a violation occurred;

2. Set forth any necessary requirements for voluntary compliance, if applicable;

3. Take other actions under [Section 125.200](#) or recommend action by the authorized City Officials as deemed appropriate under the circumstances; and

4. Recommend any appropriate prosecution under applicable State or local law, if applicable.

F. Willful Concealment. In the event that a City Official or employee willfully conceals a substantial financial interest in violation or otherwise willfully violates the requirements of this Chapter, such person shall be guilty of malfeasance in office or position and shall forfeit all offices and positions with the City.

G. Complicity By Private Sector. In the event that a person or business entity who makes a contract or sale with the City knows or should have known that a City Official or employee has violated this Chapter's provisions regarding such contract or sale, the City Administrator or the Board of Aldermen may declare the contract or sale void within thirty (30) days after the determination that the official or employee violated this Chapter.

H. Proceeding Not Exclusive. The procedures set forth herein are for the disciplinary authority's guidance, edification and use. The disciplinary authority may vary the proceedings where it deems necessary and appropriate under the given circumstances. (Ord. No. 2013-3271 §1, 1-16-13)

SECTION 125.200: DISCIPLINE

A. Employees who are determined to have violated this policy are subject to appropriate discipline. If an investigation results in a finding that this policy has been violated, the mandatory minimum discipline is a written reprimand and the maximum discipline is termination of employment.

B. City elected officials who are determined to have violated this policy are subject to appropriate discipline. If an investigation results in a finding that this policy has been violated, the mandatory minimum discipline is a public censure and the maximum discipline is removal from office.

C. Any employee or official found to have knowingly made a false report of possible violation shall be subject to discipline as set forth herein.

D. Nothing herein shall be deemed to limit the City's right to pursue civil damages or criminal penalties against persons arising out of violations of this policy. (Ord. No. 2013-3271 §1, 1-16-13)

SECTION 125.210: OTHER AVAILABLE PROCEDURES -- ADMINISTRATION

A. The procedures available under this policy do not pre-empt or supersede any legal procedures or remedies otherwise available under State or Federal law.

B. This policy will be administered through the City Administrator. (Ord. No. 2013-3271 §1, 1-16-13)

CHAPTER 155: POLITICAL ACTIVITY

SECTION 155.010: PURPOSE AND APPLICABILITY -- DECLARATION OF POLICY

The purpose of this policy is to establish guidelines concerning the political activity of employees, elected officials and those seeking to hold elected office in the City of Wentzville to minimize the risk of City employees bringing their political affiliations to bear on their official duties and to attempt to eliminate political favoritism between elected officials and employees. This policy applies to all full-time and part-time employees, volunteers, and elected officials and those seeking to hold an elected office for the City of Wentzville. (Ord. No. 2013-3271 §3, 1-16-13)

SECTION 155.020: PERMITTED POLITICAL ACTIVITIES OF CITY EMPLOYEES

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

B. Each employee, including an employee engaged in an activity financed through Federal funds, may:

1. Register and vote in any election.
2. As an individual, privately and publicly express an opinion on political subjects and candidates except as modified below.
3. Be a member of a political party and participate in its activities consistent with this regulation.
4. Make a financial contribution to a political party, group or candidate.
5. Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum or issue of a similar character not pertaining to the City.
6. Display bumper stickers, signs, posters or pamphlets on private property for the endorsement of candidates or issues.
7. In City municipal elections, register, vote and express privately an opinion on candidates and propositions.

8. Volunteer as an election judge while not on duty or in a uniform normally identified with the City. (Ord. No. 2013-3271 §3, 1-16-13)

SECTION 155.030: ADDITIONAL PERMITTED ACTIVITIES

In addition, an employee who is not engaged in an activity supported by Federal funds may:

1. Take an active part in the management of political campaigns, except for elective offices and propositions within the City.
2. Directly or indirectly solicit, receive or account for funds for a partisan political purpose except as prohibited by this regulation.
3. Solicit votes in support of, or in opposition to, a partisan or party office.
4. Initiate or circulate partisan nominating or recall petitions.
5. Serve as a delegate, alternate or proxy to a political party convention.
6. Drive voters to the polls on behalf of a political party or partisan candidate except for City municipal elections.
7. Endorse or oppose a partisan candidate for public office or political party office in a political advertisement, broadcast, campaign literature or similar material. (Ord. No. 2013-3271 §3, 1-16-13)

SECTION 155.040: PROHIBITED ACTIVITIES

A. No employee, elected official or candidate for elected office may use any official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office or directly or indirectly coerce, attempt to coerce, command or advise another official or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes.

B. No employee shall engage in political activities involving City municipal elections except as expressly permitted in above.

C. While under most circumstances bumper stickers, signs and posters may be displayed on private vehicles parked in a City employee parking area, such materials, as well as pamphlets and buttons, may not be otherwise displayed on City vehicles, City property or by an employee on a City work site. To the extent an entity leases or is granted permission to use premises within a City-owned building or upon City-owned property for the entity's private business, such as homeowner's association meetings, the above prohibitions on display or distribution of political stickers, signs, posters, pamphlets and pins shall not apply to materials that such entity may display or distribute

D. Activities prohibited for an individual employee are also prohibited for groups or organizations of employees, even though the specific activities are being performed by a non-employee as a representative of the employee group.

E. Activities permitted above are prohibited when an employee is on duty, including break periods. They are also prohibited on City property, except as expressly permitted in subsection (c) above, and when an employee is in uniform normally identified with the City.

F. An employee shall not use an official City title or make reference to employment with the City in political advertisements, endorsements or speeches. This provision does not bar an elected official from using his or her official title in political advertisements, endorsements or speeches, but elected officials and candidates shall not make references to City employees' titles or employment status during campaigns.

G. No elected official or candidate for elected office shall take any action that would lead an employee to violate this policy.

H. In order to maintain an efficient work environment dedicated to official City business, campaigning for elected office shall never be conducted during an employee's working hours, by an employee on City property during normal office hours even if the employee is not working, or by an elected official or candidate for elected office in City offices and buildings during normal City office hours. This shall not preclude the official or candidate from contacting employees outside City property and when employees are not on duty or preclude the official or candidate appearing for campaign purposes upon City-owned property when the premises have been leased or permission has otherwise been granted for an entity to use premises within a City-owned building or upon City-owned property for the entity's private business.

I. Elected officials or candidates for elected office shall not attempt to force an employee to voice an opinion or solicit any information on any ballot issue or matter before the Board of Aldermen, unless the employee's position requires a professional opinion and/or recommendation. If professional opinion or recommendation is sought or given, the request and reply will be given in public forum and/or to all members of the Board of Aldermen, City Clerk, and the City Administrator. (Ord. No. 2013-3271 §3, 1-16-13)

J. Notwithstanding the above prohibitions, those employees of the City who are deemed first responders, as defined in Section 192.800 RSMo, shall be permitted to engage in political activities to the extent expressly permitted in Section 67.145 RSMo, which states, in part, "No political subdivision of this state shall prohibit any first responder, as the term "first responder" is defined in section 192.800 from engaging in any political activity while off duty and not in uniform, being a candidate for elected or appointed office, or holding such office unless such political activity or candidacy is otherwise prohibited by state or federal law." – in accordance with this statute, the City sets forth the following guidelines for its employees who are deemed first responders with regard to political activity:

1. Unless expressly authorized by the City, employees shall not be permitted to engage in political activity while on duty or in an official capacity as emissaries of the City;

2. For the purpose of this Section, the term “uniform” shall be defined as any garment provided to the employee by the City, either directly or with funds from a uniform allowance, which can be worn on duty or whose intent is to officially represent the employee as member of the Wentzville Police Department.

SECTION 155.050: CANDIDATE FOR ELECTIVE OFFICE

As further described in [Section 135.470](#), no employee of the City shall hold any elected City office. Immediate resignation shall be required, should an employee of the City file for elective municipal office in Wentzville. (Ord. No. 2013-3271 §3, 1-16-13)

SECTION 155.060: TRAINING

The City Administrator shall arrange for training sessions via the Human Resources Department for all elected and appointed officials, employees of the City, and volunteers regarding the provisions of this code of conduct and related provisions of law. All officials and employees shall attend a training session within one (1) month of appointment, election or hire and shall attend at least one (1) training session every three (3) years thereafter. Such training will be conducted in concert with training regarding Code of Ethics (Chapter 125) and Anti-Fraud and Corruption (Chapter 150). In conjunction with such training, reference materials shall be developed for distribution to officials, candidates for office upon filing for election, employees and the public. (Ord. No. 2013-3271 §3, 1-16-13)

CHAPTER 150: ANTI-FRAUD AND CORRUPTION POLICY

SECTION 150.010: PURPOSE AND APPLICABILITY -- DECLARATION OF POLICY

The purpose of this policy is to establish a method of reporting fraud or corruption within the City of Wentzville in order to minimize the risk of internal and external fraud, theft of City assets, fraudulent financial reporting, or corruption within the employee ranks or Governing Body. This policy addresses the responsibility of employees, volunteers, elected and appointed officials for detecting and reporting fraud or suspected fraud, corruption, or dishonest activities. The City is determined to protect itself and the public from fraud, corruption, and dishonest activities and is committed to maintaining a strategy for the prevention, detection and eradication of fraud, corruption, and dishonest activities. (Ord. No. 2013-3271 §2, 1-16-13)

SECTION 150.020: POLICY

Management is responsible for the detection and prevention of fraud, misappropriations and other inappropriate conduct. Management also recognizes that a key preventative measure in the fight against fraud and corruption is to employ staff and appoint officials who have high standards in terms of propriety, integrity and fiscal responsibility. Further, all employees and officials of the City Government have a duty to residents of the City of Wentzville to ensure that City resources are prudently used in accordance with Federal, State, and local law, as well as good judgment where the law is silent. Management is further committed to continuously improving the systems for which it is responsible, both through its own assessments and by positive and prompt response to audit recommendations. It is, therefore, the intent of the Mayor, Board of Aldermen of the City of Wentzville and the City Administrator to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls, management of reporting process and facilitation of proper and prudent investigations to aid in the detection and prevention of fraud against the City of Wentzville. (Ord. No. 2013-3271 §2, 1-16-13)

SECTION 150.030: FRAUD AND CORRUPTION

"Fraud" is defined as an intentional, false representation or concealment of a material fact that leads to a financial advantage to the perpetrator or other upon whose behalf he or she acts.

"Corruption" is the offering, giving, soliciting, or acceptance of any inducement or reward that may influence the actions taken by an employee or official. Fraud incorporates theft, larceny, embezzlement, fraudulent conversion, false pretenses, forgery, corrupt practices and falsification of accounts. Fraud or other wrongful acts may include:

1. Forgery or alteration of a check, bank draft, or other financial document or account belonging to the City of Wentzville.

2. Falsifying time sheets, expense reports, or other report documents.
3. Misappropriation of funds, securities, supplies, or other assets.
4. Impropriety in handling or reporting of money or financial transactions.
5. Disclosing confidential or proprietary information to outside parties.
6. Seeking and/or accepting after seeking anything with material value or any gratuity of any amount from anyone other than the City as part of the employee or officials' normal pay for performing one's duties. Employees and officials should never solicit anything of material value for themselves or others in connection with the rendition of public service.
7. Unauthorized destruction, removal, or any other inappropriate use of records, furniture, fixtures, equipment, materials or supplies, and/or any similar or related irregularity.
8. Authorizing or receiving payments for hours not worked.
9. Authorizing or receiving payments for goods not received or services not performed.
10. Making promises, offers, deals on behalf of the City to vendors, potential vendors, contractors, subcontractors, employees, potential employees, or anyone else when not authorized to do so by the proper authority.
11. Any violation of Federal, State or local laws related to dishonest activities or fraud. (Ord. No. 2013-3271 §2, 1-16-13)

SECTION 150.040: MANAGEMENT RESPONSIBILITY

A. Management is responsible for detecting fraud, corruption or related dishonest activities in their areas of responsibility. Each department director, manager, or supervisor should be familiar with the types of improprieties that might occur in their area. Furthermore, they should be alert for any indication that improper activity, misappropriation, or dishonest activity is or was in existence in his or her area of responsibility. When an improper activity is detected or suspected, management should determine whether an error or mistake has occurred or if there may be fraud, corruption or dishonest activity.

B. Management is responsible for taking appropriate corrective actions in accordance with their training to ensure adequate controls exist to prevent recurrence of improper actions.

C. Great care must be taken in the dealing with suspected dishonest, corrupt or fraudulent activities to avoid incorrect accusations, alerting suspected individuals that an investigation is underway, treating persons unfairly, or making statements that could lead to claims of false accusations or other offenses. Individuals who knowingly make false accusations may be

subject to disciplinary action up to and including termination. (Ord. No. 2013-3271 §2, 1-16-13)

SECTION 150.050: REPORTING SUSPICIOUS ACTIVITIES

A. Employees, officials and others have an obligation to report criminal conduct and/or suspicious activity and should be able to do so without fear of retaliation or reprisal. When suspected fraud, corruption or dishonest incidents or practices are observed by or made known to any employee, the suspected incident or practices shall be reported. Reports should be made to the employee's supervisor (see the City's Organizational Chart). However, if the employee believes the supervisor may be involved in the inappropriate activity, the employee should make the report directly to the next higher level of supervision, who shall then notify the City Administrator, or Human Resources, if the suspected activity involved the City Administrator. Individuals other than employees of the City who have knowledge of suspicious activities should report the inappropriate activity directly to the City Administrator or to the Mayor if the suspected activity involves the City Administrator.

B. Reports should be presented with the following information: the date on which the criminal conduct and/or suspicious activity occurred if known, a description of the activity and the name(s) of anyone involved in the activity. These reports will then be immediately submitted to the City's external auditor for documenting and future review.

C. The reporting individual should refrain from further investigation of the incident, confrontation of the alleged violator, or further discussion of the incident with anyone unless requested to do so by management.

D. Employees and officials serve as the eyes and ears of the City. Their vigilance serves as a strong deterrent against fraud, corruption or other dishonest practices or behavior. Every employee and official has an obligation to report fraud, corruption or dishonest practices. (Ord. No. 2013-3271 §2, 1-16-13)

SECTION 150.060: NO REPRISAL FOR REPORTING SUSPICIOUS ACTIVITIES

It is the policy of the City of Wentzville that no employee or official shall be subject to recrimination or any other form of punishment on the basis that they reported what was reasonably believed to be an act of wrongdoing or a violation of policies of the City. However, an employee may be subject to disciplinary action, up to and including termination, and an official would face Board censure or similar consequences, if the City reasonably concludes that the report of wrongdoing was knowingly fabricated or was knowingly distorted, exaggerated or minimized to either injure or to protect another party or oneself. A person whose report of misconduct contains admissions of personal wrongdoing will not, however, be guaranteed protection from disciplinary or similar action. The weight to be given to the self-confession will depend on all the facts known to the City at the time it makes its decisions. In determining what, if any, action may be taken, the City will review the facts of the case. (Ord. No. 2013-3271 §2, 1-16-13)

SECTION 150.070: INVESTIGATION

The City Administrator or his or her designee will investigate situations involving possible fraud, corruption, or related dishonest activity. If appropriate, the external auditing firm for the City of Wentzville may be informed of all situations of alleged violations of this policy and the results of the required investigations. The investigation requires the full cooperation of all City personnel and officials. If the alleged fraud involves the City Administrator, the Mayor shall designate a person or persons to conduct the investigation. If this investigation uncovers evidence showing fraud, corruption or dishonest activities by an employee, the City Administrator (if not directly involved in the allegations) will determine what disciplinary or legal actions should be taken. If the City Administrator is directly involved in the allegations, or if an elected or appointed official is involved, the Mayor and Board of Aldermen will determine what disciplinary or legal actions should be taken regarding such individuals. (Ord. No. 2013-3271 §2, 1-16-13)

SECTION 150.080: PREVENTIVE MEASURES

A. Management of the City of Wentzville recognizes that the implementation of preventive and deterrent measures guard against corruption and fraudulent activities occurring within the confines of the City Government.

B. The City in conjunction with its external auditors shall annually re-evaluate areas of its internal control procedures and modify them as necessary to improve these areas.

C. The Human Resources Department shall be responsible to provide annual training to all employees regarding the definitions, detection, proper reporting, and investigation of fraud, corruption and other related activity as well as training on any internal control procedures that are implemented at the time of employment and every three years thereafter. Such training will be conducted with training on Code of Ethics (Chapter 125) and Political Activity (Chapter 155). (Ord. No. 2013-3271 §2, 1-16-13)

SECTION 150.090: CONCLUSION

The City is consistently working to improve the current systems and procedures to deter, detect, and investigate fraud, corruption and dishonest activities. The City will ensure that these arrangements are fair, widely publicized and available to all employees and officials. The arrangements will be monitored and updated to keep pace with future developments in prevention, deterrence, and detection techniques regarding fraud, corruption and dishonest activity. (Ord. No. 2013-3271 §2, 1-16-13)



ADMINISTRATIVE DIRECTIVE 002-2013

Cell Phone and Other Electronic Devices

This policy outlines the safe use of City provided and/or personal cell phones, tablets, smartphones or any other portable electronic device used at work.

1. **Personal Devices:** While at work employees are expected to exercise the same discretion in using personal electronic devices as is expected for the use of City devices. Excessive personal calls during the work day, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees are encouraged to make any other personal communications on non-work time, when possible, and to ensure that friends and family members are aware of the City's policy. The City will not be liable for the loss of personal cell phones or electronic devices brought into the workplace.

2. **Personal Use of City Provided Cell Phones and other Electronic Devices:** Where job or business needs demand immediate access to an employee, the City may issue a business cell phone or other electronic device to an employee for work-related communications. Any city-provided cell phone and cell phone service, including text or data plans, are to be used primarily for official City purposes. Any employee provided with a cell phone or other electronic device understands that the cell phone and any data are the sole property of the City of Wentzville, and that there is no expectation of privacy relating to a service, including text or data. The City of Wentzville has the right to inspect any billing information, the actual cell phone or device provided, or the data information related to the cell phone or other device. Employees in possession of City equipment such as cell phones, tablets, smartphones or other portable electronic devices are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment, or at any time upon request, the employee shall be asked to produce the device for return or inspection.

3. **Safety Issues for Cell Phones and other Electronic Devices:** All employees are expected to follow applicable state, federal, and local laws or regulations regarding the use of cell phones and other electronic devices at all times. Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone or other electronic device for business use are expected to refrain from using their device while driving, unless hands free enabled devices are utilized – use of a cell phone or other device while driving is not required by the City. Safety must come before all other concerns. Employees, unless exempted below, should not talk, whether for personal or business use, while actively operating any vehicle or equipment. The City of Wentzville absolutely prohibits employees from texting while actively operating any vehicle/equipment. This restriction applies to City vehicles/equipment used and operated by City employees at any time. This restriction also applies to an employee's personal vehicle operated by the employee for business travel. Employees are expected to pull off to the side of the road and safely stop the vehicle before placing or accepting a call, refrain from discussion of complicated or emotional matters and keep their eyes on the road. Applicable Law Enforcement personnel, while on duty, may utilize cell phones and other electronic

devices as allowed in Police Department rules and regulations.

4. When an emergency or disaster occurs or threatens to occur, or when primary radio communication systems are unavailable, non-police employees performing mobilized operations and emergency response may implement hands free cell phone communications for urgent and emergency matters in accordance with communication protocol for the department.

5. Video and Audio Recording Devices: The use of camera phones or other audio or video recording capable devices within the City for purposes of recording communications between employees or between employees and elected officials may constitute not only an invasion of employees' or elected officials' personal privacy, but may breach confidentiality or protected information. Therefore, unless used for business necessity, the use of cameras, cell-phones or other video-capable or audio-capable recording devices within the City is prohibited for the purpose of recording communications between employees or between employees and elected officials without the express prior permission of the Department Director and of all employees and/or elected officials who are parties to such communication.

6. Special Responsibilities of Supervisors: As with any policy, supervisory personnel are expected to serve as role models for proper compliance with the provisions above and are encouraged to regularly remind employees of their responsibilities in complying with this policy.

Violation of this policy will be subject to review and possible disciplinary action up to and including discharge.

Revision Approved by the Board of Aldermen 5/27/15 Effective 7/1/2015

SMOKING IN CITY VEHICLES



Memorandum

To: All City Employees
From: Mayor Nickolas Guccione
Date: 02/25/2013
Re: Smoking in City Vehicles

In order to promote a positive image of the City of Wentzville smoking in city owned vehicles will no longer be allowed. Vehicles and buildings owned by the City are essentially paid for by taxpayers. We want to show citizens that we respect city property at all times. I want to also encourage good health among city employees while at the same time show respect for those who drive city vehicles but do not smoke.

Thank you and I appreciate your commitment and compliance to this new policy.

Nickolas Guccione

A handwritten signature in blue ink that reads "Nick Guccione".

Mayor, City of Wentzville

Time-Clock Administrative Procedures

DATE: 1/13/15
TO: ALL CITY EMPLOYEES
FROM: Bob Bartolotta, City Administrator
SUBJECT:

Purpose

The purpose of this Administrative Procedure is to outline the time clock procedures of the City of Wentzville.

Applicability

All nonexempt employees are required to clock in and out using the time clock system to record their hours worked for attendance purposes and to ensure proper compensation.

Time Clock Stations

Time clocks are located in all City buildings with a location code assigned to each clock. Employees may clock in and out at any City location using their City of Wentzville badge. If there is a problem with the time clock, employees should notify their supervisor, and the supervisor will notify Payroll or the Assistant Finance Director.

Window for Clocking In and Out

Employees are expected to arrive timely for their work shifts. Employees should clock in no more than 7 minutes before or after the start of the scheduled shift and clock out no more than 7 minutes before or after the end of the scheduled shift. The clock will round to the quarter hour at 7 minutes see examples below. Nonexempt employees are required to clock in at the beginning of the day, clock in and out for lunch breaks, and clock out at the end of the day.

Rounding Examples:

- 7:53 through 8:07 rounds to 8:00
- 8:08 through 8:22 rounds to 8:15
- 8:23 through 8:37 rounds to 8:30
- 8:38 through 8:52 rounds to 8:45

If an employee misses the window for clocking into the timekeeping system, the employee should notify the supervisor as soon as possible. The supervisor will manually enter the employee's work hours via the manager time clock portal. Employees who repeatedly miss time clock entries will be subject to disciplinary action.

Time Adjustments

If an employee fails to or is unable to clock in or out a *Clock Edit Form* must be submitted to the supervisor indicating the reason, date, time, and include the employee and supervisor's signature.

Meal Period and/or Rest Breaks

The scheduling of meal periods and rest breaks at the City of Wentzville is left to the discretion of the supervisor, with the goal of providing the least possible disruption to the City's operations. The meal period is to be a duty-free period and will not be included in the total hours of work per day and is not compensable. Nonexempt employees are to be completely relieved of all job duties while on meal breaks and must clock out for meal periods. Nonexempt employees on rest breaks of less than 15-minutes are not required to clock in and clock out because this time is considered "time worked" and is compensable.

Impermissible Use of Meal Period and/or Rest Breaks

The rest break(s) may not be used to account for an employee's late arrival or early departure or to cover time off for other purposes—for example, rest breaks may not be accumulated to extend a meal period, and rest breaks may not be combined to allow one half-hour long break. The meal period may be used to account for an employee's late arrival or early departure or to cover time off for other purposes with prior authorization from their supervisors.

Prohibited Time Clock Actions

Employees may not use another employee's badge to clock in or clock out for another employee. Employees who have lost a badge must report the lost badge to the human resources department. The employee will be issued a new badge with the same employee and department numbers. A new bar code will be assigned to the new badge.

Overtime

Nonexempt employees are permitted to work overtime only with prior authorization from their supervisors. Overtime includes clocking in early or late or working through the scheduled lunch period. Nonexempt employees who work overtime without prior authorization will be subject to disciplinary procedures.

Enforcement

Supervisors are free to use discretion in disciplinary actions when employees have various, albeit repeated, offenses to the timekeeping policy or procedure. Situations include when employees may have clocked in, but are repeatedly absent from their workstations during work hours, repeatedly clocking in after the scheduled starting time or clocking out before the scheduled ending time, have missed time clock entries, or working unscheduled overtime.

Please refer to the City of Wentzville Employee Disciplinary Action policy for direction on the appropriate disciplinary actions.

PAY FOR PERFORMANCE

Revised March 2016

Section 1: PURPOSE

The purpose of the P4P is to motivate employees and enhance performance by monetarily recognizing employees based on their level of performance during the year.

P4P recognizes outstanding performers and provides incentives for employees to do a better job serving the needs of our citizens. Employee compensation is based on a review of individual employee performance. The P4P is set-up to give higher compensation to employees who perform at a level superior to their peers or who exceed established job performance criteria for the year.

Through the P4P system the allocation is a percentage of total payroll. This percentage is uniform within departments. The recommended percentage allocation is based upon a recommendation from the City's compensation consultant evaluating increases among comparator cities in the region.

Market Comparators

The compensation consultant will consider information from a select group of comparator cities to determine increases to salary ranges, as well as the P4P allocation percentage and any market increases, to the actual salaries of specific positions beyond the P4P percentage. The City's Department Director's have chosen the following select group of cities within the St. Louis market to be used as comparators. These comparators will be reviewed at least every five years:

Arnold	St. Charles City
Chesterfield	St. Peters
Lake St. Louis	Jefferson City
O'Fallon	Washington
Blue Springs	Lee's Summit
Maryland Heights	Warrensburg

These cities are generally comparable to Wentzville in terms of size, geography, and/or services provided. The City's compensation consultant will conduct an annual salary comparison survey with these market comparators and will recommend a salary increase as part of the annual budget.

The merit allocation is distributed among employees based on individual employee performance. All non-probationary employees are evaluated and rated during the month of December for their performance during the previous 12 months (December 1-November 30). The City Administrator and Department Directors review the performance ratings and determine the distribution of the P4P allocation. Superior-performers receive a higher-than-average percentage increase, while average performers receive an average increase. For example, if the allocation were 3% of payroll, a superior-performing employee might receive a 4% salary increase while an average-performing employee might receive a 2% increase. In this example

the City may not exceed its budgeted allocation of 3% of payroll. Employees rated as needs improvement or unsatisfactory will not be eligible to receive a percentage increase.

Section 2: APPLICABILITY/ADMINISTRATION

This policy shall apply to all employees of the City of Wentzville and shall be administered by the City Administrator or his/her designee. The City Administrator may modify this policy as he/she feels necessary, with notification to the Board of Aldermen in maintaining an effective pay for performance system.

Section 3: ALLOCATION

During budget deliberations each year, the Board of Aldermen will consider a management recommendation for the adoption of the P4P allocation that reflects labor market conditions and fiscal realities. The Board of Aldermen adopts the merit pay allocation within the annual budget.

Employees who reach the top of their pay grade are eligible for a lump-sum payment. The P4P Lump

Sum allocation is distributed among employees in the same manner as the P4P allocation (i.e. employees are evaluated; evaluations are reviewed by management; and the allocation is distributed among employees based on individual performance).

When employees initially reach the top of their pay grades, they do not receive the full P4P increase amount that they would receive otherwise. For example, if an employee is 2% under the ceiling and receives a performance score that would normally result in a 3% performance pay increase, the employee can only receive a 2% increase as a result of reaching the top of the grade.

Under the P4P Lump Sum system, employees are eligible for a lump sum in addition to the increase to base salary. The P4P Lump Sum allocation is the difference of the P4P salary allocation; therefore, employees are eligible to receive in a lump sum payment the amount of the P4P salary increase that would increase salary above the top of the grade. For example, if an employee receives a performance score that would normally equate to a 3% pay increase (but is 2% under the top of the grade), the employee receives a 2% increase to base salary plus a 1% lump sum payment.

Section 4: RATING LEVELS

Supervisors comment and rate each competency in an employee's evaluation using a whole number: 1, 2, 3, 4 or 5. The scores for each competency are used to determine the final evaluation score, being the average of the sum of the scores. The average score is then categorized into one of five (5) Final Evaluation Scores:

Performance Rating Scale	Definition
5 Exceeds Expectations	"Exceeds Expectations" performance is defined as performance that is distinguished as always exceeding that of most other peers and always exceeds the standards set forth in the performance agreement and job description.
4 Above Expectations	"Above Expectations" performance is defined as clearly identifiable performance that is consistently above that of most other peers and/or is consistently above the standards set forth in the performance agreement and job description.
3 Meets Expectations	"Meets Expectations" performance is defined as a performance that usually meets the standards set forth in the performance agreement and job description and/or performs at a level that is competent and dependable to the organization.
2 Needs Improvement	"Needs Improvement" performance is defined as performance below that of most peers and/or performance that fails to meet the standards set forth in the performance agreement and job description. A Performance Improvement Plan may be suggested.
1 Unsatisfactory	"Unsatisfactory" performance represents a significant failure to perform. Disciplinary action shall be included for an "Unsatisfactory" performance rating, a Performance Improvement Plan required.

Definitions:

Performance Rating Scale – The whole number used to score each competency

Final Evaluation Score – The score calculated as the average of all performance ratings

The City Administrator and Department Director's are responsible for distributing this allocation among employees based on their performance evaluations. The P4P salary increases are effective for all "non-probationary" employees at the same time each year (January 1) to help ensure equity and consistency in the process. The process for distributing P4P pay is as follows:

Section 5: PERFORMANCE AGREEMENTS – December 31 (FORM)

Supervisors are responsible for adding job specific competencies for each employee in to the Performance Management System by February 15 each year. This agreement will cover the period from the prior December 1 to the following November 30. It is important that employees understand what the expectations are for the review period. The performance agreement should be finalized on the performance template created by Human Resources each year and shall include job specific competencies and City-wide competencies.

Job Specific Competencies: The competencies should be developed using the job description as a guide. The competencies should be clear and attainable.

Once the job-specific competencies have been added to the evaluations, the supervisors will meet with the employees to review the performance agreement, for the review period and ensure employees understand what is expected of their performance.

Section 6: SELF EVALUATION – November 15 (FORM)

Employees will be required to complete a self-evaluation, using the Performance Management system containing the agreement established at the beginning of the performance period.

Section 7: PERFORMANCE EVALUATIONS - December 15 (FORM)

It is important that supervisors complete preliminary employee evaluations far enough in advance of December 1 to leave time for the Department Director to review the evaluations with supervisors and then provide feedback and/or approval. Supervisors may begin entering data into the evaluation forms for their employees once the evaluation has been created, but under no circumstances should the evaluation be submitted until December 1. All evaluations should be submitted to the Department Directors by December 1.

Evaluations should not be shared with employees until approval of the Department Director and other approvals have been obtained (see Performance Appraisal form for required approvals).

Section 8: DISTRIBUTION ASSESSMENT – December 20

Each Department Director and all applicable supervisors (as shown on the appraisal tool) must review and approve performance appraisals prior to meeting with the employees. The Department Director shall check and compare evaluations and ensure that employee performance ratings are being applied using consistent standards. Supervisors must be able to justify the performance ratings of their employees to the Department Director.

NOTE: New employees serving in the initial period of employment do not receive a P4P on January 1. Their performance should be rated at the end of six consecutive months of employment, and a prorated P4P raise, based on the number of months worked in the prior year, should be awarded at that time based on the same scale and allocations used for January

1 increases. For example, if “Meets Expectations” rated employees receive a 2.5% increase on January 1, a “Meets Expectations” rated employee coming off of the initial period of employment should also receive a 2.5% increase. This prorated amount will be calculated at the appropriate percentage and the total dollar amount will be divided by twelve and then multiplied by the number of months worked in the prior year. The prorated increase will be effective on the first day of the payroll following submission of the Final Performance Evaluation score to Human Resources.

The majority of evaluation scores should typically fall within the “Meets Expectations” range as “Meets Expectations” performance is defined as meeting the standards set forth in the job description and/or performing at a level comparable to most peers. In the distribution assessment meetings, supervisors should be able articulate “Above” and “Exceeds” “Expectations” ratings with performance data and/or specific examples of how the employee’s performance exceeds that of his peers and/or the standards set forth in the job description.

Section 9: CALCULATE PAY FOR PERFORMANCE INCREASES

The process for calculating individual P4P increases begins once the Department Director has determined the evaluation scores for all employees in the Department. The Human Resources Department will assist the Department Directors in calculating dollar amounts.

The following rules apply to the merit pay calculation process:

- All employees that receive the same rating (whether it be exceeds, above, meets, needs improvement, or unsatisfactory) within a Department will receive the same *percentage* increase (excluding those employees whose salaries are affected as a result of reaching or already being at the top of the salary grade). Employees at the top of their pay grade will be eligible for a P4P Lump Sum payment as described previously.
- Department Directors and the City Administrator will set the percentage increase based on the proposed budget amount. Employees that receive a Final Evaluation Score rated as “Needs Improvement” will not be eligible for an increase on January 1, and **may** require an Individual Development Action Plan.
- Employees that receive a Final Evaluation Score rated as “Unsatisfactory” rating will not be eligible for a P4P increase, **will** require an Individual Development Action Plan, and **will** be subject to disciplinary action.
- Funds remaining at the conclusion of the distribution of P4P increases will be returned to the P4P and distributed as determined by the City Administrator with the input of Department Directors.

Dress Code

Objective

The City of Wentzville strives to maintain a workplace environment that functions well and is free from unnecessary distractions and annoyances. As part of that effort, the City requires employees to maintain a neat and clean appearance that is appropriate for both the workplace setting and the work being performed.

Procedures

All City of Wentzville staff members are expected to present a professional, business-like image to citizens, customers, visitors, and the general public. Acceptable personal appearance and hygiene is an ongoing requirement of employment with the City. Department supervisors, managers, and directors may exercise reasonable discretion to determine appropriateness in employee dress, appearance, and hygiene.

Supervisors should communicate any department-specific workplace attire and grooming guidelines to staff members during new-hire orientation and evaluation periods. Although it is impossible and undesirable to establish an absolute dress and appearance code, the City of Wentzville will apply a reasonable and professional workplace standard. Management may make exceptions for special occasions or in the case of special circumstances, at which time employees will be notified in advance. An employee unsure of what is appropriate should check with his or her manager or supervisor. Any staff member who does not meet the attire or grooming standards set by his or her department will be subject to corrective action and may be asked to leave the premises to change clothing. Hourly paid staff members will not be compensated for any work time missed because of failure to comply with designated workplace attire and grooming standards.

If a staff member's poor hygiene or use of too much perfume/cologne is an issue, the supervisor should discuss the problem with the staff member in private and should point out the specific areas to be corrected. If the problem persists, supervisors should follow the normal corrective action process.

Basic Guidelines for Appropriate Attire & Hygiene

Basic elements for appropriate and professional office attire include clothing that is in neat and clean condition. Clothing must be free from holes or frays. Employees shall maintain a professional and neat appearance appropriate for the position, with respect to grooming including, uniform if applicable, and visible body parts, hair should be of a natural color. Unless otherwise directed by a Department Director, office staff should observe business casual dress, with an allowance for denim jeans on Fridays.

Employees are prohibited from wearing the following clothing items at any time: spaghetti-strap tops, halter tops, sweatpants, muscle-shirts, pajamas, low-rise pants exposing skin, leggings unless worn as pantyhose, leggings if worn as pantyhose should be of a solid color with no distracting patterns, rubber or plastic flip-flop sandals, crop-tops showing midriff, offensive or revealing clothing, ripped, torn, or distressed clothing, clothing with offensive or obscene language or images, clothing or accessories with corporate logos, clothing advertising alcohol, tobacco, or illegal drugs, or any extreme style or fashion in dress, footwear, accessories, fragrances or hair.

Employees in certain limited positions such as aquatics or recreation may wear the following articles of clothing with supervisor approval: shorts, tank tops, exercise wear, swimwear.

All Police Department employees are required to follow the Police Department Uniform Policy.

Tattoos & Body Jewelry

The City of Wentzville expects all employees to exercise appropriate judgment with regard to personal appearance, dress and grooming to be most effective in the performance of their workplace duties. In keeping with this approach, the City allows reasonable self-expression through personal appearance, unless a) it conflicts with an employee's ability to perform his or her position effectively or with his or her specific work environment, or b) it is regarded as offensive or harassing toward co-workers or others with whom the City conducts business and with which the employee may have contact.

The City permits employees to wear jewelry or to display tattoos at the workplace within the following guidelines. Factors that management will consider to determine whether jewelry or tattoos may pose a conflict with the employee's job or work environment include:

- Personal safety of self or others, or damage to company property.
- Productivity or performance expectations.
- Offensiveness to co-workers, customers, vendors or others in the workplace based on racial, sexual, religious, ethnic, or other characteristics or attributes of a sensitive or legally protected nature.
- Corporate or societal norms.
- Customer complaints.

Tattoos which contain any of the following must be covered at all times: offensive or profane language, nudity, depictions of drugs or alcohol; religious expression, culturally offensive expression.

If management determines an employee's jewelry or tattoos may present such a conflict, the employee will be encouraged to identify appropriate options, such as removal of excess or offensive jewelry, covering of tattoos, transfer to an alternative position, or other reasonable means to resolve the conflict.

Violations

Department Directors are responsible for enforcing dress and grooming standards in their departments. Unacceptable dress will be determined by the employee's immediate Supervisor. Disputes will be

resolved by the Director. If the appearance is unduly distracting or the clothing unsafe, the employee may be sent home to correct the problem.

Revisions of Policy

This policy may be modified with constructive and applicable revisions when necessary with the approval of the City Administrator.

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