

Policy 6-8. Employee Assistance Program

The EAP provides confidential professional assistance to help employees and their family members to resolve problems that affect their personal lives and/or job performance. Problems commonly handled include marital difficulties, parent-child relationships, alcoholism, drug addiction, stress, etc. The program is confidential and can be used by calling professional counselors directly. The fee for the EAP is paid for 100% by the City and all employees are eligible to utilize this benefit.

Peer Support Team

Effective Date:	9/18/2020
Revised Date:	12/9/2024
Issuing Authority: Chief Mike Butaud	

318.1 POLICY

This policy establishes guidelines for a program offering assistance and appropriate support resources to members of the Olathe Police Department when personal or professional problems negatively affect their work performance, family unit or self.

318.2 PURPOSE

1. Provide emotional support during and after times of personal or professional crisis to members who express a need for assistance.
2. Promote trust, allow appropriate anonymity and preserve confidentiality for persons using the Peer Support Program within the guidelines of the program.
3. Develop Peer Support Specialists who can identify personal conflicts and provide guidance or referrals to professional or alternate resources as required.
4. Maintain an effective Peer Support training and response program.
5. Check on the status of illnesses and those injured on duty and provide support when desired and needed.
6. Respond to critical incidents and provide support to those affected.

318.3 DEFINITIONS

60-473. Peer support counseling session communication privilege; law enforcement personnel.

(a) For the purposes of this section:

1. "Employee assistance program" means a program established by a law enforcement agency or emergency services provider to provide professional counseling or support services to employees of a law enforcement agency, emergency services provider or a professional mental health provider associated with a peer support team.
2. "Law enforcement agency" means any public agency that employs law enforcement officers.
3. "Law enforcement personnel" means a law enforcement officer, as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto, an employee or volunteer of a law enforcement agency.
4. "Peer support counseling session" means any session conducted by a peer support specialist that is called or requested in response to a critical incident or traumatic

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event involving the personnel of the law enforcement agency or emergency services provider.

5. "Peer support specialist" is a person;
 - A. Designated by a law enforcement agency, emergency services provider, employee assistance program or peer support team leader to lead, moderate or assist in a peer support counseling session;
 - B. who is a member of a peer support team; and
 - C. has received training in counseling and providing emotional and moral support to law enforcement officers or emergency services personnel who have been involved in emotionally traumatic incidents by reason of their employment.
6. "Peer support team" means a group of peer support specialists serving one or more law enforcement providers or emergency services providers.
 - A. Any communication made by a participant or peer support specialist in a peer support counseling session pursuant to this section, and any oral or written information conveyed in or as a result of the peer support counseling session, are confidential and may not be disclosed by any person participating in the peer support counseling session.
 - B. Any communication relating to a peer support counseling session made confidential under subsection (b) that is made between peer support specialists, between peer support specialists and the supervisors or staff of an employee assistance program, or between the supervisors or staff of an employee assistance program, is confidential and may not be disclosed.
 - C. The provisions of this section apply only to peer support counseling sessions conducted by a peer support specialist.
 - D. Support counseling documentation;
 - (a) The provisions of this section apply to all oral communications, notes, records and reports arising out of a peer support counseling session.
 - (b) Any notes, records or reports arising out of a peer support counseling session shall not be public records and shall not be subject to the open records act, K.S.A. 45-215 et seq., and amendments thereto.
 - E. Any communication made by a participant or peer support specialist in a peer support counseling session subject to this section, and any oral or written information conveyed in a peer support counseling session subject to this section, are not admissible in any judicial proceeding, administrative proceeding, arbitration proceeding or other adjudicatory proceeding. Communications and information made confidential under this section shall not be disclosed by the participants in any judicial proceeding, administrative proceeding, arbitration proceeding or other adjudicatory proceeding. The limitations on disclosure imposed by this subsection include disclosure during any discovery conducted as part of an adjudicatory proceeding.

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- F. Nothing in this section limits the discovery or introduction into evidence of knowledge acquired by any law enforcement personnel or emergency services personnel from observation made during the course of employment, or material or information acquired during the course of employment, that is otherwise subject to discovery or introduction into evidence.
- G. This section does not prohibit any communications between peer support specialists who conduct peer support counseling sessions, or any communications between peer support specialists and the supervisors or staff of an employee assistance program.
- H. This section does not prohibit communications regarding fitness of an employee for duty between an employee assistance program and an employer.

318.4 REQUESTING OF PEER SUPPORT SERVICES

1. Any member may contact the Peer Support Team Member of his or her choice at any time, whether on or off duty, to request assistance or support.
2. Any Peer Support Specialist can contact a member they believe is experiencing signs and symptoms of needing assistance at any time, whether on or off duty, to assist those in need.
3. Any supervisor can contact any of the peer support specialists or the team coordinator and request assistance for any employee. It is critical that supervisors understand and utilize this program as they are likely one of the first to notice an issue with someone they supervise.
4. A list of Peer Support Specialists will be distributed to each member. The list will also be available on Olathe Police Department electronic information sites. Members can contact their supervisors or the Olathe Police Department Personnel division if they need to obtain an additional list.

318.5 NOTIFICATION

- (a) The Peer Support Program Coordinator shall be notified as soon as possible of the following incidents:
 - (a) Death of a member of the agency;
 - (b) Serious illness or injury of a member of this agency; (only with the members express permission; HIPPA Compliance)
 - (c) Any death or serious injury where the agency's Tactical Support Unit was deployed;
 - (d) Any "officer involved" incident where an officer has been injured and/or has discharged his/her weapon in defense of him/herself or in the defense of another; and
 - (e) Any vehicle accident in which an Olathe Police Department member has been seriously injured or killed.

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- (b) The Peer Support Program Coordinator shall appoint a member of the Peer Support Advisory Committee or another peer support specialist to serve in his/her place if the Peer Support Program Coordinator shall not be available at any specific time. The Peer Support Program Coordinator will notify the Chief of Police of the designated Peer Support Program Coordinator.

318.6 PEER SUPPORT ADVISORY COMMITTEE

1. The Chief of Police shall create a Peer Support Advisory Committee for the purpose of administering the program. The Peer Support Advisory Committee shall consist of the Chief of Police, at least one culturally competent mental health professional, the Peer Support Program Coordinator, and one designee assigned by each of the Bureau Commanders (Operations and Administration).
2. The Peer Support Advisory Committee shall meet quarterly or at the request of the Peer Support Program Coordinator, the Chief of Police, or when two or more members of the Peer Support Advisory Committee request a meeting. If requested, the meeting shall be called within 30 days, or sooner, if needed.
3. The Peer Support Advisory Committee shall:
 - (a) Establish and Review Peer Support training requirements;
 - (b) Attend training when practical;
 - (c) Establish, review and revise the Peer Support Programs procedures;
 - (d) Select Peer Support Specialists through an application process;
 - (e) Ensure compliance with the program's procedures governing confidentiality and law;
 - (f) Provide administration with periodic reports of program activities;
 - (g) Remove Peer Support Specialists from the program when necessary;
 - (h) Provide program awareness through member orientation and training; and
 - (i) Identify local community resources that may support the program's purpose and goals.

318.7 PEER SUPPORT CLINICIAN

- (a) The Peer Support Program Clinician will be a person whose background and practice includes extensive experience working with law enforcement officers and the unique problems associated with the law enforcement profession. This clinician should have a minimum of a master's level education in the evaluation and treatment of first responders with an emphasis in treating trauma. The Peer Support Program Clinician's responsibilities include:
 - (a) Serving on the Peer Support Advisory Committee;
 - (b) Provide instruction for Peer Support training program; and

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- (c) Attend quarterly meetings whenever possible and acting as an advisor to Peer Support Specialists.

318.8 PEER SUPPORT PROGRAM COORDINATOR

1. The Peer Support Program Coordinator, designated by the Chief of Police, acts as the primary liaison between the Peer Support Specialists, the Peer Support Advisory Committee, resource persons and programs and the Olathe Police Department.
2. The Peer Support Program Coordinator reports only to the Chief of Police on issues, concerns, training needs and any other business pertaining to the operation of the program.
3. Major responsibilities of the Peer Support Program Coordinator include:
 - (a) Daily supervision of the program;
 - (b) Serving as chairperson of the Peer Support Advisory Committee;
 - (c) Recruiting and coordinating the screening of Peer Support applicants;
 - (d) Coordinating training of the Peer Support Specialists;
 - (e) Developing resources to assist members when problem areas are identified;
 - (f) Maintaining general statistical data of reported contacts by Peer Supporters;
 - (g) Maintaining records of expenses associated with the program;
 - (h) Offering guidance to Peer Supporter Specialists as needed; and
 - (i) Maintaining and distributing to all members a current Peer Support Specialist list.

318.9 PEER SUPPORT SPECIALISTS

1. All interested members who choose to volunteer as a Peer Support Specialist must submit their written request through his/her chain of command to the Peer Support Program Coordinator.
2. Applicants must:
 - (a) Agree to maintain confidentiality within the guidelines provided in the confidentiality section of this procedure and Kansas state law;
 - (b) Not be the focus of a current investigation;
 - (c) Have written endorsement by his/her immediate supervisor;
 - (d) Be empathetic and possess strong interpersonal and communication skills;
 - (e) Successfully pass a structured oral interview before the Peer Support Advisory Committee;
 - (f) Attend and successfully complete the training program, which will focus on:
 - (a) Effective listening;

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- (b) General assessment skills;
 - (c) Problem solving skills;
 - (d) Relationship termination (death, divorce, etc...);
 - (e) Referral and follow-up;
 - (f) Clinical disorders common with first responders;
 - (g) Trauma reactions and responses;
 - (h) Critical Incident Stress Debriefings;
 - (i) Ethical issues when being placed in Peer Support roles;
- (g) Be willing to attend follow-up training.
3. The Peer Support Advisory Committee will select candidates suited for appointment as Peer Support Specialists.
4. Peer Support Specialist's responsibilities will include but are not limited to:
- (a) Providing support and assistance on a voluntary basis to fellow members and/or their families in time of personal and/or professional crises;
 - (b) Convey trust, anonymity and assure confidentiality within this procedure to members who seek assistance from the Peer Support Program;
 - (c) Assist the member by referring him/her to the appropriate outside resource when necessary;
 - (d) Maintain contact with the Peer support Program Coordinator regarding critical concerns or crises, safety-based concerns or any program activities that the peer support specialist deems necessary to update the program coordinator;
 - (e) Be available to be contacted and, if practical, to respond at any hour; and
 - (f) Attend quarterly trainings and if unable to attend, must advise the Peer Support Program Coordinator.
5. Peer Support Specialists may be removed from participation in the program by the Peer Support Advisory Committee for:
- (a) Conduct inconsistent with the program procedure;
 - (b) Failure to fulfill training requirements and/or attend quarterly meetings;
 - (c) Unsatisfactory work performance caused by or that deters from the activities associated with the peer support program.
 - (d) Failure to keep confidentiality of peer support related material.

318.10 RULES AND REGULATIONS

1. Upon activation, the Peer Support Specialist should notify their immediate supervisor as to their activation by the peer support coordinator.

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2. The following guidelines provide the Peer Support Specialists formal authority to obtain certain organizational resources and support he/she needs to assist peer members:
 - (a) Lodging and per diem expenses may be provided for training, workshop attendance and assignment referrals to work locations outside the Peer Support Specialist's currently assigned location. All such activity is subject to prior authorization by the Chief of Police or program Coordinator.
 - (b) Participation in the Peer Support Program is strictly voluntary. Overtime and/or compensatory time are authorized for time expended by employees using the program or by personnel performing Peer Support duties with the prior approval of the program manager.
 - (c) Peer Support Team Members are allowed to consult with employees while on duty with approval from their immediate supervisor. Absent exigent circumstances, supervisors shall categorically grant such approval. No names or personal identifiers will be given to the supervisor.
 - (d) Agency facilities may be utilized for peer support activities when available.
 - (e) Agency vehicles may be used in conjunction with peer support activities, in accordance with Olathe Police Department Policy.

318.11 CONFIDENTIALITY

1. Any communication made by a participant or peer support specialist in a peer support counseling session pursuant to this policy, and any oral or written information conveyed in or as the result of the peer support counseling session, are confidential and may not be disclosed by any person participating in the peer support counseling session. KSA 60-473.
2. Peer Support Specialists should inform the person, prior to discussion, of the confidentiality limitations and exceptions. Peer Support Specialists should consult with the Peer Support Program Coordinator or the Peer Support team clinician(s) in those cases where a concern or question regarding confidentiality arises.
3. When the Peer Support Specialist is assisting an employee who is or becomes the subject of an internal investigation, the Peer Support Specialist should adhere to the confidentiality procedure set forth herein:
 - (a) A Peer Support Specialist should not volunteer any information received in confidence;
 - (b) A Peer Support Specialist should not hamper or impede the actual investigation, or attempt to shelter the employee from the investigation; and
 - (c) The Peer Support Specialist's role should be one of support and assistance for employees experiencing the stress of an internal investigation.
4. Information divulged during a peer support counseling session shall not be held confidential when:

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- (a) Threat of suicide or criminal act made by a participant in a peer support counseling session, or any information conveyed in a peer support counseling session relating to a threat of suicide or criminal act;
 - (b) Information relating to abuse of spouses, children or the elderly, or other information that is required to be reported by law;
 - (c) Admission of criminal conduct;
 - (d) Disclosure of testimony by a participant who received peer support counseling services and expressly consented to such disclosure.
5. Peer Supporters who report any of the listed matters above shall not serve on any investigation team appointed to investigate any allegation.

Chaplains

Effective Date:	11/2/2016
Revised Date:	12/9/2024
Issuing Authority: Chief Mike Butaud	

608.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Olathe Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

608.2 POLICY

The Olathe Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

608.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, free from addiction to alcohol or other drugs, and free from excessive debt.
- (b) Managing his/her household, family and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) A minimum of five years of successful pastoral counseling experience.
- (f) Possession of a valid driver's license.

The Chief of Police may allow exceptions to these eligibility requirements based on organizational needs and the qualifications of the individual.

608.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Olathe Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

608.4.1 RECRUITMENT

Chaplains should be recruited on an as needed basis consistent with department policy on equal opportunity and nondiscriminatory employment. A primary qualification for participation in the

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application process should be an interest in and an ability to assist the Department in serving the public. Chaplain candidates are encouraged to participate in ride-alongs with department members before and during the selection process.

608.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written volunteer application.
- (b) Include a recommendation from employers or volunteer programs.
- (c) Successfully complete an appropriate-level background investigation.
- (d) Final approval and selection by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Newly appointed Chaplains will be sworn in at the department annual awards ceremony.

Chaplains shall have no property interest in continued appointment.

608.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform. Chaplain uniforms shall not reflect any religious affiliation.

Chaplains may be issued Olathe Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Olathe Police Department identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

608.6 CHAPLAIN COORDINATOR

The Chief of Police shall delegate certain responsibilities to a chaplain coordinator.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or Shift Commander.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Recruiting, selecting and training qualified chaplains.
- (b) Conducting chaplain meetings.
- (c) Establishing and maintaining a chaplain callout list.

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- (d) Maintaining records for each chaplain.
- (e) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (f) Planning periodic recognition events.

An evaluation of the overall use of chaplains should be conducted on an annual basis by the coordinator.

608.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Patrol Division, but chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills and abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service, or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Olathe Police Department.

608.7.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteers Policy and other applicable policies.

608.7.2 OPERATIONAL GUIDELINES

- (a) Chaplains shall be permitted to ride with officers during any shift and observe Olathe Police Department operations, provided the Shift Commander has been notified and has approved the activity.
- (b) In responding to incidents, a chaplain shall never function as an officer.
- (c) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (d) Chaplains shall serve only within the jurisdiction of the Olathe Police Department unless otherwise authorized by the Chief of Police or the authorized designee.
- (e) Each chaplain shall have access to current department member duty assignments and other information that may assist in his/her duties. Such information will be considered

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confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

608.7.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members who are dealing with the public during significant incidents (e.g., accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse).
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

608.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

- (a) Assisting members in defusing a conflict or incident, when requested.
- (b) Responding to any significant incident (e.g., natural and accidental deaths, suicides and attempted suicides, family disturbances) in which the Shift Commander or supervisor believes the chaplain could assist in accomplishing the mission of the Department.
- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
- (d) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (e) Participating in in-service training classes.
- (f) Training others to enhance the effectiveness of the Department.

608.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

- (a) Fostering familiarity with the role of law enforcement in the community.
- (b) Providing an additional link between the community, other chaplain coordinators and the Department.
- (c) Providing a liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function, as needed or requested.

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- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

608.7.6 CHAPLAIN MEETINGS

All chaplains should make every effort to attend scheduled meetings.

608.8 PRIVILEGED COMMUNICATIONS

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Olathe Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

608.9 TRAINING

The Department may establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Chaplain Coordinator, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Officer injury or death
- Sensitivity and diversity
- Suicide

Critical Incident Stress

Effective Date:	9/18/2020
Revised Date:	12/9/2024
Issuing Authority:	Chief Mike Butaud

320.1 POLICY

The Olathe Police Department recognizes the harmful effects of stress caused by critical incidents. To minimize the adverse effects of critical incident stress, the Olathe Police Department recognizes the benefit of regular mental health check-ups for employees of special assignments, those returning from military deployment, and those involved in critical incidents.

The critical incident stress needs to utilize a multi-dimensional approach through both a pro-active and reactive format. Pro-active by educating members of this department about critical incident stress and stress management techniques, and reactive by activating Peer Support Specialists during a critical incident in order to provide emotional support; including professional referrals for those impacted by the magnitude of events.

Without professional intervention, personnel experiencing critical incident stress may show declining work performance, deterioration in family relationships, and increased health problems. The objective of this procedure is to provide intervention after critical incidents in order to minimize stress related injuries to police department personnel.

While Peer Support Specialists are required to attend both initial training and continuing education, it must be emphasized that they are not mental health professionals. Each Peer Support Specialist will be trained to recognize certain signs and symptoms associated with stress. However, when a situation is not appropriate for intervention by a Peer Support Specialist, it will be referred to a mental health professional.

320.2 PURPOSE

To provide department employees that are exposed to job-related stress, a critical incident, or return of deployed military personnel confidential programs that will mitigate associated adverse effects. This can be accomplished through peer counseling, debriefings/defusings, professional mental health counseling services and Employee Assistance Program (EAP) services.

320.3 DEFINITIONS

A. Critical Incident

Any situation faced by police department personnel that cause them to experience unusually strong emotional reactions which have the potential to interfere with their ability to function either at the scene or later. These situations may include, but are not limited to:

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1. Line of duty death,
2. Serious line of duty injury/assault/sexual assault,
3. Suicide,
4. Officer involved shooting/victim of shooting,
5. Disarming/siege/hostage,
6. Significant event involving children,
7. Personal or family tragedies.

B. Critical Incident Administrative Leave

Leave of absence from duty without loss of pay and benefits granted to an employee directly involved in a critical incident when it is determined by the Chief of Police or his/her designee that it is in the best interest of the employee and department.

C. Critical Incident Stress Management (CISM)

Programs and strategies designed to reduce the effects of stress in emergency services personnel (i.e., police, fire, EMS, communications officers, etc.) and to assist them in managing and recovering from significant stress should they encounter it in their work.

D. Critical Incident Stress Debriefing

A group meeting or discussion led by specially trained professionals and peer support personnel (usually held 48 -72 hours after an incident) employing both crisis intervention and educational processes. The meeting is targeted toward mitigating or resolving the psychological distress associated with a critical incident or traumatic event and accelerating the recovery of directly involved personnel.

E. Defusing

A small group process that is ideally led by specially trained professionals and peer support personnel and instituted after any traumatic event powerful enough to overwhelm the coping mechanisms of the personnel exposed to it. A defusing is usually held within one to four hours after the event and lasts 30 to 45 minutes. Defusing should be held within 12 hours of the event. If a defusing is not held within 12 hours, a formal debriefing should be considered.

F. Military Deployment

The temporary transfer of a service member of the armed forces to a foreign location in support of combat or some other military operation for a period of more than 90 days under a uniformed service order.

G. Special Duty Assignments

Work performed by members of the Olathe Police Department that expose the member to events that may seriously create changes in the person's emotional, cognitive, or behavioral functioning.

Examples of Special Duty Assignments may include, but are not limited to:

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1. Child abuse (physical and sexual) and child pornography investigations;
2. Elder abuse investigators;
3. Crime Scene Investigators;
4. Narcotics detectives and supervisors;
5. Peer Support Specialists.

320.4 PROCEDURES

A. Eligibility

1. All full time commissioned and non-commissioned police department employees.

B. Required Referral

1. An initial appointment with the Police Department's approved culturally competent clinician shall be scheduled through the personnel division when:
 - (a) An employee returns from military deployment and before they return to duty.
 - (a) Subsequent appointments may be requested by the employee or the department selected clinician.
 - (b) When a military deployment occurs the employee should be assigned a Peer Support Team Member that shall serve as a department liaison while the employee is deployed. The Peer Support Specialist may remain assigned to the employee throughout the deployment and for a period of 12 months after the member returns to duty.
 - (c) The Peer Support Specialist is not to be viewed as a licensed or professional counselor, rather as a person to whom the employee can talk to if needed.
 - (d) Discussions between the employee and Peer Support Specialist shall remain confidential pursuant to policy directive 318 Peer Support Team.
2. Personnel assigned to special duty assignments will have an appointment with a department approved clinician after their first six months of the assignment and annually thereafter while they maintain the assignment.
3. Personnel assigned to disaster relief efforts may have a mandatory visit with a Department approved clinician upon their return from the relief effort and prior to resuming their normal duties.
4. Personnel involved in an officer involved shooting shall be afforded a visit with a Department approved clinician soon after the incident.

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- (a) Ideally this initial visit is completed within 48 hours post OICIIT interview. This timeline should be modified if there is extended time before the OICIIT interview.
 - (b) Personnel will be seen by a Department approved clinician again prior to being placed back to full service duty
 - (c) Personnel may ride with a peer for a minimum of three working shifts upon the return to full duty capacity.
 - (d) Personnel will be scheduled for a follow-up appointment with a Department approved clinician within 4 - 6 work cycles after being placed back in a full duty capacity.
 - (e) Personnel will be scheduled for another visit a month after the last follow-up appointment.
 - (f) Personnel will be scheduled for a final visit three months after the last follow-up visit for a total of 5 sessions with a Department approved clinician.
 - (g) Additional visits will be considered on a case-by-case basis.
5. Personnel involved in any other critical incident other than OIS can be afforded any of the above listed CISM options including a Department approved clinician.

320.5 CISM ACTIVATION

1. When a critical incident occurs the Division Commander or designee will immediately contact the Peer Support Coordinator to determine which personnel/services needed.
2. The Peer Support Coordinator will immediately;
 - (a) Assess the need for on scene support services.
 - (b) Assess the need for demobilization, defusing, debriefing, or individual consultation.
 - (c) Make the appropriate team assignments.
 - (d) Notify the appropriate command staff of the activation.
3. Response
 - (a) Upon request, the program coordinator, or designee, will respond to the affected employee's location. In complex cases, response will be supplemented with other peer support personnel.
 - (b) CISM personnel will inform on-scene supervisors of their arrival.
 - (c) Contact will be made with the affected personnel to:
 - i. Assess their emotional needs;
 - ii. Support self-esteem and self-reliance;
 - iii. Offer team services as appropriate; and

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- iv. Activate their social support network.
- (d) The CISM process will be confidential. The only information released will pertain to notifying the employee's chain of command regarding:
 - i. Return to duty;
 - ii. Initiating a request for administrative leave, as appropriate;
 - iii. CISM will remain available to the employee and/or family members for follow-up services during the readjustment period.
- (e) CISM team members will not interfere with any ongoing criminal or internal investigations.
- (f) Family Assistance
 - i. The CISM team can provide debriefings if requested for family members as a group and one-on-one to help them cope with their reactions to a family member's involvement in a critical incident.
- (g) Manager Support
 - i. Managers must coordinate communication, timetables for crises services, appropriate ongoing interventions, and other support programs. Appropriate and timely intervention by both managers and CISM team members can minimize the negative consequences for personnel and others affected by the incident.
- (h) Referrals and Follow-up Services
 - 1. The intense physiological and psychological arousal of a critical incident can impair a member's information processing mechanisms. Referral to mental health professionals with specialized experience and training becomes necessary. In most cases follow-up services by the Peer Support team will be all that is needed.
 - i. Follow-up services will be provided to ensure all personnel who need or want additional support are given support from the peer support team.
 - ii. Follow-up services will be provided to participants of any debriefing. Follow-up services include but are not limited to:
 - (a) District or work location visit
 - (b) Telephone call
 - (c) Individual consultation
 - (d) Additional meeting with group
 - (e) Family session
 - iii. Follow-up services may be initiated by
 - (a) Employee

Olathe Police Department

Policy Manual

Critical Incident Stress

- (b) Peer Support Specialist
- (c) A request by a supervisor, or command staff
- (d) Peer Support Program Coordinator
- iv. Referrals to a culturally competent clinician can be requested from:
 - (a) Employee
 - (b) Peer Support Specialist
 - (c) Supervisor or command staff
- v. Clinician requests
 - (a) Each referral can be directed to the Employee Assistance Program (EAP) to obtain a clinician.
 - (b) Referrals requesting a clinician who is not a current EAP provider will be considered on a case by case basis.
 - (c) Non EAP requests should be made to the Peer Support Coordinator.
 - (d) Approval for non EAP clinician requests will come from the Chief of Police or Designee.

320.6 ATTENDANCE

1. Once it is determined that a CISM program (defusing, debriefing) is necessary, it is mandatory that all personnel directly exposed to the incident attend. Supervisors will ensure that their employees are available to attend these sessions.
2. All pre-approved expenses related to this program will be the responsibility of the Olathe Police Department. Any employee's work schedule will be taken into consideration with scheduling appointments.
3. Employee participation in this program and any treatment administered is completely confidential. Results of any counseling shall be disclosed only to the employee, unless the employee requests disclosure.

320.7 SUPERVISOR RESPONSIBILITIES

1. Supervisors shall monitor their personnel and their performance to identify any potential problems after the employee returns to duty. Supervisors shall be mindful of any issues related to:
 - (a) Attendance
 - (b) Job performance; decline of
 - (c) Observed changes in behavior
 - (d) Pattern of citizen complaints/concerns

Olathe Police Department

Policy Manual

Critical Incident Stress

2. Any employee can initiate the CISM process by contacting any supervisor, Peer Support Specialist or Peer Support Program Coordinator. Supervisors have the responsibility of notifying their Division Commander or designee to request a CISM activation.

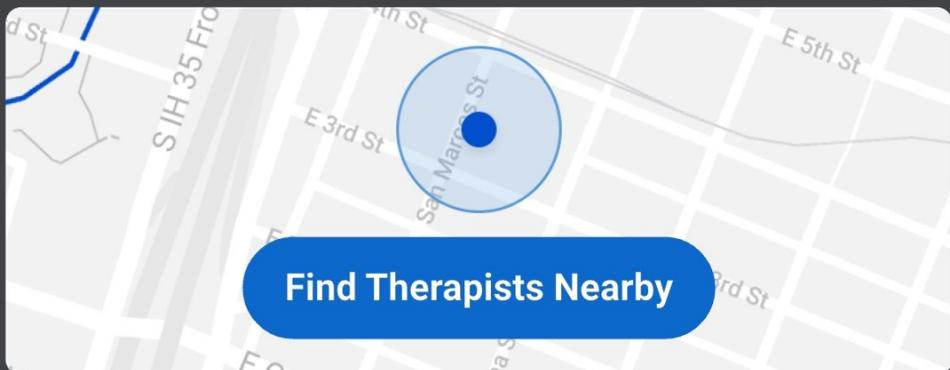
320.8 COMPLIANCE

Violations of this policy, or portions thereof, may result in disciplinary action as described in the City of Olathe Employee Handbook, or the Olathe Police Department's written directives. Members of the Olathe Police Department, while assigned to or assisting other agencies, shall comply with this policy.

320.9 APPLICATION

This document constitutes department policy, is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense, with respect to third party claims insofar as the employee's legal duty as imposed by law. Violations of this policy, can only form a basis of a complaint by this department, and then only in a non-judicial administrative setting.

 Support Directory



Peer Support



Clinician



Chaplain Support



Home



Discover



Get Help



Directory



My Org



Employee Handbook

City of Olathe

**Setting the Standard For Excellence
in Public Service**

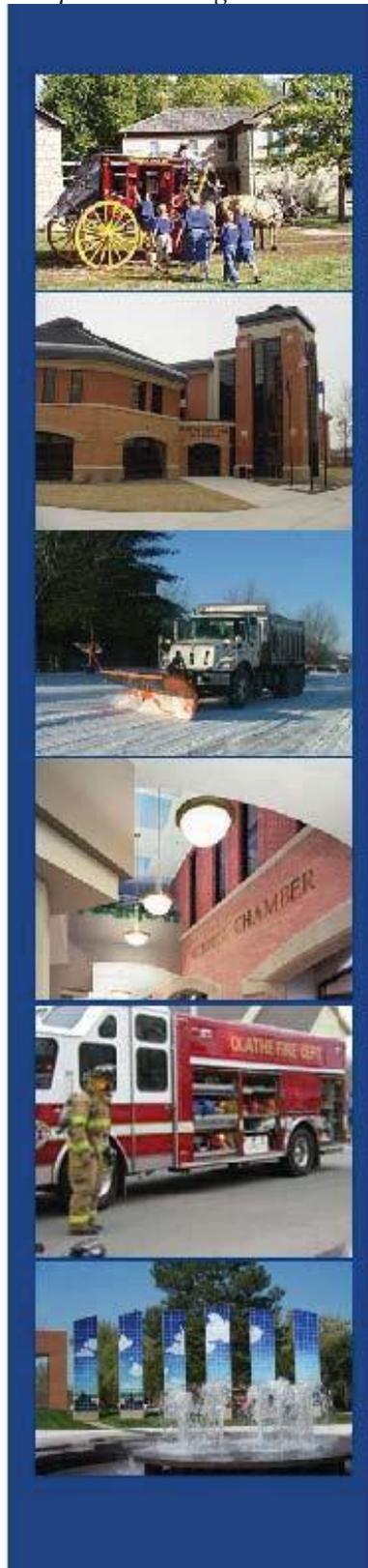


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WELCOME

Welcome! Congratulations on your decision to become a valued employee for the City of Olathe. We serve a thriving community that is not only one of the fastest growing cities in the country, but is also recognized as one of the best cities to reside in the Midwest. To what can we attribute our growth and recognition? A large part of it can be credited to employees like you who work hard to “set the standard for excellence in public service.”

You see, in our organization we value people. We invest in people by providing specialized training, professional development opportunities, and the best possible work environment in which to learn and grow. Our people exhibit integrity when making decisions and when performing duties. We embrace accountability for our actions. We take the initiative to get the job done, even when sometimes it may not be specified in our written position guides. We are committed to doing the right thing every time and to doing the very best we can in all we do. Also, we respect each other through it all, knowing that it takes all of us pulling together to truly “set the standard for excellence.”

The shared mission throughout our organization is to “plan for and provide public services to enhance the quality of life for our community.” While many organizations are in business simply to turn a profit, we are in business to enhance the quality of life for people! We believe strongly in our cause, and we have been successful at it. Our citizens rate us very high in the area of Customer Service. That’s because we value a friendly attitude that delivers timely, competent, and responsible service to both our internal and external customers. It’s also because we embrace learning. We are always seeking new ways to improve our organization and our community.

Our vision for the future is to “set the standard for excellence in public service.” We desire to be the best when it comes to local government. By setting the standard for excellence, others will look to our organization and our employees to see how we do things and why our organization and community are experiencing such success! By embracing teamwork and communicating effectively both internally and with our citizens, we will achieve this vision.

Once again, congratulations on your decision to be part of this value-based organization. It is my hope that you will join the hundreds of other employees who have embraced these values in the duties that they perform daily and that you will become a leader through the kind of service you choose to provide to those you serve.

My door is open to you if you have any questions, ideas, suggestions, or concerns. I wish you the best in your career with the City of Olathe.

Sincerely,

A handwritten signature in black ink, appearing to be the initials 'JM' followed by a long, sweeping horizontal line that loops back under the initials.

VISION, VALUES, AND MISSION



CITY OF OLATHE VISION, VALUES, MISSION



The City of Olathe plans for and provides public services to enhance the quality of life for our community

PREAMBLE: By embracing these core values, employees of the City of Olathe are committed to serving the community with respect, accountability, initiative, and integrity.

Customer Service: We value a friendly attitude that delivers timely, competent, and responsible service to all of our customers.

Teamwork: We value cooperation with others to achieve the best for our organization and community.

Learning: We value an innovative environment that challenges us to continuously seek ways to improve our organization and our community.

Communication: We value open discussion with others as the basis for decision-making and action.

Leadership through Service: We value an organization in which each of us is a leader focused on serving people through listening to, caring for, supporting, and developing others.

UNITED WAY

Dear Fellow City Employee:

The City of Olathe is an outstanding organization, made up of outstanding individuals like you. The values of the organization are reflected through our employees. City employees are interested -- and interesting -- people who take their jobs seriously and have fun doing them. Our employees, people like you, make Olathe a dynamic and great place to work.

As part of the values of our organization, we have the legacy of a strong commitment to our community. Employees are involved in activities that benefit and serve others. Many of your colleagues are scoutmasters, teachers, volunteer workers, and fundraisers for local charities. We also sponsor food drives, and “Toys for Tots” during the holidays.

One of our largest efforts of this type is our annual campaign for the United Way. In our 2012 campaign employees gave over \$23,000 for United Way. There are 61 agencies that help serve the KC Metro area, including Olathe.

When you give to the United Way, you’re helping to make the Olathe area a better place to live for everybody. Your gift is distributed to local programs whose goals and needs have been reviewed by trained volunteers. From after-school programs, mentors for students, basic services for the needy, family counseling, care for senior citizens, and a host of other worthwhile programs, your help will make a difference in peoples’ lives.

When pledge time arrives in the fall, please help us in “Setting the Standard for Excellence in Public Service,” and think very seriously about making a commitment to your community by giving to the United Way.

Sincerely,

A handwritten signature in black ink, appearing to be the initials 'JM' followed by a long, sweeping horizontal line that loops back down to the left.

INTRODUCTION

This handbook is designed to acquaint employees with the City of Olathe and provide them with information about working conditions, employee benefits, and the policies affecting their employment. All employees should read, understand, and comply with all provisions of the handbook. This employee handbook contains the official City-wide policies adopted by the City of Olathe. The terms “handbook” and “policy” may be used interchangeably throughout this handbook. It describes many employee responsibilities and outlines the programs developed by the City of Olathe to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

No employee handbook can anticipate every circumstance or question about organizational policies. As the City of Olathe continues to grow, the need may arise, and the City of Olathe reserves the right as it deems appropriate, to revise, supplement, or rescind any policies or portions of the handbook from time to time. Employees will be notified of such changes to the handbook as they occur. The City of Olathe is and will remain an “at will” employer. This means that employees can resign at any time, and likewise, the City can choose to terminate employment for any reason, other than where specifically prohibited by law. Nothing in this handbook alters the at-will nature of employment.

Organizational Expectations

City of Olathe employees are professionals with professional qualities, behaviors, and skills. City of Olathe employees desire the authority to exercise independent judgment and accept responsibility and accountability for actions and outcomes.

All City of Olathe employees are expected to:

- Strive for excellence.
- Obey the law; follow all rules, and City policies.
- Consider the public as consumers, and provide a customer oriented service.
- Work competently to make all City departments operate effectively.
- Keep informed.
- Protect each other’s welfare.
- Protect and care for City equipment and property.
- Maintain proficiency in job-related knowledge and skills.
- Be organized; manage time wisely.
- Help each other succeed, utilizing experience and knowledge in a positive way.
- Treat co-workers equitably and consistently.
- Assist in problem solving.
- Be pro-active.
- Communicate honestly and completely.
- Carry out decisions in a positive manner.

- Reflect the organizational expectations; be positive role models.

All City of Olathe department managers are further expected to:

- Be mentors and trainers, recognize good performance, and assist upwardly mobile employees.
- Be personal advocates for decisions.
- Provide information; address rumors with facts; be active listeners.
- Be positive, effective leaders; lead by example.
- Empower employees, assist when needed, take charge when appropriate, and be managers.
- Be participants; when possible, strive for consensus.
- Create a safe, professional, and courteous environment.

All City of Olathe department directors are further expected to:

- Be involved in the community – promote the City.
- Relate effectively with other departments and other organizations.
- Create alliances and partnerships in the public and private sectors.
- Seek creative alternatives to the way business is done.
- Develop self, while assisting in the development of subordinates.
- Ensure that the health and safety of their employees are considered and valued at all times.

Decision Making Model

City of Olathe Employees use five questions to guide their decision making process:

- Is the decision consistent with the adopted City of Olathe values, vision, and mission?
- Is the decision ethical?
- Is the decision legal?
- Is this the right thing to do?
- Does the decision promote a positive public perception?

EMPLOYEE ACKNOWLEDGMENT FORM

The employee handbook describes important information about the City of Olathe. I understand the handbook cannot answer every question and that I should consult the Human Resources Officer regarding any questions not specifically answered in the handbook. I have entered into my employment relationship with the City of Olathe voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the City of Olathe can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur, except to the City of Olathe's policy of employment-at-will, which cannot be modified. All such changes will be communicated through official notices via e-mail, employee newsletter, or the Intranet, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the City Manager has the ability to adopt any revisions to the policies in this handbook.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

EMPLOYEE SIGNATURE _____

EMPLOYEE NAME (TYPED OR PRINTED) _____

EMPLOYEE ID # _____

DATE _____

SECTION 1: POLICY ADMINISTRATION

Section Updated 3/8/2018

1-1. RESERVATION OF MANAGEMENT RIGHTS

1-1.A. City Manager

The City Manager retains the right to waive, amend, change, modify, suspend, interpret, or cancel in whole or in part any of the published or unpublished employee policies or practices of the City of Olathe without advance notice, at his/her sole discretion, and without having to give cause, justification, or consideration to any employee.

The City Manager retains the right to review and alter any action by a department director to hire, promote, transfer, assign, demote, discipline, lay off, suspend, terminate, or remove any subordinate officer or employee. Recognition of these rights and prerogatives of the City Manager is a term and condition of employment and of continued employment.

1-1.B. Department Directors

Department directors are responsible for effective employee management within their department. In the performance of that duty they may:

- Develop work rules, regulations, and employee policies uniquely applicable to their department, which are consistent with this employee handbook.
- Make certain that the Human Resources Officer reviews department employee policies prior to implementation to ensure compatibility with City policy, the employee handbook, and state, federal and local laws, regulations, and ordinances.
- Provide a copy of department policies to each employee in the department on their first day of work.
- Communicate to all employees any changes to policies before they are implemented.
- Use disciplinary action up to and including termination for failure to follow department employee policies.
- Approve all employee actions in their departments (the City Manager will approve actions related to department directors).
- Delegate authority to supervisors to administer this policy and any department work rules and regulations.
- Communicate performance objectives to supervisors, and ensure that these objectives are communicated to individual employees.
- Establish objectives and programs to improve employee management within the department and to create a safe, professional, and courteous environment.
- Provide opportunities for employees to be involved in helping plan and evaluate their work and to suggest ways to improve departmental performance and safety objectives.

1-1.C. Supervisors

Any employee who has responsibility for supervising other employees is a “supervisor”. Supervisors are responsible to department directors for effective administration of this policy and any rules or programs developed as a part of it.

Supervisors provide a link between department directors and employees and are expected to know, comply with, and communicate the City’s goals and policies to the employees they supervise. They also are expected to communicate to department directors the attitudes, behaviors, suggestions, and complaints of their employees.

Supervisors are expected to provide leadership and supervision for all employees, consistent with the guidelines described below. These guidelines do not create a contract or promise, express or implied, to employees. While supervisors are expected to treat similarly situated employees consistently, each situation must be addressed individually, and employees will not always be treated in an identical manner.

In addition to understanding the technical skills needed in their work units, supervisors should be able to lead and motivate their employees to do their best work. Accordingly, supervisors are encouraged to successfully complete training and transfer knowledge.

Supervisors are responsible for ensuring City goals for employee conduct and performance are achieved and that policies and procedures are implemented.

Supervisory duties may include, but are not limited to:

- Striving to improve communication and the sense of teamwork with employees.
- Motivating and leading employees toward achievement of stated department and City objectives.
- Reviewing and evaluating the performance of employees under their supervision.
- Reviewing and evaluating the work of their section of the organization and making changes or recommendations which will make the department safer and more effective.
- Recruiting and hiring employees within their work group.
- Recommending pay actions, disciplinary actions, promotions, demotions, transfers, and dismissals.
- Counseling and disciplining employees as necessary and responding to their grievances.
- Treating employees with respect and understanding in consideration of their individual circumstances.
- Treating employees in a fair and consistent manner.
- Giving recognition for good performance and providing guidance when improvement is needed.
- Explaining in advance when and why changes are necessary.
- Recommending employees with growth potential for other opportunities, even if it means losing them to other work units.
- Explaining the reasons for decisions to employees.

- Setting work goals and standards for employees to increase engagement.
- Creating a feeling of teamwork among employees.
- Setting good examples by holding themselves to the standards of conduct and performance that they demand of their employees.
- Overseeing special job training.
- Keeping employees informed about their work assignments, work progress, and opportunities for advancement.
- Approving and scheduling vacations, meals, and rest breaks.
- Approving allowances and reimbursement of employee expenses.
- Monitoring and addressing excessive absenteeism and tardiness and approving requests for time off.
- Verifying employee time records and scheduling overtime when necessary.
- Complying with applicable federal and state laws and regulations, including those concerning nondiscrimination, sexual harassment, and employee safety. Referring any complaints received to the appropriate person.
- Maintaining neat and orderly work areas.
- Ensuring that employees comply with all rules and regulations.

1-1.D. Human Resources Officer

The Human Resources Officer, with the support of the Human Resources Division, is responsible for administering the City's employee programs and policies. Duties may include, but are not limited to:

- Developing and interpreting employee policies and assisting and advising department directors in the application of these policies, as well as individual department policies.
 - Keeping up-to-date on current laws regarding employment practices and adjusting, revising, and implementing new policies and practices as warranted.
 - Administering a program for recruiting, interviewing, investigating, and screening potential employees and referrals of qualified applicants to department directors.
 - Conducting workforce assessment and working as a strategic partner with departments to address issues of employee retention and formulate succession plans.
 - Monitoring procedures for establishing new employee records and all subsequent employment actions to ensure that the City follows established procedures, adheres to guidelines, observes time limits, and processes required documents.
- Directing other areas of human resources administration, including:

- Compensation administration;
- Career band system;
- Employee records;
- Employee training and development;
- Employee relations;
- Health benefits and wellness programs;
- Performance management program;
- Dispute resolution procedure;
- Employee recognition and teambuilding activities;
- A comprehensive safety program;
- Risk management;
- Worker's compensation program;
- Auxiliary programs (*e.g.*); and
- Appeals procedure (see Handbook Section 6).

1-2. EMPLOYEE RECORDS

1-2.A. Employee Files

The Human Resources Division is responsible for maintaining official employee records for all City employees as they relate to performance evaluations, disciplinary actions, and all other personnel actions, and benefits.

Each employee will have an official file, maintained in Human Resources, containing information completed at time of employment and records provided by department directors. At a minimum, this file will contain information relating to employment applications, pay history, promotions, transfers, and other actions that affect the status of the employee.

1-2.B. Personal Information

Each employee will be responsible for ensuring that Human Resources is kept aware of his or her updated personal information. Employees may update changes of name, address or telephone number through online Employee Self-Service or by notifying the Human Resources Division. It is also important that employees immediately notify Human Resources of any changes of any changes in family status (marriage, divorce, birth, adoption or death) that may affect beneficiary eligibility. Employees' benefits or their dependents' benefits may be affected or lost if Human Resources is not notified of these changes within 30 days.

1-2.C. Medical Information

Information regarding an employee's medical condition or history, disabilities, serious health conditions, worker's compensation claims, and drug/alcohol tests is maintained in one or more separate medical files, with restricted access in accordance with law. Medical privacy training will be provided to appropriate staff (*e.g.* employees whose job responsibilities require them to access confidential medical files, members of the Sick Leave Bank Committee).

1-2.D. Access to Employee Information

This procedure covers the City's policy regarding responses to requests for access to and information from employee records.

- Employee files are the property of the City. Any current employee who wishes to review his/her official personnel file should contact Human Resources. Access at reasonable times and intervals in the presence of a Human Resources staff member will be granted. Copies of selected documents (typically those previously seen or signed by the employee, those previously provided to the employee, and those to which the employee has a legal right to review) will be provided to a current employee. Requests for access or copies from former

employees will not be honored in the absence of a bona fide subpoena.

- The City makes a good faith effort to preserve the confidentiality of personnel files. Therefore, supervisors may have access to selected portions of the official employee file of employees they supervise for legitimate business reasons. A supervisor's access to the medical file and other confidential files related to the employee will be permitted only if the supervisor has a bona fide need to know and access is not restricted by law. Supervisors who wish to access an employee's employment records must obtain advance approval of the Human Resources Officer. Copies of documents in the personnel file will be permitted only if absolutely necessary and on such terms and conditions as determined by the Human Resources Officer.
- The Human Resources Division will also release employee information to those individuals who have been authorized in writing to view the file by a current employee, by court order, subpoena, or other legal mandate; for justified law enforcement and public safety reasons; and as determined by the sole discretion of the City, subject to all applicable federal, state or local laws, or administrative regulations. The City will comply with the disclosure requirements of the Kansas Open Records Act (KORA).
- Departments shall refer all requests from external sources for employee information concerning applicants, employees, and past employees to the Human Resources Division.
- The Human Resources Division will release the following information on employees in accordance with KORA: dates of employment, position, and ending or current salary.
- Where applicable, the Human Resources Division shall notify all department directors, managers, or supervisors, who may possess relevant records, of the request and of the immediate need to produce all personnel records responsive to a lawful request. The Human Resources Division will consult with legal counsel with regard to any issues concerning the propriety of the request or manner of producing the records responsive to the request.

1-3. HANDBOOK UPDATES AND REVISIONS

This Handbook will be reviewed as need. When revised, the most current Handbook version will be communicated to employees via the City of Olathe's Intranet immediately.

SECTION 2: WORKING FOR THE CITY OF OLATHE

Section Updated 3/8/2018

2-1. CORE VALUES & AND LEADERSHIP PHILOSOPHY

2-1.A. The City's Core Values

By embracing these core values, employees of the City of Olathe are committed to serving the community with respect, accountability, initiative, and integrity.

Customer Service: We value a friendly attitude that delivers timely, competent, and responsible service to all of our customers.

Teamwork: We value cooperation with others to achieve the best for our organization and community.

Learning: We value an innovative environment that challenges us to continuously seek ways to improve our organization and our community.

Communication: We value open discussion with others as the basis for decision-making and action.

Leadership through Service: We value an organization in which each of us is a leader focused on serving people through listening to, caring for, supporting, and developing others.

2-1.B. The City's Leadership Philosophy

Each of us who work for the City of Olathe live our leadership philosophy.

- We are passionate about making a positive difference while building a safe and quality community.
- We believe we are at our best when we consult and collaborate, utilizing our individual expertise, knowledge and creativity in teams throughout the organization.
- We are responsible stewards of the public trust and are accountable to our citizens and to each other.
- We encourage professional development and personal growth for continuous improvement.
- We use performance measures to benchmark our progress, and we celebrate achievements and innovations.

2-2. CODE OF ETHICS

The City of Olathe adopted an ethics policy, Resolution No. 98-1068 (see Appendix D), as adopted by the City Council. The City's Code of Ethics holds that officials and employees of the City shall:

- Be dedicated to the ideals of honor and integrity in all public and personal relationships.
- Conduct themselves so as to maintain public confidence in the performance of their job duties.
- Make it their duty to improve operations and productivity, and use time wisely so that all

citizens know that full value is being received for each tax dollar spent.

- Seek no favors, nor use the prestige of office for private gain, nor use confidential information or government equipment or supplies to secure a profit or enhance wealth.
- Ensure that expenditures made by the City are in the interest of the City, for the betterment of the City, and only for appropriate City business.
- Avoid conflicts of interest by refraining from participating in decisions or being involved in transactions in which they or their family has an interest, and make full disclosure of association when involvement cannot be avoided.
- Address constituents' concerns and needs, striving to provide the highest level of service with equity, neither granting special favor nor discriminating against any citizen.
- Work in full cooperation with other officials and employees, unless prohibited by law or recognized confidentiality of material, to perform the operations of government, but not to exceed their authority or encroach on another's professional responsibilities.
- Refrain from assisting and representing the private interests of another before any commission, board, council, or agency of the City when they have any official involvement with respect to the determination of the private interest.
- Avoid the appearance of improper influence; refrain from ever receiving, soliciting, or accepting gifts, gratuities, favors, or anything of value for themselves, their family, or others which are intended or have the appearance or effect of influencing the performance of their duties; and never lobby or attempt to influence others in performance of their duties by any means which are not part of their authorized duties.

City employees may be offered honorariums as a result of speaking engagements or conducting seminars. A reasonable fee for time actually spent in preparation or participation may be accepted as long as the City is not also compensating the employee for the time, then the honorarium will be rejected.

Any gift not authorized by this subsection may be returned to the donor, transmitted to the City Treasurer, or turned over to the City to be used by the City or to be sold with the proceeds of such sale deposited into the general fund of the City. The City Treasurer for the City shall be notified within seven days of the receipt of any monetary property not authorized by this subsection.

2-2.B. Ethics Hotline

In order to help identify and encourage employees and the general public to report ethical violations, the City has established an ethics hotline. The number to the hotline is 1-800-363-8042. All calls to the hotline are confidential to the fullest, practicable extent. The ethics hotline may also be accessed through the City of Olathe Web site at www.olatheks.org.

All department directors, managers, supervisors, and employees are strictly prohibited from retaliating against any person, citizen, or co-worker who reports a violation or suspected violation of the code of ethics to the ethics hotline.

All complaints regarding violations of the City's Code of Ethics, Employee Handbook Section 2-2 are to be submitted by writing to the City Manager's Office or via the ethics hotline (1-800-363-8042) for investigation.

Any time a violation is alleged to have occurred by a City of Olathe employee or volunteer, an

Investigation and Report Committee comprised of City of Olathe employees will initiate an

investigation upon notification by the City Manager. For complaints involving City employees, the City Manager shall direct department directors to enforce appropriate disciplinary action.

Primary Functions and Confidentiality

- The primary function of the committee is to act as an advisory body to the City Manager.
- Members of the committee are charged with keeping all information on matters strictly confidential.

Meetings

- The committee will meet as necessary to consider all complaints.
- Two members shall constitute a quorum.

Violations

- Violations of the code of ethics shall be subject to disciplinary action as called for under Section 5 of the City's Employee Handbook.
- Employees may appeal a disciplinary action as permitted under Section 6 of the City's Employee Handbook.

Volunteers who have violated the City of Olathe's code of ethics may be removed from their positions.

2-3. EMPLOYEE RELATIONS

The City intends to maintain a positive and rewarding work environment and expects employees to behave and perform in a manner that is consistent with such a work environment.

The City of Olathe believes that the work conditions, wages, and benefits it offers to its employees are competitive with those offered by other employers in this area and in this industry. Employees are strongly encouraged to discuss any concerns they may have regarding their compensation and working conditions with their supervisors. Employees will not be transferred, demoted, terminated, or retaliated against in any way for voicing a concern in a professional manner.

2-3.A. Environment

The City of Olathe's experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe that the City of Olathe amply demonstrates its commitment to employees by responding effectively to employee concerns. It is the policy of the City to seek employees who are committed to excellence in the provision of services to the public. The City is dedicated to providing its employees with a family-friendly and productive work environment that encourages and rewards outstanding performance. The City values a diverse workforce and expects mutual respect and cooperation from all employees regardless of their differences. The City will implement effective policies and procedures, provide managers and employees with available resources and appropriate training, use performance management to encourage all employees to support the organization's best interests, and offer employees market-competitive compensation and benefits programs to meet those goals.

2-3.B. Rewarding Relationship

The City is committed to a mutually rewarding and direct relationship with its employees. The City retains the sole discretion to exercise all managerial functions. Thus, the City attempts to:

- Provide equal employment opportunity and treatment regardless of race, religion, color, gender, age, national origin or ancestry, disability, military status, creed, pregnancy, political affiliation, or belief.
- Provide market-competitive, performance-based compensation.
- Provide market-competitive, comprehensive, and flexible benefits.
- Provide a safe and productive working environment that is free from harassment.
- Establish reasonable hours of work based on the City's commitment to public services.
- Monitor and comply with applicable regulations concerning employee safety.
- Offer appropriate training and professional growth opportunities.
- Indemnify and defend employees acting within the scope of their employment and in compliance with City policy in appropriate circumstances.
- Be receptive to constructive suggestions about job duties, working conditions, or employee policies.
- Establish appropriate means for employees to discuss matters of concern with their immediate supervisors, department managers, and/or department directors.

2-3.C. Expectations

The City, as part of its commitment to providing the public excellent services and to creating a productive work environment, expects all employees to:

- Interact with the public and business associates in a professional manner.
- Represent the City in a positive and ethical manner.
- Perform assigned tasks in an effective and efficient manner.
- Be punctual and work as scheduled.
- Behave in a considerate, friendly, and constructive manner toward fellow employees.
- Comply with the policies adopted by the City.

2-4. NATURE OF EMPLOYMENT

Employment with the City of Olathe is voluntarily entered into, and the employee is free to resign at will at any time, with or without cause. Similarly, the City of Olathe may terminate the employment relationship at will at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law.

Policies set forth in this handbook do not create a contract, nor are they to be construed as contractual obligations of any kind or as a contract of employment between the City of Olathe and any of its employees. The provisions of the handbook have been developed at the discretion of management and, except for its

policy of employment-at-will, may be amended or canceled at any time at the City of Olathe's sole discretion.

These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the City Manager.

2-5 EMPLOYMENT OF RELATIVES

The employment of relatives within an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work (e.g., nepotism), personal conflicts from outside the work environment can be carried into day-to-day working relationships. The definition of a relative for hiring purposes is: spouse, parent, child, brother, sister, brother/sister-in-law, grandparent, grandchild, stepparent, stepchild, step-grandparent, step-grandchild, son/daughter in-law and mother/father in-law.

This policy may apply differently to different position categories as defined in Employee Handbook Section 2-10, Employment Categories.

2-5.A. Guidelines for Regular Positions

- The City will not fill openings for regular positions with relatives of persons currently employed in regular positions by the City of Olathe.
- Current employees may not supervise relatives. Relative is defined above.
- Current employees will not be promoted into a position where they would supervise a relative within their department.
- If current employees are promoted into a department director position or above, their relatives are ineligible for continued employment and will be terminated within 180 days.

Employees who become related during their employment will have 180 days to make a decision regarding employment status, since both persons would not be allowed to remain as employees with the City of Olathe. If the employee(s) fails to make said decision, then the Human Resources Officer, after consulting with the department director(s) of the affected department(s), will make the decision of which employee to terminate.

2-5.B. Guidelines for Seasonal and Temporary Positions

Seasonal and temporary work may, in certain situations, constitute an important bridge to a regular position with the City. In order to avoid limiting the career potential of the City's seasonal and temporary employees who are related to City employees, this policy will apply to all positions, except as stated herein.

This policy will not affect seasonal and temporary positions in certain programs within the Parks & Recreation Department. Such positions are:

Sports Officials
Lifeguards
Sports Instructors

Additionally, the City of Olathe recognizes its privilege and responsibility to educate the City's youth through training opportunities, internships and other workplace experiences. As such, this policy will not impact seasonal or temporary employees who work in any department and who are: a) under the age of twenty-six (26), b) children and stepchildren of City employees, and c) enrolled in school. The Assistant Director of Human

Resources will approve such hires and use reasonable care in validating school enrollment.

Affected seasonal or temporary employees will be allowed a 180-day transition period before terminating employment with the City; this transition period will begin on the day that any change under this policy renders the employee in violation.

2-5.C. Grandfathered Status

Individuals hired before or during 2008 are grandfathered under the City's former policy. For such employees, the definition of "relative" is: spouse, parent, child, brother, sister, grandparent, grandchild, stepparent, stepchild, step-grandparent, step-grandchildren, son/daughter in-law, and mother/father in-law.

2.5.D. Exceptions

Department directors, with the consent of the City Manager, may make exceptions to this policy when such exceptions are in the best interest of their respective departments and the organization. All decisions pertaining to exceptions to this policy must be in writing.

2-6. RELATIONSHIPS IN THE WORKPLACE

Dating and physical relationships between employees can have a serious adverse impact on employee relations and workforce morale and increase legal liability for the City. It is nearly impossible to eliminate the emotional reactions that come during dating and/or during a break-up from the professional requirements of an employee's position when the dating parties work in the same department. Directors, managers, and supervisors should appropriately manage personal relationships and activities, including, but not limited to, refraining from social media posts that could compromise the employee/manager relationship, or suggest favoritism.

2-6.A. Directors, Managers, Supervisors

All directors, managers, and supervisors are strictly prohibited from dating any employee they manage or supervise and/or who is within their line of supervision. Directors, managers, and supervisors may request a transfer to a different department before beginning a dating and/or physical relationship.

2-6.B. Co-Workers

Employees who do not manage and/or supervise each other may continue dating, but must inform their respective supervisors and department directors of the relationship. The department directors may consult with the Human Resources Officer if there is any concern regarding the existence of the relationship. Being involved in a dating and/or physical relationship with a co-worker may severely impact an employee's opportunities for promotion to supervisory positions within the organization.

Employees who fail to inform their supervisors or their department directors of the dating relationship will be subject to disciplinary action up to and including termination.

2-6.C. Transfers

If a supervisor and/or department director determine that a dating relationship is adversely impacting the work environment, then one and/or both of the parties may be asked to accept a transfer to another department and/or resign. The party involved will have thirty (30) days to request a transfer to another open position for which he/she is qualified. The department director shall have up to an additional thirty (30) days to review the transfer request and propose alternatives. This period may only be extended after consulting with the Human Resources Officer. If a transfer is not available or the applicant is not the most qualified person for the position, then either or both of the parties may be terminated. The decision of whether a relationship is

Adversely impacting the workplace environment is left to the sole discretion of the supervisor and/or department director.

The department director with the open position shall have the sole authority and discretion to determine whether a person applying for a transfer is qualified for the open position.

2-7. OUTSIDE EMPLOYMENT

An employee may hold an outside job if, in the opinion of his/her supervisor and department director, the following conditions are met: there is no conflict with the employee's working hours; there is no conflict of interest; the outside employment does not require City resources; and the employee's efficiency in his or her City job is not affected. All outside employment must be approved in writing by the appropriate department director, and such approval must be renewed annually. If outside employment or self-employment adversely affects performance of the employee's City job, the City may require an employee to take whatever action is necessary to eliminate the interference, up to and including discontinuance of the outside employment or self-employment.

2-8. INTRODUCTORY PERIODS

The introductory period is intended to give new employees the opportunity to demonstrate the ability to achieve a satisfactory level of performance. The City of Olathe uses this period to evaluate an employee's capabilities, work habits, and overall performance. Either the employee or the City of Olathe may end the employment relationship at will at any time during or after the introductory period, with or without cause or advance notice. New employees are not eligible for the appeal procedure for disciplinary actions during their introductory period (see Employee Handbook Section 6).

2-8.A. New and Rehired Employees

All new and rehired employees work on an introductory basis for the first 12 months after their date of hire. Any significant absence of five consecutive working days or more may extend an introductory period by the length of the absence. If the City of Olathe determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended, with written notice to the employee.

All rehires are subject to City Manager Office and department director approval, with the exception of seasonal employees returning to seasonal employment (e.g. lifeguards, sports officials, sports instructors and seasonal park/street maintenance workers).

2-8.B. Completion

Upon satisfactory completion of the introductory period, employees enter the "regular" employment classification. (See Appendix XX, Hiring and Recruiting – *pending completion*)

2-8.C. Benefits

During the introductory period, new employees are eligible for those benefits that are required by law, such as Social Security and workers' compensation insurance. They may also be eligible for other City of Olathe-provided benefits, subject to the terms and conditions of each benefit program. Employees should read the information for each specific benefit program for the details on eligibility requirements. New employees are not eligible for the appeal procedure for disciplinary actions during their introductory period.

2-8.D. Review during Introductory Period

Supervisors will provide new employees with a performance planning document within thirty (30) days of

hire date. The employee will have a review at the next mid-year or annual review date. The employee's supervisor will inform the employee of any required changes in performance and take advantage of appropriate coaching opportunities.

2-8.E. Termination during Introductory Period

Any new employee in the introductory status who cannot demonstrate satisfactory performance maybe terminated without the right of appeal at any time during the introductory period.

2-8.F. Former Employees as Contractors

All former employees seeking to do contract work for the City of Olathe are subject to City Manager approval and must meet the same standards as other vendors desiring to provide services or products to the City of Olathe, as such standards are set forth in the City's Procurement Manual.

2-8.G. Probationary Period for Promotions and Transfers

Employees who are promoted or transferred (as defined in Employee Handbook Sections 3-4.A and 3-4.B) at the City of Olathe must complete a twelve-month probationary period. An employee who, in the sole judgement of leadership, is not successful in the promoted or transferred position, may be removed from that position at any time during his or her probationary period. If this occurs, the employee may be allowed to return to his or her former position, or to a comparable position for which the employee is qualified, depending upon the availability of such a position, the City of Olathe's needs and at the sole discretion of leadership.

2-9. SEPARATION FROM EMPLOYMENT

2-9.A. Types of Separation from Employment

Separation from employment is an inevitable part of employee activity within any organization, and many of the reasons for separation are routine. Below are examples of some of the most common circumstances under which employment ends:

- Resignation: voluntary employment separation initiated by an employee.
- Termination: involuntary employment separation initiated by the organization.
- Layoff: involuntary employment separation initiated by the organization for non-disciplinary reasons.
- Retirement: voluntary employment separation initiated by an employee meeting age, length of service, and any other criteria for retirement from the organization.

See Employee Handbook Section 8-4 for information regarding employee benefits upon termination.

2-9.B. Exit Interviews

The City of Olathe may schedule exit interviews when employees voluntarily leave the organization. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the City of Olathe, or return of the City of Olathe-owned property. Human Resources will also ask exit questions to garner important feedback regarding reasons for turnover, employee engagement, training and supervisory quality, organizational culture and other areas that will help us to improve as an organization. Human Resources will compile results into periodic reports for the Executive Team.

2-10. WORK SCHEDULES

It is the policy of the City to establish the time and duration of the workday as required by workload and production flow, public service needs, efficient management, and any applicable laws.

2-10.A. Schedules for Employees throughout the City

- The City's standard hours of operation are 8:00 A.M. to 5:00 P.M., Monday through Friday.
- The City's standard workweek is from 12:00 A.M. Monday through 11:59 P.M. Sunday. Assigned hours of work vary by department and position to meet department goals and schedules, except for firefighters and police officers. Civilian employees of the Fire Department and Police Department shall fall within this policy.
- Supervisors will advise employees of their individual work schedules.
- Staffing needs and operational demands may necessitate requirements and/or variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.
- Employees must adhere to their assigned work schedules or be subject to disciplinary action.
- All full-time employees who work the standard City hours of operation will have 30 minutes of paid break time to be divided equally between morning and afternoon. In all other situations, department directors will establish the break policies for their departments. Employees in similar work situations should receive uniform treatment concerning break policy.
- Departments authorize rest and meal periods that accommodate their business needs. Each department is responsible for scheduling rest and meal periods for non-exempt employees, considering the workload and nature of the job performed.
- Rest and meal periods normally should not be taken at the beginning or end of the workday to change the reporting and/or quitting time.

2-10.B. Flexible Working Time

Flexible working time is the restructuring of the working hours within the standard workweek (Monday through Sunday) and is subject to department director approval.

Departments establish work schedules that accommodate their individual business needs. Supervisors will inform employees of their work schedules, including days, hours of work, and designated rest and meal periods at the time of hire or transfer. Employees are not authorized to change work schedules without the prior approval of their supervisors.

Work schedules for any employee may be altered by the department as necessary to accommodate the workload or to accommodate employee needs.

Departments may establish and document a compressed work schedule that allows a non-exempt employee to work more than eight hours per day over the course of less than five days per workweek on an ongoing basis.

2-11. SMOKING AND TOBACCO USE AT WORK

In keeping with the City of Olathe's intent to provide a safe and healthful work environment, smoking and tobacco use are prohibited throughout most areas of the employee's work environment.

This policy also implements procedures in compliance with City of Olathe's Municipal Code, Chapter 6.20, involving the prohibition of smoking and the carrying of lighted smoking materials in places of employment and certain areas commonly used by and open to the general public in order to protect the health, safety, and welfare of City of Olathe employees and the community. The use of smoking materials shall be prohibited in City of Olathe owned, rented, leased, or borrowed facilities and vehicles at all times.

Consistent with the Olathe Municipal Code, Chapter 6.20, "smoking" includes the use of an electronic or battery- powered vaporizer (such as e-cigarette/electronic cigarette) that simulates tobacco smoking by producing an aerosol that resembles smoke.

Non-Smoking Facility Posting

The Facility Maintenance Division shall post, or cause to be posted in a conspicuous place, signs clearly stating that smoking is prohibited by state law and City ordinance.

Smoking at Work

Smoking by an employee is not permitted at any work station; within ten feet of any work station entrance, door, open window, or ventilation system; inside any City of Olathe owned, rented, leased, or borrowed facility; in or on any City of Olathe owned, rented, leased, or borrowed vehicle.

Smokeless Tobacco

The use of smokeless tobacco is discouraged and may be prohibited based on job requirements.

Department directors shall be responsible for adapting this policy as needed. Supervisors have responsibility for policy implementation within their work area.

Violation of this policy may result in disciplinary action up to and including termination.

2-12. ALCOHOL AND DRUG USE

Employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

While on the City of Olathe premises and while conducting business-related activities off the City of Olathe premises, no employee may use, possess, distribute, sell, manufacture, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on-the-job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. It is an employee's responsibility to notify his/her supervisor if any prescription medication negatively impacts the ability to safely perform job duties.

2-12.A. Employee Assistance Program

The City of Olathe encourages any employee with a drug or alcohol problem to contact his/her supervisor or the Human Resources Department for assistance. The City of Olathe is eager to help employees and will, at the employee's request, refer him/her to an appropriate agency or clinic for professional assistance. The City of Olathe maintains an Employee Assistance Program (EAP), which may be confidentially used by employees who need assistance in overcoming alcohol and/or drug problems. Employees may also use their group health insurance program to assist with the cost of attending a drug and/or alcohol rehabilitation program.

Employees will not be subject to discipline for voluntarily acknowledging their drug/alcohol problems. However, this will not excuse violations of the Drug and Alcohol Policy for which the employee is subject to discipline. Employees who voluntarily enter a drug/alcohol rehabilitation program will be placed on leave and will be reinstated to their regular position when they are able to perform their essential job functions, provided that business operations allow for the employee's absence for the period needed to complete the rehabilitation program

2-12.B. Testing for Alcohol and/or Drugs

Applicants for employment and employees of the City of Olathe will be subject to alcohol and/or drug testing under the following circumstances:

- Employment: All prospective regular employees must pass a drug screening test as part of their pre-employment physical examination.
- Change of Position: Any employee who is assuming a position of police officer or firefighter with the City of Olathe will be required to pass a drug-screening test prior to movement into that position.
- Reasonable Suspicion: Any employee whose actions or performance lead to a reasonable suspicion by the supervisor or management that he/she may be under the influence of alcohol and/or drugs will be tested for such substances. Reasonable suspicion means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs and/or alcohol. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:
 - A pattern of abnormal or erratic behavior.
 - Information provided by a reliable and credible source.
 - Direct observation of drug or alcohol use.
 - Presence of physical symptoms and indications, such as, but not limited to: glassy or bloodshot eyes, alcohol on breath, marijuana odor on clothes, slurred speech, or poor coordination.
 - A work-related accident when the employee shows any of the signs of intoxication or being under the influence as identified above.
- Accident or Safety-Related Incident: Any employee involved in an accident or safety-related incident in which there is a reasonable suspicion to believe and/or the employee shows any of the signs of intoxication or being under the influence as identified above.
- Post Treatment or Rehabilitation: Any employee who has been sent to and completed a treatment or rehabilitation program for the use of drugs will be subject to random testing for a period of up to one year following the successful completion of the program. The testing dates will be arranged by the Human Resources Division after consulting with the employee's director, manager, or supervisor.

Substances for Which Testing May be Done

When alcohol and/or drug testing is required under the provisions of this policy, a test will be given to detect the presence of the following classes of substances and their metabolites:

Alcohol (ethyl).

Amphetamines (e.g., speed).

Cocaine.

- Opiates (e.g., codeine, heroin, morphine, hydromorphone, hydrocodone).

- Phencyclidine (PCP).
- Cannabinoids (e.g., THC, marijuana).

In addition, the City of Olathe may at any time require testing for any drugs covered by The Kansas Controlled Substance Act (K.S.A. 65-4101 et seq.).

Consent

Before a drug or alcohol test is administered, employees and job applicants must sign a consent form authorizing the test and permitting release of test results to those City of Olathe officials with a need to know (all minors must have a release signed by a parent or guardian). Applicants who refuse to submit to a drug test or whose drug test is positive will not be considered for employment for one year. Employees who refuse to submit to a drug and/or alcohol test will be terminated.

Collection Procedures

Drug testing will be done using a urine sample, and a breathalyzer will normally be used to test for alcohol. All samples will be taken at and tested in facilities approved by the Human Resources Department. Every reasonable effort will be made to protect the privacy rights of individuals while minimizing the potential for tampering.

A chain of custody procedure will be used to assure the security of the urine samples through the collection and testing process. During normal working hours Monday through Friday, urine samples will be collected at a site approved by the Human Resources Department. After hours and on weekends, samples will be collected at the emergency room of the Olathe Medical Center.

Alcohol Testing

When an employee's immediate supervisor and department director have reasonable suspicion that an employee is under the influence of alcohol, they must document the employee's behavior that led to the reasonable suspicion and then transport the employee to an approved medical facility. The medical provider will request that the employee complete a consent form and a breathalyzer test. The test results will be provided to the City's Human Resources Officer for inclusion in the employee's medical file.

Drug Testing

When an employee's immediate supervisor and department director have reasonable suspicion that an employee is under the influence of illegal drugs, they must document the employee's behavior that led to the reasonable suspicion and then transport the employee to an approved medical facility. The medical provider will request that the employee complete a consent form and give a urine sample for drug testing. Once a urine sample has been collected, an approved laboratory will conduct the initial drug screening test using enzyme-multiplied immunoassay technology (EMIT). The test results will be provided to the Human Resources Officer for inclusion in the employee's medical file. If the initial screening is positive, a confirmatory test will be conducted using gas chromatography/mass spectrometry (GC/MS) techniques. All confirmed positive test results will be sent to the approved medical review officer (MRO) for further examination, interpretation, and explanation.

If it is determined that there is a legitimate medical explanation for the positive test result and that the result is consistent with the lawful use of a drug, then the test result shall be reported to the Human Resources Officer as negative. If it is determined that the test result is not consistent with the lawful use of a drug, then the test result shall be reported to the Human Resources Officer as positive. Employees who have a positive drug test result may, at their own expense, have the same sample tested at a laboratory of their choice providing it is NIDA certified.

2-12.C. Responsibilities

Employee Responsibilities

- Come to work free from the influences of alcohol and drugs and not within four hours of drinking alcohol.
- Notify supervisor when taking a prescription or nonprescription drug which may hamper job performance.
- Notify supervisor when there is evidence or reasonable suspicion of drug and/or alcohol use by another employee.
- Sign an alcohol/drug consent form when requested to do so by supervisor or member of management.
- Report for and submit to a drug and/or alcohol test when asked to do so by supervisor and/or management.
- Notify his or her supervisor or Human Resources, in writing, within five (5) calendar days, if he or she is convicted of violating a criminal drug statute. For the purposes of this policy, a conviction includes a plea of nolo contendere, a plea in abatement, diversion agreement, and any other agreement wherein the employee admits to the elements of the crime in agreement that the charges will be dismissed should the employee meet conditions established by the prosecuting attorney. Any employee who is convicted of violating a criminal drug statute must satisfactorily complete the Employee Assistance Program described in Employee Handbook Section 2.17.B, to the extent consistent with the remedies for law enforcement employees set forth in Employee Handbook Section 2.71.E.
- Ensure they do not smell like alcohol or an alcoholic beverage. (Does not apply if the odor is related to a medical condition.)

Supervisor and Department Director Responsibilities

- Encourage employees to voluntarily seek help through the EAP prior to the occurrence of a job-related incident.
- If an employee appears to be unfit for work due to the possible use of drugs and/or alcohol, immediately relieve that employee from duty.
- Request the presence of the department director or other supervisor designee to confirm the observable behavior where possible.
- Record the observable behavior which led to a reasonable suspicion that this employee may be under the influence of alcohol and/or drugs.
- With the department director's or designee's approval, request the employee to sign a drug/alcohol testing consent form. If the employee refuses to sign, explain that such action is grounds for termination.
- If alcohol testing is needed, contact Human Resources for assistance. If drug testing is needed, transport the employee with the signed consent form to the approved testing facility.
- Provide for random testing of employees who have been sent to and completed a drug rehabilitation program or who qualify as described above.

- Report any employee criminal drug statute convictions for violations occurring in the workplace to the Human Resources Officer, or designee.
- Ensure that proper confidentiality is exercised.

Human Resources Division Responsibilities

- Schedule prospective employees for drug testing in conjunction with pre-employment physical examinations.
- Notify hiring supervisors of any prospective employees who have failed to pass the drug test.
- Provide training for supervisors in identifying and handling employees who may be under the influence of alcohol and/or drugs while on the job.
- Report to the federal government, within ten (10) days of receiving notice, any criminal drug statute convictions of employees for a violation occurring in the workplace.
- Ensure that proper confidentiality is exercised.
- Schedule all random drug tests required under this policy.

2-12.D. Consequences

Employees who are found in violation of this policy may be subject to the following:

- Alcohol: All employees found to have a blood-alcohol concentration of 0.08% or more (or its equivalent as determined by a diagnostic test such as a breathalyzer) while on City of Olathe property or on City of Olathe business may be referred to the EAP and required to complete an approved rehabilitation program. Upon completion of an approved rehabilitation program, employees may be placed on probation for 12 months, and shall be subject to random testing while on probation. If the employee violates any rules set forth in this policy during the probationary period, he/she shall be terminated. Failure to successfully complete the rehabilitation program will be grounds for termination. The remedies set forth in this subsection do not exclude application of the disciplinary actions set forth in Employee Handbook Section 5.
 - Employees with a blood-alcohol concentration of less than 0.08% (or its equivalent) shall be handled on a case-by-case basis by their respective department director and Human Resources.
- Drugs: All employees, except sworn police officers, who test positive for the presence of illegal drugs, may be referred to the EAP and required to complete an approved rehabilitation program. In addition, they may be placed on probation for 12 months. If the employee violates any rules set forth in this policy during the probationary period, he/she shall be terminated. Employees who have successfully completed a rehabilitation program will be required to submit to random drug testing for a period of one year. Random drug tests will be scheduled by the Human Resources Department after consulting with the employee's department director, manager, or supervisor. After rehabilitation, an employee who again tests positive for the presence of drugs and/or alcohol will be terminated from employment. The remedies set forth in this subsection do not exclude application of the disciplinary actions set forth in Employee Handbook Section 5.

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- Any law enforcement employee who tests positive for the presence of illegal drugs, because of their oath of office and/or duty to uphold the law, will be reviewed on a case- by-case basis by the Chief of Police and Human Resources Officer.
- Employees who are found using, possessing, buying, or selling drugs while on the job will be terminated.
- Employees who tamper with a sample or attempt to deceive the City of Olathe during the testing process will be terminated.
- Employees who refuse to sign the consent form and submit to a drug and/or alcohol test when requested to do so will be terminated.

2-12.E. Drug Paraphernalia

Employees are prohibited from bringing drug paraphernalia onto City of Olathe property at any time. An employee who possesses or distributes such paraphernalia while on City of Olathe property shall be subject to disciplinary action up to and including termination. In addition, the police will be called, and any person found carrying illegal drug paraphernalia may be arrested.

2-12.F. Over-the-Counter or Prescribed Medication

Employees who take over-the-counter or prescribed medication are responsible for being aware of any effect the medication may have on the performance of their duties and must promptly report to their supervisors the use of any medication that may impair their ability to do their jobs. The supervisor, upon learning of a medication that may impair an employee, will immediately contact the Human Resources Division to discuss the situation. An employee who fails to do so shall be subject to disciplinary action up to and including termination.

2-12.G. Progressive Discipline Not Applicable

Violations of this policy may lead to disciplinary action up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences

2-12.H. Confidentiality

All information from an applicant's or employee's drug/alcohol test is confidential, and only those persons who need to know for disciplinary or other employment-related purposes are to be informed of test results. Laboratory reports and other information of this nature will be contained in a separate, confidential, physical record file that will be securely kept under the control of the Human Resources Division. The reports or test results may be disclosed to City of Olathe management on a strictly need-to-know basis and to the tested employee. Disclosures without employee consent may also occur when:

- The information is compelled by law or by judicial order or administrative process.
- The information has been placed at issue in a formal dispute between the employer and employee.
- The information is to be used in administering an employee benefit plan (group statistics only).
- The information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.

2-12.I. Notification and Training

Human Resources will establish a drug-free awareness program to make employees aware of (a) the dangers of drug abuse in the workplace; (b) the policy of maintaining a drug-free workplace; (c) any available drug counseling, rehabilitation, and employee assistance programs; and (d) the penalties that may be imposed upon employees for drug abuse violations.

The Human Resources Division will develop a program for training supervisors in identifying alcohol and drug use among employees. Such training will be directed toward helping supervisors recognize the conduct and behavior that gives rise to a reasonable suspicion of alcohol and drug use. The Human Resources Division will also develop a program for relevant training (e.g., CDL drivers) in avoiding alcohol and drug use. Such training will be directed toward helping employees understand the severe consequences of alcohol and drug use.

2-12.J. Adherence to Federal Regulations

This policy is consistent with the Drug Free Workplace Act of 1988, which requires employees to notify the City of Olathe of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such a conviction.

2-17.K. Policy for Commercial Drivers

The alcohol and drug policy for employees who drive commercial vehicles within the scope of City employment is contained in Appendix A: Alcohol and Drug Policy for CDL.

2-13. WORKPLACE VIOLENCE PREVENTION

2-13.A. The City of Olathe is committed to providing a safe, violence-free work environment for our employees. Due to this commitment, we discourage employees from engaging in any physical confrontation with a violent or potentially violent individual and prohibit them from behaving in a threatening or violent manner. Threats, threatening language, or any other acts of aggression or violence made toward or by any employee will not be tolerated. A threat may include any verbal or physical harassment or abuse, attempts to intimidate others, menacing gestures, stalking, or any other hostile, aggressive, and/or destructive actions taken for the purposes of intimidation. This policy covers any violent or potentially violent behavior that occurs in the work environment or at City-sponsored functions.

City employees are expected to be able to serve angry, upset, or otherwise disgruntled customers and the general public with patience, courtesy, and respect; however, no employee is required to tolerate physical or verbal threats to his/her own safety. Further, it is a goal of the City to maintain a work environment that provides for respectful conflict resolution

The City assumes the initiative for maintaining a safe work environment. Each department director is charged with the coordination, development, and maintenance of appropriate procedures for addressing workplace violence relevant to the functions of that department. These include the procedures for prevention, securing work areas, incident reporting, and incident response.

This policy prohibits retaliation against an employee who brings a complaint of violent, threatening, or intimidating behavior. The employee will not be adversely affected in terms and condition of employment or discriminated against or terminated because of the complaint.

This policy does not preclude other legal options available to the City, including criminal charges.

2-13.B. Possession of Firearms by Employees in the Workplace

This Policy addresses firearms as defined and intended by the Kansas Personal and Family Protection Act (the "Act"), K.S.A. 75-7c01 through 75-7c23, and the carrying of firearms in the workplace by employees. Other

weapons are addressed in the Weapons at Work Policy (Section 2-20.C of this Handbook). Each employee is expected to have knowledge and understand all applicable policies and to be aware that there is a separate policy addressing all other weapons.

In accordance with the Act, the term “firearm” means “(1) A pistol or revolver which is designed to be fired by the use of a single hand and which is designed to fire or capable of firing fixed cartridge ammunition; or (2) any other weapon which will or is designed to expel a projectile by the action of an explosive and which is designed to be fired by the use of a single hand.” This definition includes, but is not limited to, handguns, pistols, and revolvers.

2-13.B.1. Buildings with security measures.

The City prohibits all employees who enter a City building which: (a) displays signs prohibiting firearms and maintains adequate security measures, or (b) is a secure area of a law enforcement agency, from carrying a concealed or open firearm into such buildings.

Police, fire investigators, any employee commissioned by the Olathe Police Department and any other employee that must carry a firearm in accordance with his/her job description are exempt from this provision. Those exempt employees shall follow all department regulations relating to firearms. The workplace violence provisions of this Handbook are applicable to all employees, regardless of exemption.

This provision shall also not apply to Historical Sites Division employees and volunteers engaged in the delivery of public and educational programs using firearms appropriate to teach about historical activities who are approved to deliver such programs by the Director of the Department of Parks & Recreation.

2-13.B.2. Carrying firearms while engaged in job duties.

Fire investigators, commissioned officers of the Olathe Police Department, and any other employee who must carry a firearm in accordance with his or her job description are permitted to carry a concealed firearm within the course and scope of their job duties. Any other employee may carry a concealed firearm while engaged in the duties of his or her employment (including while in a City vehicle), but will not be carrying concealed within the scope of their job duties, nor will they be permitted to carry concealed into buildings with the security measures described in Section 2-20.B.1.

An employee is “legally qualified” to carry a concealed firearm if he or she is not prohibited from possessing a firearm under either federal or state law. If an employee is legally qualified and chooses to carry a concealed firearm while engaged in his or her job duties, that employee must still adhere to all applicable laws and regulations, including this policy. An employee who chooses to carry a concealed firearm while engaged in the duties of his or her job or while representing him or herself as a City employee must adhere to signage properly posted on public or private property.

An employee’s firearm must be completely concealed at all times, in a proper holster or similar product, with all safety features in place, and must always be in the immediate control of the employee. If an employee must leave his or her firearm unattended, the firearm must be locked in a lockable case or box with its lock engaged, or in a desk area accessible only by key. An employee who stores his or her firearm in a City vehicle during the course of employment must store the firearm in a locked case or box and place the case/box out of plain view from the exterior of the vehicle. It is the responsibility of the employee to purchase the locked case/box at his or her personal expense. The City shall not be responsible for the theft, damage or other loss of a firearm and/or locked case left in a City owned vehicle. An employee’s failure to maintain a firearm in a concealed manner or locked as described in this policy could result in discipline, up to and including termination. An employee will not be in violation of this policy while transferring his or her firearm between his or her person and a locked case or box, or a desk area, as provided in this policy and in accordance with applicable law.

Brandishing, displaying, drawing, handling, or otherwise using a firearm in an unconcealed manner, when not necessary for the protection of the employee or others, will constitute an act of violence in the workplace. Any employee who witnesses a violation of this provision should immediately call 911 and have law enforcement dispatched to the scene. Employees should then notify any available supervisor or manager. Such use of a firearm by an employee will result in discipline of the employee, up to and including termination, and may result in criminal charges. Additionally, such actions may result in denial of the member's workers compensation entitlements and/or loss of protection through the City's liability insurance program. Any employee that is aware of another employee's violation of this provision and intentionally fails to notify proper authorities may face disciplinary action.

Retaliation against any employee for reporting (in good faith) a violation of this Policy or participating (in good faith) in an investigation pertaining to this Policy is strictly prohibited. An individual who knowingly alleges false claim against another, or who provides false, incomplete, or misleading information during an investigation, may be subject to discipline, up to and including termination.

2-13.B.3. Discharge of Firearms in the Workplace

Unless authorized under Section 9.12.050 of the Olathe Municipal Code, in the event that a City employee discharges a firearm at work, the Police Department shall investigate the discharge and file a report of the investigation with the City Manager (or designee). Based on such report, the City Manager (or designee) will determine whether it constitutes grounds for disciplinary action, up to and including termination. Final determination of appropriate disciplinary action shall be in accordance with the procedures set forth in Section 5 of this Employee Handbook. The discharge of a firearm at work may also result in criminal charges.

The City will not be liable for any incidents involving a firearm, any loss or theft of a firearm, or any misuse of a firearm. Furthermore, it is the sole responsibility of an employee who carries a concealed firearm at work to properly conceal and carry his or her firearm. The City will not be liable for any employee's failure to follow these provisions. It is the responsibility of all employees to approach management concerning any questions with respect to the City's policy concerning firearms at work, discharge of firearms at work and violence at work.

2-13.C. Weapons at Work Policy

All federal and state laws and City ordinances will be enforced regarding weapons and weapon-related threats or acts of violence. Employees in the course of their employment who do not comply with such laws and ordinances will be subject to discipline up to and including termination, and possible legal action.

For the purposes of this Policy, "weapons" or "weapon" include, but are not limited to, air guns, BB-guns, pellet guns, rifles, shotguns, spring guns, and the like; starter pistols and other simulated weapons; clubs, bludgeons, batons, bats, and the like; incendiary or explosive devices of any sort whatsoever; martial arts weapons, including nun chucks, throwing stars, and the like; and any item carried with the intent or used to threaten or intimidate another. The term "weapons" shall not include the lawful possession of personal security devices, intended for use by members of the general public, including without limitation, pepper spray, mace, and such other personal defense sprays; nor does it include firearms as defined in and addressed by Section 2-20.B. (the **Possession of Firearms by Employees in the Workplace Policy**). Knives (defined as cutting instruments, including a sharpened or pointed blade, a dagger, dirk, switchblade, stiletto, straight-edged razor or any other dangerous or deadly cutting instrument of like character) are also excluded from the definition of "weapons" under this policy. Weapons, as defined in this policy, are prohibited on City property, in City buildings, in City vehicles, and wherever City business is conducted.

For purposes of this Policy, any utility knife or cutting tool used on-the-job shall be used only for that job requirement. Kitchen knives used for food preparation should be used appropriately and kept in appropriate storage areas.

Any authorized tool an employee uses to conduct his/her job duties (including, but not limited to, standard issue gear for Police and/or Fire Department employees) shall be used solely for the purpose of the job and not used to threaten or harm self, others or property in the workplace.

2-13.D Imminent Threat Procedures

Any employee who believes in good faith that any person poses an imminent threat is required, when it can be done safely, to activate security measures (*e.g.* call 911, pull fire alarm) for his/her department/agency. Employees should then notify any available supervisor or manager.

Any employee who believes in good faith that a co-worker or elected or appointed official is in possession of a weapon in violation of this Weapons at Work Policy is required to immediately call 911 to notify law enforcement. Employees are advised to activate facility security measures if they believe a situation poses imminent danger.

Retaliation against any employee for reporting (in good faith) a violation of this Policy or participating (in good faith) in an investigation pertaining to this Policy is strictly prohibited.

2-13.E Employee Responsibilities

Employees must take responsibility for their own safety, must not take unnecessary risks, and:

- Recognize there is always potential for violence.
- Attend safety training.
- Be prepared with a safety plan.
- Identify violent/potentially violent individuals. Report threats and potential threats to law enforcement.
- Notify supervisor and law enforcement if he or she becomes a target of a threat of physical harm.

In a situation with an unknown individual, assume that the person could be dangerous until either experience with the individual or assessment proves otherwise. Supervisors and managers should evaluate any concern/complaint with an assessment of potential violence and the actions which may help to avoid violence.

2-13.F Action Following a Workplace Violence Incident

Report

Employees should report all incidents of workplace violence to a supervisor, their Human Resources Business Partner or Human Resources. This should occur if another employee makes a threat of physical violence or if they perceive a potential for violence, even if the violence did not occur (*e.g.*, a sufficient number of warning signs, actions, or level of emotion suggesting violence might have occurred). If an employee is physically injured during an incident of workplace violence, the employee should report using an Online Employee

Incident Report form.

Human Resources Responsibilities

- The Human Resources Officer or designee shall coordinate the Workplace Violence Program.
- If the supervisor is the aggressor, contact your Human Resources Business Partner or Human Resources immediately.

Supervisor Responsibilities

- Immediately contact law enforcement!
- Assist the employee in obtaining necessary medical treatment, if appropriate.
- Administer to the needs of and obtain name and contact numbers of bystanders and witnesses as available.
- Assist the employee with filling out necessary report forms relating to the incident.
- Encourage employees to seek support, and refer the employee to the EAP as appropriate.
- If necessary, assess potential options for temporary modifications to employee workload while affected employees recover from the incident. Supervisors should consider short-term reassignment when the supervisor and employee determine that an antagonistic relationship exists between the employee and an individual.
- Review, plan, and make changes for reduction of future incidents. Document relevant incidents and take appropriate disciplinary action (see Employee Handbook Section 5).
- Consult Human Resources or the City Attorney's Office for further assistance.

Department Director Responsibilities

- Review incident, when appropriate, and work with supervisor to determine appropriate disciplinary action.

Employee Responsibilities

- Call 911 in an emergency! Get immediate medical help if physical injury has occurred.
- Notify supervisor. If supervisor is not available, follow the departmental chain of command to report the incident.
- Discuss the incident with supervisor, and fill out an Online Incident Report form.

Continue to get the medical help and/or the support needed to completely recover from the incident. Recognize that this may take time. The City has an EAP resource available for critical incident counseling. The Police Department also offers a peer counseling service.

2-13.G Threat Assessment Task Force

The Human Resources Officer or designee will convene, when deemed necessary, a meeting of a Threat Assessment Task Force to assess serious threats and determine the proper course of action and intervention. The Threat Assessment Task Force is composed of:

- The Human Resources Officer or designee.
- The City Manager or designee.
- The City Attorney or designee.
- The Police Chief or designee.
- Contracted City Physician or designee when appropriate.

2-13.H Application

This policy/procedure is for City use in implementing our employee policies. The City of Olathe policy shall not be construed as creating a higher legal standard of safety or care in an evidentiary sense with respect to third party claims and civil litigation. Violations of this policy/procedure will only form the basis for internal disciplinary action.

2-14. ATTENDANCE AND PUNCTUALITY

To maintain a safe and productive work environment, the City of Olathe expects employees to be reliable and punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the City of Olathe. Poor attendance and excessive tardiness place a burden on other employees and the City. Either may lead to disciplinary action up to and including termination.

- In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence (within 30 minutes of beginning shift).
- Employees who miss three (3) consecutive workdays without notifying their supervisor will be considered a “no call, no show” and be voluntarily terminated for job abandonment and removed from payroll.
- Employees who miss three (3) consecutive workdays due to illness may be required to provide a healthcare provider’s note to return to work.

See: Employee Handbook Section 7, Leave of Absence for more information.

2-15. USE OF CITY FACILITIES, EQUIPMENT, AND MATERIALS

All City-owned or leased facilities, buildings, equipment, motor vehicles, tools, supplies, materials, keys, ID cards, uniforms, and other items are for the express purpose of carrying out City services. No employees or agent of the City will use any City-owned facility, building, equipment, motor vehicle, tool, supply, material, or other item of value for their personal benefit or for the personal benefit of any other individual unless such action is required in the performance of official duties.

Employees and their Supervisors are responsible for the care and return of City property during, as well as at the termination of, employment. The use and care of City computers, cellular phones and technology services are governed by other policies, which are found on the City’s Intranet. Please refer to the Information Technology (IT) Department’s Policies and Procedures Manual for all information governing the use of City

computers and City of Olathe Administrative Guideline A-03, Policy for Use of Wireless Devices for City Business for specific guidelines on use of cellular phones.

2-16. RESIDENCY REQUIREMENTS

Employees do not have to be residents of the City of Olathe, except in any instance where residency is required to conform to City ordinance or state law, or unless the position specifies otherwise. Public safety employees may be subject to certain residency or response time requirements, and they will be advised of those requirements. Residency within the City limits is certainly encouraged.

2-17. SUPPLEMENTAL DEPARTMENT RULES

Each department director may supplement these policies with policies which are uniquely particular or applicable only to his/her department. Department directors are prohibited from issuing any policy that conflicts with the rules declared in this handbook. Department directors should forward a copy of any proposed policies to the Human Resources Officer for review and approval. Violations of these supplemental policies will result in disciplinary action up to and including termination.

2-18. ENFORCEMENT

Any employee who violates any provisions of the City ordinances or these policies will be subject to disciplinary action up to and including termination.

2-19. PROVIDING EMPLOYEE REFERENCES

Employees and supervisors may provide personal letters for employment reference. However, such letters shall not be written or typed on City stationery, as views contained in such letters may not represent the City's official position.

2-20 SOLICITATION

Department Directors or their designees are authorized to prohibit solicitation and/or distribution of advertisements on City property.

2-21 POLITICAL ACTIVITY

City of Olathe employees are encouraged to exercise their right to vote in all elections. City employees are prohibited from engaging in the following activities:

- Running as a candidate for any elected office of a political subdivision.
- Serving on any boards, commissions, or committees of a political subdivision, without prior approval from the City Manager or designee.
- Soliciting any political contributions during on-duty time, or during off-duty time while in a work-setting.
- Using City property, equipment, supplies or other resources (including phones, mail,

photocopiers, email accounts, stationary, etc.) for political or electoral advocacy.

- Displaying any political badges, buttons, or signs related to any political election or issue on their persons during on-duty time, or during off-duty time while in a work-setting.
- Stating or implying, verbally or in writing, that they speak for the City of Olathe on a political or electoral issue, without express authorization.
- Wearing clothing or other items that identify them as employees while participating in political activities.

SECTION 3: PAY AND PERSONNEL ACTIONS

3-1. PURPOSE

Excellence in public service first requires exceptional staff, which means the City has to be able to attract, motivate, and retain exceptional people. To remain competitive in attracting and retaining exceptional employees, the City has adopted a compensation policy that values employee performance and keeps pace with market based pay systems. Through the compensation system, the City aims to attract, motivate, and retain the most highly qualified individuals available by:

- Providing compensation rates that are comparable to the labor markets.
- Establishing pay ranges to compensate similar work with similar pay.
- Encouraging retention and growth of employees.
- Enhancing, recognizing, and rewarding performance and productivity.
- Rewarding employees based on performance, contribution to the accomplishment of the City's strategic objectives, and demonstration of the City's vision, values, and mission.

This program will be administered without regard to age, color, creed, mental or physical disability, national origin, race, religion, or gender.

3-1.A. Workforce Planning

To achieve the City's mission to plan for and provide public services to enhance the quality of life for our community, workforce planning is essential. The City's workforce will provide the services that make Olathe excellent. Workforce planning is reflected in the annual budget in the areas of Personal Services and the Personnel Summary. The Personnel Summary outlines the approved number of positions while Personal Services funding outlines the compensation.

3-1.B. Workforce Planning – Compensation

The City's annual budget includes Personal Services by Department. These are the expenditures related to compensating employees that have been approved for the budget year. In order to comply with the Personal Services funding in the approved budget, pay changes that are not covered under another policy must be reviewed and approved by the Workforce Optimization Team.

3-1.C. Workforce Planning – Positions

The City's annual budget includes a Personnel Summary that lists the approved positions for the budget year in order to achieve the City's mission. In order to comply with the FTE count approved budget, all position changes must be reviewed by the Workforce Optimization Team.

3-1.D. Workforce Planning – Workforce Optimization Team

The Workforce Optimization Team is responsible for assisting department directors in compliance with the annual budget regarding Personal Services funding and the Personnel Summary. The Workforce Optimization team is comprised of the City Manager, Assistant City Manager and Human Resources Officer, who also acts as a facilitator.

3-2. PROGRAM ADMINISTRATION AND STRUCTURE

The City of Olathe's Leadership Team, in conjunction with the Human Resources Officer, is charged with the responsibility to update, modify, and amend the Career Band structure and Salary Administration Program on a periodic basis to ensure that they provide fair and competitive salaries to employees in conformity with reasonable and accepted practices.

The City's Career Band structure is the City's pay structure which establishes the parameters to determine a market's competitive pay range for a position based on its classification and corresponding pay grade. The City will evaluate the salary market for all positions in a consistent and fair manner and place them in appropriate pay structures that are fully competitive for similar organizations, the local community, and nationally, if appropriate.

There is one Career Band structure for all positions, with the exclusion of the positions included in the Public Safety Step Plans. Each position classification corresponds with a pay range in the structure. The entire pay range is considered to be market-competitive for that position classification. Positions with similar market competitive rates may be consolidated into one pay range.

The Human Resources Department will annually conduct a market analysis of the Career Band structure to ensure that the pay ranges are market competitive, based on the City's compensation philosophy. Recommendations to change or increase pay ranges are made by the Human Resources Department, as necessary, and as part of the annual budget process.

3-2.A. Pay Rates for Seasonal/Temporary Employees

The City of Olathe is committed to competitive compensation for seasonal/temporary employees. The City's policy is to allow no more than one salary increase per season/year, not to exceed the average of the career band increase for the same year.

3-3. ESTABLISHING PAY RATES

The City of Olathe strives to establish market competitive pay rates based on candidate qualifications which are consistent with the pay range. The Human Resources Department should be consulted to review department recommended pay adjustments for internal employees, as well as recommended levels for new hires.

3-3.A. The Advertised Pay Rate or Range

The Career Band structure is used to determine a market competitive pay range for a position based on the position classification level. The advertised pay rate can fall anywhere between the pay range minimum and the midpoint (market) without the approval of the City Manager. The advertised pay rate or pay range may exceed the midpoint (market) with the prior approval of the City Manager. Approval will be based on department needs and/or external market data.

3-3.B. Initial Pay Rates for New Hires

Internal and external candidates may be offered an initial pay rate anywhere within the advertised range based on qualifications, experience, and applicable skills. Initial pay rates shall be established in a non-discriminatory manner and in compliance with all applicable laws. The Career Band structure provides guidance to hiring managers as follows:

- At or near the minimum of the pay range is appropriate for candidates who are new to the career field and/or may be in the process of expanding or refining their skill sets within their positions or career fields.
- At or near the midpoint or market is appropriate for candidates who have accumulated knowledge, skills or education related to their positions or career fields and are fully functional and high performing. Offers that exceed the market, or the budgeted amount for the position may require approval by City Manager, or designee.

- Between the midpoint and maximum is appropriate for significantly experienced candidates who have accomplished a general course or progression of work and professional achievements that represent accumulated commitment to an occupation and are fully functional and consistently high performing, subject to City Manager's Office approval.

3-3.C. Initial Pay Rates for Transfers

An employee may transfer to another division or department in the same position or a position with a pay grade less than 10% of the employee's current pay grade, and the transfer will not change the employee's compensation or the date from which eligibility for consideration for a performance increase shall be counted. Pay rate increases will only be granted if the employee's rate falls below the minimum of the new pay grade.

If it has been 90 days or more since the last performance review to the date of the transfer, a performance appraisal should be conducted by the department from which the employee is transferring. This review will be sent the department to which the employee is transferring with a copy to the Human Resources Department for the employee's file. This information will be considered when conducting the annual performance review.

3-3.D. Promotion

Subject to available funding and approval from the Budget Office, a promotion occurs when an employee fills a position with a market that is a minimum of 10% higher than the employee's current job's market, and with a different budgeted position number. The employee will receive a promotional pay rate increase up to 10% of his/her current pay. An employee's pay will not be adjusted above the maximum of the new pay range. If a 10% adjustment does not bring the employee within the pay range for the new position, the employee's pay will be adjusted to the minimum of the new pay range.

Promotional pay rate increases should be discussed with the Human Resources Department and will be based upon internal equity and the employee's qualifications.

Promoted employees are similar to newly-hired employees with respect to introductory requirements, performance reviews, and performance adjustments.

- At or near the minimum of the pay range is appropriate for employees who are new to the career field and/or may be in the process of developing their skill set within the position.
- At or near the midpoint or market is appropriate for employees who have accumulated significant knowledge, skills and experience related to the position and are fully functional and high performing.
- Between the market and maximum is appropriate for employees who have expert knowledge and skills and extensive experience related to the position and are consistently high performing, subject to City Manager's Office approval.

3-3.E. Demotion

A demotion occurs when an employee is moved to a position with a salary midpoint that is more than 10% lower than his/her current midpoint. If an employee is demoted, regardless of the reason, then his/her salary may be decreased. The City of Olathe recognizes both voluntary and involuntary demotions.

Voluntary demotions are considered when an employee voluntarily chooses and is selected for a position that is in a lower pay range than the current position. The employee's rate of pay may be decreased such that the new pay rate falls anywhere within the new pay range. The salary of a voluntarily demoted employee must be decreased if the current salary exceeds the maximum of the new range. The employee will remain on the regular performance adjustment cycle, unless otherwise indicated by the department, and will serve a one year introductory period from the time of demotion. The employee will then fall in line with the common review cycle for all employees, unless otherwise stated by the department in the terms of the voluntary demotion

agreement. A voluntary demotion is not a result of disciplinary action.

Involuntary demotions are one form of disciplinary action. The salary of the involuntarily demoted employee will be decreased minimally by five percent or by whatever is necessary to bring the employee within range of the new position. The employee shall not be eligible for a promotion or salary increase for a period of one year from the time of the demotion. The employee will then fall in line with the common review cycle for all employees.

3-3.F. Temporary Pay Rate Increases

The City establishes temporary pay rates to compensate employees who work temporarily in a position outside of their normal duties. A temporary pay rate increase may be authorized when a temporary addition of duties requires an employee to perform higher-level duties approximately 25% or more of the time for a minimum of 30 days. Departments should not assume that temporary duties are higher-level because they are typically performed by a higher-level position.

The Human Resources Officer shall determine if the additional duties performed justify a temporary pay rate increase. Exceptions are subject to approval of the employee's department director, Human Resources Officer, and the City Manager. Temporary pay rate increases will be reviewed by the Human Resources Department and the employee's department director on a quarterly basis to ensure the employee is still working in this temporary capacity.

- All employees are eligible for a temporary pay rate increase. The employee must be minimally qualified to perform the temporary duties.
- Departments may assign lower-level duties to an employee for a temporary period of time. Such assignments will not result in a temporary pay rate decrease.
- Temporary pay rate increases are not provided when given an increased volume of the same or a lower level of work.
- The City does not temporarily reclassify positions.

Fire Department shift employees working eight or more hours in a designated acting position will be compensated at 5% above their hourly rate for all time worked above eight hours, rounded up to the nearest quarter-hour while working in the designated acting position. The designated acting positions are acting Fire Apparatus Operator (FAO), acting Fire Captain, and acting Shift Commander.

Extended Assignment: Fire shift employees designated as Extended Assignment Personnel to work in a designated acting position for three or more months of continuous service will be compensated at the minimum rate of pay established for the higher grade or 5% above their hourly rate, whichever is greater.

3-3.G. Pay Differential

Shift Differentials

It is the City of Olathe's policy to compensate employees for inconvenience experienced when regularly assigned to shifts that fall outside of the normally scheduled daytime shift for extended hour operations.

Upon the department director's request and approval by the Human Resources Department, full-time employees who are regularly assigned to work shifts outside of normal operating hours for a minimum of ten consecutive working days shall receive shift differential pay. A thirty-five cent (\$0.35) per hour shift differential will be provided to the employee. Public safety positions may be excluded.

Shift differentials may be counted as part of an employee's regular rate when calculating overtime pay and may be excluded from paid time off (e.g., vacation, sick, personal day).

3-3.H. On-Call and Call-Back Pay

The City of Olathe recognizes that situations occur after regular working hours that necessitate call-back of departmental employees. All employees of the City are subject to handle situations that occur outside the normal working shift (call-back), and some employees also will be required to rotate through an on-call schedule in order to adequately provide call-back coverage for pre-determined functions. Such employees shall be paid for a minimum number of hours (e.g., two hours). The department director, with approval by the City Manager, is responsible for documenting the need for call-back pay. The Human Resources Officer is responsible for determining whether or not call-back pay is appropriate.

3-3.I. Step Pay Plans

Step pay plans are established for the following jobs: Firefighter, Firefighter/Paramedic, Fire Apparatus Operator, Fire Captain, Police Officer, and Police Sergeant. The plans are contingent on budgeted funds.

Step Adjustment: The plans are reviewed annually and may be adjusted based on relevant market data. Step adjustments are budget-based and are implemented accordingly.

Step Increase: Employees in these jobs are eligible to progress through the step pay plan based on satisfactory performance on their anniversary date of hire or promotion. An employee on a performance improvement plan is not eligible for a step increase until his/her work performance improves to at least a "meets expectations" level. The annual review date does not change upon completion of said plan.

Lump Sum: Employees earning at or above the step pay plan maximum are not eligible for a step increase, but may be eligible for a lump sum.

3-3.J. Market Premium

The City may utilize market premiums to ensure market-competitive pay rates for positions that are properly classified but for which external market data indicates competitive pay exceeds the designated pay range.

3-3.K. Market Adjustments

In order to pay employees at or near the market rate for their positions, the City of Olathe can grant market adjustments to accelerate an employee's movement to the market rate.

The market adjustment is based on an employee's annual base rate and its relationship to the market established for the employee's position.

An employee on a performance improvement plan is not eligible for a market adjustment until the employee has satisfactorily met the agreements of said plan.

3-3.L. Career Band Performance Pay

The City of Olathe seeks to reward Career Band employees through performance pay increases to the employee's salary and/or a lump sum. All performance pay is based on employee performance. All Career Band employees will receive performance reviews on, or before, the established common review date. An employee who receives a "needs improvement" rating overall is not eligible for performance pay for that performance cycle. The Human Resources Division will issue guidelines each cycle to assist managers in the process.

Performance pay increase: Eligible career Band employees will receive any corresponding performance pay increases at a common pay date following the common review date.

Lump Sum Payment: Employees earning at or above the pay grade maximum are not eligible for a pay increase, but may be eligible for a lump sum payment. Employees earning near the pay grade maximum may not be eligible for a full pay increase, but may be eligible for a partial pay increase and partial lump sum payment. The lump sum payment is the product of the relevant pay increase (e.g., 2.5%) and the employee's base pay. The lump sum payment does not increase the employee's base pay.

Employees hired or promoted at least six (6) months before the common review will be eligible for a performance pay increase and/or lump sum payment.

Employees hired or promoted less than six (6) months before the common review date will not be eligible for a performance pay increase nor a lump sum payment. They will be eligible the next common review date, and yearly thereafter. Hiring managers should consider this delayed performance pay increase opportunity when establishing rates for new hires and newly promoted employees.

3-3.M. Bonuses and Incentives

Directors have the discretion to recommend performance bonuses and incentives, in addition to performance adjustments as circumstances warrant recognition for employees. Bonuses are available to any employee. Bonuses greater than one thousand dollars (\$1000) will be subject to City Manager's approval.

All employees are eligible for bonuses and incentives regardless of their pay rate or employment status. Bonuses and incentives may be awarded in the form of cash, paid time off, gift certificates, gifts, or other items of monetary value.

- **Bonuses:** A bonus is a cash payment that is designated to recognize an employee for his/her performance. A bonus is designed to recognize and reward behavior that has occurred in the recent past. Bonuses can be discretionary or non-discretionary. A discretionary bonus is a bonus where the employee is not advised that a bonus will be paid prior to its payment. A non-discretionary bonus is a bonus where the employee is advised of what needs to be completed in order to receive a bonus.
- **Incentives:** An incentive is a cash or paid time off payment that is designed to stimulate employee performance and lead to the accomplishment of specific goal. Such goals are quantifiable/measurable, identified, and set at the beginning of a performance period on either an individual or group basis. Incentives are designed to motivate behavior to occur in the future and are non-discretionary. Achievement of incentive results will result in cash payment(s) or paid time off to employees.
- **Gift Items:** Supervisors may give nominal, in kind gifts (gift cards, t-shirts, promotional items) to employees to incentivize or reward performance. The employee who receives the gift is solely responsible for any and all state and federal tax ramifications.

3-3.N. Technical/Professional Certification

It is the policy of the City of Olathe to encourage its employees to participate in advanced training. Continual advancements in certain technological and professional fields have resulted in the need for trained certified personnel beyond the original requirement for employment. Additional training is important to the employees and is an overall benefit to the operation of the City of Olathe. The City may choose to compensate employees for levels of training and certification received which further advance the employee's ability to complete the functions of his/her job.

In order to receive compensation, the certificate must be received and used in the employee's work responsibilities and must not be a minimum requirement for the position. Should an employee transfer to a department where the training becomes applicable, the employee may then be eligible for certification pay. Certification pay may also be forfeited if a transfer places the employee where training is not applicable.

At the discretion of the department director, employees may be eligible to receive additional compensation for [successfully passing a language proficiency certification exam](#).

A department director may recommend that an employee be asked to obtain and be compensated for additional, non-required certification that improves the employee's performance in the job. Included in the recommendation will be the amount of adjustment that shall be paid equally on a bi-weekly basis upon the Human Resource Department's receipt of the certification, but will not be added to the employee's base salary. This amount is to reflect the added value of the employee to the City. The recommendation for certification

will be reviewed by the Human Resources Department with a final recommendation of approval or denial (based on available market data). All certification payments are subject to and contingent upon approval and available funding for incentives. Outdated and expired certifications will not be compensated. Certification pay is not retroactive. Certification pay may be excluded from paid time off (e.g., vacation, sick, personal day). Human Resources will provide a list of employees receiving this additional pay to department directors annually to ensure that the certification is still relevant.

3-3.O. Mileage Reimbursement

The City of Olathe encourages the use of City owned fleet vehicles for all intra-City travel. Absent department director approval, employees may not receive mileage reimbursement for use of their own vehicles for intra-City travel. Employees may, with prior approval, receive a mileage reimbursement for required travel outside the City limits.

3-3.P. On-Call Pay

The City of Olathe provides eligible and authorized employees of the City a guaranteed amount of compensation when called on-call to work (e.g., one hour of regular pay for each six hour period on standby status).

A department director may require an employee to be on-call. Each employee shall be available, at the director's discretion, for recall to perform necessary work. On-call assignments shall be limited to work situations where a probability of recall of an employee exists. Each employee on-call who is called into work shall be compensated for the actual hours worked at the appropriate rate of pay.

Employees who serve in the Tactical Support Unit, Accident Unit, or detectives in the Police Department or are in positions of a voluntary nature are not eligible to receive on-call pay, but will receive pay in accordance with any call-in policy when called back to work after a regular work schedule.

The Human Resources Officer is responsible for establishing on-call pay provisions and designating authorized job classifications by department. The department director is responsible for documenting the need for on-call pay. An eligible employee is responsible for being readily available to return to work upon contact by telephone or radio.

3-4. CLASSIFICATION SYSTEM

It is the City of Olathe's policy to provide a comprehensive classification and compensation system that establishes internally equitable and externally competitive compensation, supports the City's compensation philosophy, and complies with all applicable laws.

The City will comply in good faith with the Wage and Hour provisions of the Fair Labor Standards Act (FLSA).

3-4.A. Position Guides

The Human Resources Department will maintain position guides for all City positions. The City uses one method of documenting position guides, the Position Guide Template. Previous versions of the form remain in effect until the duties in the position guide need to be updated or as requested by the Human Resources Department. New and updated position guides must be documented using the current version of the Position Guide Template.

It is the practice of the City of Olathe to provide each employee with a position guide, which reflects the duties and requirements of the position that he/she fills. Each position guide will include the job title, general statement of duties and responsibilities, supervision given or received, description of each general type of function and major responsibilities, and any knowledge, skills, and certification necessary to perform the job. Additional information will be provided on the physical requirements of the job.

Position guides for each of the positions within the City's classification plan will be reviewed periodically and updated according to changes in job duties and responsibilities. The position guide available on the City's

Intranet will serve as the official record as maintained by the Human Resources Department.

3-4.B. Reclassification

Positions shall be considered for reclassification whenever the duties and responsibilities of existing positions have undergone significant change or when the external market for the position substantially changes. Compensation, present pay range, or the standing of any incumbent employee shall not be a factor in determining the classification of any position. Consideration shall be given to the general duties, specific tasks, responsibilities, required education, and experience qualifications for such position.

If it is determined through a position evaluation process that the duties and responsibilities of a position have changed in such a manner as to warrant a reclassification, then the employee may receive a pay increase (promotion) or decrease (demotion).

If the position is placed in a higher pay grade, then the individual occupying the current position may be promoted to the new position if he/she is qualified for the reclassified position and has performed satisfactorily in his/her previous position. The employee's change of status will be treated as a promotion, and the incumbent employee will be compensated at the minimum of the reclassified pay range or 5% above his/her current salary, whichever is greater.

If the position is reclassified to a lower level, then the employee's pay rate may be decreased such that it falls anywhere within the pay range associated with the new pay grade. The employee's pay rate may be reduced if it exceeds the pay range maximum of the new pay grade.

Employees holding positions that are reclassified will not serve an introductory period. If the incumbent is not qualified for the reclassified position, he/she may be terminated.

Reclassifications are effective the first day of the pay period following approval of the request. Reclassifications may not be approved retroactively. **The City Manager or designee must approve or deny reclassification requests.**

3-5. FAIR LABOR STANDARDS ACT (FLSA) STATUS

Exempt status is determined based on the provisions of the FLSA.

The Human Resources Department evaluates position guides to determine whether positions meet qualifications for exempt status pursuant to the FLSA. Positions may be evaluated or reevaluated anytime at the request of the employee, the department, or the Human Resources Department.

The Human Resources Department must designate all positions as exempt or non-exempt prior to posting the position or placing an employee in the position. Exempt or non-exempt status determinations are documented on the Position Guide Form.

3-6. OVERTIME, COMPENSATORY (COMP) TIME, AND ALTERNATIVE SCHEDULES

Employees will be paid in accordance with FLSA regulations regarding overtime payments and comp time off.

3-6.A. Overtime

- Overtime work must be approved in advance by the employee's department director or supervisor.
- Most non-exempt employees will be paid one and one-half times their regular rate of pay for each hour worked in excess of 40 hours during the official workweek.
 - "Hours worked" is defined to include actual hours worked, vacation leave, sick leave, and comp time.

- Certain salaried, non-exempt employees may be paid half of their regular rate of pay instead of one and one-half times their regular rate of pay. (These employees must be notified of their status in writing, before implementing any change in their pay status.)
- The official workweek for all City employees begins at 12:00 A.M. on Monday morning and ends at 11:59.59 P.M. on Sunday night (except for firefighters and police officers, whose schedules are provided during department orientation).
- Civilian employees of the Fire and Police departments also fall within this policy.
- Fifteen minutes is the minimum amount of time used in computing overtime. For the purpose of computing time worked less than one full hour, minutes will be rounded to the nearest quarter hour.
- Employees whose positions are classified as "exempt" will not be compensated for overtime work.
- Overtime work must be approved in advance by the employee's department director or supervisor.
- A department director or supervisor may require an employee to work overtime when so required by operational necessity.
- Refusal to work overtime directed by supervisor may be cause for disciplinary action.

3-6.B. Comp Time

- Any time non-exempt personnel have worked in excess of 40 hours during the official workweek will be considered overtime and paid as such. On a quarterly basis, employees may request this excess time to be used as comp time. The comp time enrollment dates are located on the Payroll calendar. All comp time requests must be approved by the department director and turned in to the Payroll Division of Resource Management for processing.
- Overtime may be awarded in the form of comp time off with pay at the same rate under the same circumstances as described in this section.
- When an employee is promoted into a position that is classified as "exempt," all accumulated comp time will be paid in full to the employee prior to promotion. This payment will be made at the regular rate the employee was making just prior to the promotion.
- When an employee transfers into a position that is classified as "seasonal/temporary," all accumulated comp time will be paid in full to the employee prior to the transfer. This payment will be made at the regular rate the employee was making just prior to the transfer.
- Comp time may also be paid in full at the request of the employee and with the approval of the department director, as well as to an employee who has been terminated.
- All employees, except public safety officers (i.e., non-civilian members of the Police and Fire departments), are limited to a maximum of 240 hours of accumulated comp time. Police officers and firefighters are limited to 480 hours of accumulated comp time. Department policy may reduce, but not increase, the maximum number of hours that employees may accumulate.

- Requests to use comp time off must be made in the same manner as requests for vacation.
- Department directors shall grant the use of comp time off when said request will not unduly disrupt operations. Department directors must contact the Human Resources Officer before denying an employee's use of comp time off.
- Effective January 1, 2008, employees must use all comp time off by the end of the calendar year in which it is earned.
- Comp time off balances accrued prior to January 1, 2008, may be used at employees' discretions with approval by their supervisor and/or department director.

3-6.C. Alternative Schedules

This type of scheduling commits an employee to working a specified number of hours per workweek, but offers flexibility in regard to the starting and ending times for each day. Department directors may elect to use alternative schedules to allow employees more input in establishing their days and hours of work.

Department directors may dictate the conditions and circumstances in which alternative schedules may be used. The use of alternative schedules does not eliminate the obligation to provide non-exempt employees with overtime compensation for hours worked in excess of 40 during a workweek.

3-7. WORKWEEK/WORKDAY

It is the policy of the City to establish the time and duration of the workday as required by workload and production flow, public service needs, efficient management, and any applicable laws.

Full-time work schedules for non-exempt full-time employees will typically include 40 hours per workweek. The City may require employees to work overtime.

Exempt employees are not required to have a specific work schedule, but a supervisor may establish a work schedule for an exempt employee, particularly if the position requires the employee to be on-site during normal business hours. Exempt employees are expected to work the number of hours necessary to perform the duties and responsibilities of their job.

3-8. TIME RECORDS

It is the policy of the City of Olathe to comply with applicable laws (*e.g.* the Fair Labor Standards Act (FLSA)) that require records to be maintained of the hours worked by our employees. Per the FLSA, the City shall preserve for at least three years payroll records from the last date of entry, all payroll or other records containing employee wage and hour information and data. Employee timesheets are used for this purpose.

Each individual department will report all employee payroll information to the Payroll Division of Resource Management in accordance with guidelines established by the City. The department time record is the City's official time recording document for the purposes of the FLSA, and these records must be maintained by the department for three years for audit purposes. The City may periodically conduct audits of time records to ensure compliance.

Non-exempt employees should ensure that actual hours worked and leave time taken are recorded accurately. The supervisor should be notified if there are any errors on the employee's timesheet. Falsification of a time record is a breach of City policy and is grounds for disciplinary action up to and including termination. At the end of each pay period, all timesheets must be approved and submitted by the employee and the supervisor or higher level manager. For public safety positions with a predetermined set schedule, the supervisor must approve the schedule.

Exempt employees are to work the appropriate number of hours to accomplish their jobs. Timesheets are used only to record exceptions to regular pay (sick leave, vacation, holiday, etc.). Department directors have the discretion to require that the employee keep a record of actual hours worked, as long as pay is not altered.

3-9. PAY ADMINISTRATION

It is the policy of the City to pay employees on a regular basis by direct deposit, or pay-card if specifically requested, and in a manner so that the amount, method, and timing of wage payments comply with applicable laws and regulations. Legally required deductions (Medicare, Income Tax, etc.) will be made from an employee's pay prior to voluntary deductions (United Way, Section 125, etc.). Employee wages will not be advanced.

Overpayments or underpayments in pay should be brought to the attention of the Human Resources Department and the Accounting Division of Strategic Financial Management.

Pay will cover the work (pay) period that ended five calendar days prior to the receipt of pay. Wages are paid on a bi-weekly basis (every other Friday) and cover a pay period of two full workweeks. If a scheduled payday falls on an observed holiday, employees will be paid on the day preceding the holiday.

3-10. INCLEMENT WEATHER

As public servants, our job is to serve citizens every day, in any type of weather. As such, the City is open for business during inclement weather. Non-emergency personnel unable to report to work due to inclement weather should contact their immediate supervisor as soon as this becomes apparent. Employees who are unable to report to work when the City is open for business must use vacation or personal leave. If an employee has no paid leave available, then they will be in a non-pay status.

SECTION 4: PERFORMANCE MANAGEMENT

4-1. GENERAL GUIDELINES

City of Olathe employees set the “standard for excellence in public service” through regular and consistent performance management. Supervisors and employees are expected to discuss job performance and goals on both a formal and informal basis. In addition to regular on-the-job feedback, the City has established a formal performance planning process, which identifies goals for the upcoming year, and a performance evaluation process to review progress toward such stated goals.

4-2. OBJECTIVES

The objectives of the performance evaluation system are to:

- Provide a fair and objective means for measuring an employee’s performance in accordance with set guidelines.
- Initiate and maintain a flow of valuable communication between employee and supervisor.
- Identify employee strengths and developmental needs.
- Provide background needed in order to devise goals for improving employee performance.
- Provide information to be used to develop employees for more responsible, higher level positions.
- Identify areas of performance where the employee needs training.
- Provide information to be used as a factor in promotions, pay increases, transfers, performance bonuses, layoffs, disciplinary action, termination, and successful completion of introductory period.

4-3. PERFORMANCE MANAGEMENT PROCESS

The performance management process for each employee will be conducted by his/her respective supervisor. The supervisor will be responsible for both formal and informal performance-based feedback.

4-3.A. Supervisory Feedback

Supervisors should provide their employees with regular on-the-job feedback to allow employees to better gauge their job performance throughout the year. In addition to understanding the technical skills needed in their work units, supervisors should be able to lead and motivate their employees to do their best work. A portion of supervisory responsibilities, which specifically addresses employee performance management, includes:

- Give recognition for good performance, and provide guidance when improvement is needed.
- Recommend employees with growth potential for other opportunities, even if it means losing them to other work units.
- Explain the reasons for decisions to employees.
- Set work goals and standards for employees.

- Ensure City goals for employee conduct and performance are achieved, and policies and procedures are implemented.
- Keep employees informed about their work assignments, work progress, and opportunities for advancement.
- Evaluate the performance of employees.
- Recommend salary adjustments, promotions, transfers, demotions, and terminations of employment.
- Identify and suggest performance improvement plans for disciplinary review procedures.

4-3.B. Performance Planning Document (PPD)

Updated 6/10/2014

The PPD serves as the basis for employee development. The supervisor and employee will create development and performance goals through the City's PPD process. The supervisor and employee should review annual performance goals in an initial and mid-year session using the City's PPD or an approved alternative. The supervisor will meet with the employee annually to conduct the performance evaluation.

4-3.C. Performance Evaluations

Updated 6/10/2014

Performance evaluations serve as the formal performance feedback provided to employees on an annual basis. The evaluation is intended to provide feedback on work related duties performed throughout the course of the entire year. Performance evaluations will be conducted prior to January 1st each year. Performance evaluations are signed by both the employee and the supervisor. Signed copies should be made available to the employee, the supervisor, and the Human Resources Department. Salary increases will be determined in accordance with the performance based pay adjustments referenced in Section 3.

4-4. PERFORMANCE RECOGNITION

It is the City of Olathe's policy to recognize and reward outstanding performance that is above and beyond expectations with career opportunities, monetary, and non-monetary incentives. The City may provide discretionary rewards for exceptional performance related to the DirectionFinders survey results, making a difference, innovation, safety, character, and customer service. Possible individual rewards include thank-you notes, gift cards, and paid time off. Monetary rewards will be subject to income tax. For information on additional compensation, refer to Section 3.

SECTION 5: DISCIPLINARY ACTIONS

5-1. OBJECTIVES

Discipline is used when an employee:

- Has engaged in misconduct.
- Has failed to meet or adhere to expected and/or established City standards and code of conduct.
- Has violated a City policy, rule, or regulation.

Discipline is meant to be corrective and educational, as well as to provide an opportunity for success.

Effective discipline should be progressive, but need not be depending upon the violation, and address the employee's unacceptable performance and/or behavior - not the employee. After consulting with the Human Resources Officer, the department director has the sole discretion to determine whether progressive discipline is warranted or can be bypassed in severity.

Discipline is meant to educate the employee in order to achieve the City's goals and maintain the integrity and standards of the organization.

5-2. REASONS FOR DISCIPLINARY ACTION

The following circumstances will be a reason for disciplinary action. This list is by way of example and is not intended to be exhaustive. Action may also be taken upon cause and complaints other than those circumstances listed below. An employee's pay may be affected depending upon the nature of the unsatisfactory performance and/or behavior.

- Any violation of the City's policy regarding use of alcohol and drugs.
- Admission or findings of guilt of a crime when the criminal act either:
 - Affects the employee's ability to perform the duties of his/her position or is related to the duties and responsibilities of the position.
 - Is deemed to be of sufficient quality, quantity, or nature that the department director, after consulting with the Human Resources Officer, deems disciplinary action is warranted.
- A plea of nolo contendere or plea in abatement, diversion, or any other agreement or matter wherein the employee admits guilt but defers criminal adjudication/recognition of the offense and whereupon the matter is dismissed upon the completion of certain conditions, shall be considered a conviction under the terms of this policy.
- Use of abusive or improper treatment, provided the act was not done in self-defense or to protect the safety of others.
- Offensive conduct, language, or harassment towards the public, City officers, or other employees in any manner, including through social media, pursuant to the City of Olathe's Social Media Guidelines
- Bringing inappropriate content of a sexually explicit nature into the workplace, not related to job responsibilities, which includes, but is not limited to: magazines, posters, written

communication, electronic files, and displaying, transmitting and/or downloading sexually explicit images on City property from the internet, social media, personal e-mail and/or data storage accounts or any other electronic means.

- Insubordination.
- Failure to properly care for or protect City property.
- Violation of any reasonable and lawful directive given by a supervisor.
- Inappropriate behavior unbecoming the position held, including any act or omission which could tend to disrupt the economical or efficient conduct of City business.
- Violation of any City ordinances, policies, rules, or regulations (including department rules and regulations).
- Any attempt to induce any officer or employee of the City to commit an illegal act, to act in violation of any City ordinance or administrative regulation, or to violate the policies contained in this handbook.
- Solicitation or acceptance from any person of any fee, gift, or other valuable thing that is given in the hope or expectation of receiving a favor or better treatment than is afforded any other person.
- Use or attempted use of political influence or bribery to secure an advantage in an employment decision.
- Absence from duty without leave, contrary to City rules, or failure to report after an authorized leave of absence has expired or after such leave of absence has been disapproved or revoked.
- Excessive absences or inappropriate use of any approved leave.
- Engaging in activities which disrupt or which are intended to hinder or interfere with the efficient work activities of any City function, including a concerted action with others not to report for duty or not to work at usual capabilities in the performance of normal duties.
- Theft of City or another employee's property or misuse of City property.
- Violation of the City's code of conduct or the Kansas Oath of Office.
- Bullying which could take one or more of the following forms: verbal abuse, threatening, humiliating or offensive behavior/actions, work interference – sabotage – which prevents work from being completed.
- Failure to perform assigned duties, neglect of duty, incompetence, inefficiency, or unsatisfactory performance.
- Frequent tardiness.
- Disruptive or uncooperative attitude detrimental to the efficient operation of or best interests of the City.

- Providing false, incomplete, or misleading information during an investigation.
- Violation of the City's Code of Ethics, Resolution No. 98-1068, as adopted by the City Council.

5-3. DISCIPLINARY ACTION

5-3.A. Warning

A warning is a notice to an employee either verbally or written that there has been a violation of a City policy or unsatisfactory performance.

- Verbal Warning: usually given for minor violations.
- Written Warning: usually given in situations where a verbal warning is not enough or where a verbal warning has not proven corrective. A written warning will be signed by both the employee and the supervisor, and a copy will be forwarded to the Human Resources Department for inclusion in the employee's personnel file. The employee's signature does not indicate agreement with the charges. The employee may file a letter of response to the warning, which will be attached to the warning in the personnel file. When no improved performance or behavior occurs, the offense persists or reoccurs, or other types of problems occur, further disciplinary action may be taken.

5-3.B. Disciplinary Leave

Time off without pay may be required due to a violation of any City policy or inappropriate behavior in the course of an employee's duties.

A supervisor has the discretion to determine the length and dates of the leave based upon the nature of the violation and any other departmental factors to be considered. Disciplinary leave will not exceed 30 days unless approved by the City Manager or designee.

Notification of a disciplinary leave will be in writing and will include the reason(s) for the disciplinary leave, when the disciplinary leave will take place, and any other terms the employee must meet before returning to work. This notification will be placed in the employee's personnel file and will remain indefinitely.

An employee may be suspended with or without pay in the event he/she is arrested for any felony or misdemeanor charges involving dishonesty, false statements, or violence and is either imprisoned pending trial or released on bail/bond pending trial. This disciplinary leave may be in effect until a judgment is rendered by the court. Or it may be in effect until an agreement is reached with the prosecuting attorney to divert or otherwise not continue with the trial through adjudication wherein the employee admits to the essential facts of the charge, but the prosecuting attorney agrees not to pursue for a specified period of time. The determination as to the status of an employee's pay will be based upon individual circumstances.

5-3.C. Demotion

A demotion is movement from one job to another job with a lower pay range due to an employee's inability to satisfactorily perform the essential functions of the job or for disciplinary reasons.

- Involuntary Demotion: No demotion shall be made as a disciplinary action unless the employee to be demoted is able to perform all of the essential functions of the position in the lower market. Notification of an involuntary demotion will be in writing and will include the reason(s) for the demotion, when the demotion will take place, and any other terms the employee must meet. This notification will be placed in the employee's personnel file and will not be removed. This notification will be made at least 15 calendar days before the demotion takes effect.

5-3.D. Involuntary Separation

An employee is separated when he/she is relieved permanently of his/her responsibilities and duties and has to

leave the worksite.

An involuntary separation is initiated by the employee's supervisor. In an involuntary separation with reason, absent extenuating circumstances, the appropriate department director should implement procedures to ensure that he or she has thoroughly reviewed the subject employee's explanation of the events leading to the separation decision.

Involuntary separation of employees working in the Police Department shall be handled in accordance with the Police Department's Internal Affairs Unit Procedures.

5-3.E. Administrative Leave of Absence

An employee may be placed on an administrative leave of absence in situations where the City believes that the employee's absence from work would be in the best interests of the City. Administrative leave is non-disciplinary in nature. Except in extraordinary circumstances, administrative leave shall be paid leave. The Department will consult with Human Resources prior to placing the employee on leave.

An employee on administrative leave must leave a telephone number where he/she can be reached (or where a message can be left) and be available to return to work within a reasonable amount of time, unless the administrative leave is for a designated period of time.

Department directors will notify any employee placed on administrative leave of the reason for the leave and whether such leave will be paid or unpaid. Administrative leave exceeding 30 days must be approved by the City Manager or designee.

If an employee has been placed on administrative leave pending the results of an internal investigation, then upon completion of the investigation the department director or the Human Resources Officer will discontinue any administrative leave and direct the employee to return to work or, if warranted, initiate disciplinary action.

5-4. APPEALS AND INVESTIGATIONS

Eligible employees have the right to appeal unpaid suspension, involuntary demotions, and separations. The proper procedure for an appeal is detailed in Section 6 of this handbook.

SECTION 6: APPEALS, DISPUTE RESOLUTION, AND INVESTIGATIONS

6-1. PURPOSE

The purpose of this procedure is to secure resolution of an appeal or a dispute at the lowest administrative level possible.

6-2. GENERAL PROVISIONS

6-2.A. Definitions

- An appeal is a request for review of a disputed disciplinary action, including termination, involuntary demotion, or disciplinary leave.
- Dispute resolution is a process for reviewing concerns regarding the application of City policies, procedures, rules, regulations, and guidelines.

The dispute resolution procedure shall not be used for disputes regarding the substance of City policies, procedures, rules, regulations, guidelines, compensation issues (except for non-payment of wages or civil rights violations), overtime issues (except for non-payment of overtime), comp time (except for failure to properly credit comp time), exempt status, work assignments, work schedules, position guides, performance evaluations, employee classification, employment categories, written warnings and work plans.

- For the purpose of this section only, “introductory” employees do not include employees who have previously attained regular status and are on introductory status as a result of a position change.
- The term “working day(s)” shall not include any holidays or weekends.

6-2.B. Application and Utilization

These procedures shall apply to regular full-time and regular part-time employees, except for department directors, introductory employees, temporary employees, and seasonal employees; however, civil rights shall apply to all employees.

No employee shall utilize this procedure to dispute Council policies and ordinances, federal or state statutes (except in the instances of civil rights violations), or matters where the employee has no direct interest.

6-2.C. Time Limits

Time limits specified in this procedure may be changed by mutual agreement of the parties involved in appeals and dispute resolution. If the time limits are changed by mutual agreement, the parties shall immediately inform the Human Resources Officer of the change. In the event of an approved absence of the employee or the appropriate supervisor or administrator, time limits shall be temporarily suspended.

6-2.D. Hearings and Witnesses

Any hearing held pursuant to this procedure shall be conducted at a time and place which will afford a fair and reasonable opportunity for all persons entitled to be present to attend, including witnesses. Directors, managers, and supervisors shall make available for examination and cross-examination to the fullest extent possible any witnesses who are under their control.

6-2.E. Confidentiality and Rights

Details of any proceedings held pursuant to this policy shall be kept as confidential as practicable taking into account all due considerations and the facts of the dispute.

An employee shall not be interfered with, restrained, discriminated against, or subject to any retaliation as the result of the presentation of an appeal or for participating in the dispute resolution process.

An employee who alleges violation of his or her civil rights shall pursue investigation of such allegations through the City's Affirmative Action Plan. The appeal/dispute resolution processes shall not be used for alleged civil rights violations.

At no time shall an employee take an appeal or dispute subject to this policy directly to the City Council.

Any disciplinary action occurring due to the failure of the employee to adhere to this policy must be approved by the Human Resources Officer before issuance.

6-2.F. Interpretation

Interpretations regarding this policy shall be the responsibility of the Human Resources Officer.

6-3. DISPUTE RESOLUTION PROCEDURE

1. An employee must first pursue all established departmental processes available to the employee and must discuss the concern with his or her immediate supervisor and/or department manager(s) before filing a written request for review or a written appeal.
2. If a dispute is not resolved in number one above, the employee may file a written request for review with the department director within five working days (or within four shift periods if the employee is a fire shift employee) of the time the employee knew or reasonably should have known the dispute would not be resolved.
 - a. The written request shall be in a format substantially similar to the form provided in Appendix E.
3. The department director shall inform the parties that mediation is available to the parties involved in the dispute and refer the parties to the Human Resources Officer.
4. The Human Resources Officer shall provide mediation information to the parties.
 - a. If all parties agree to proceed with mediation, then they shall inform the Human Resources Officer in writing.
 - b. If the parties elect mediation but it is terminated without reaching a mutual agreement, or if the parties do not elect to proceed with mediation, then the parties shall proceed to the next step.
5. The department director shall consult with the Human Resources Officer.
6. After consultation, the department director shall present a written response to the employee within five working days of receipt of the request for review (or within four shift periods if the employee is a fire shift employee).
 - a. Copies of the response shall be forwarded to the employee, to the Human Resources Department, and to any appropriate supervisor(s) or manager(s).
7. The decision of the department director is final and not subject to further appeal.

6-4. REBUTTALS TO WRITTEN WARNINGS

All written warnings will be final upon issuance and are not subject to employee appeal. However, if an employee disagrees with a written warning, he or she may write a rebuttal to the content of the warning. The rebuttal will be attached to the warning and placed in the employee's personnel file.

6-5. APPEALS OF OTHER DISCIPLINARY ACTIONS

1 The employee may file an appeal with the Human Resources Department within five working days (or within four shift periods if the employee is a fire shift employee) of the disciplinary action being issued by the department director.

2 The Human Resources Department shall immediately forward the written appeal document to the Assistant City Manager designated to hear the appeal.

3. The Assistant City Manager, or his/her designee, shall schedule a hearing.

a. The hearing should be held no later than ten working days from the date the appeal was filed with the Human Resources Department.

b. The hearing procedures are set forth in Appendix E.

3 After hearing the appeal, the Assistant City Manager, or his/her designee, shall prepare a brief written finding of facts and issue a written decision within 10 working days.

4 Such decision shall be sent to the Human Resources Officer, who will then forward it to the employee and the department director.

5 The department director may forward the decision to any other appropriate supervisor(s) or manager(s).

6-6. APPEALS OF ALLEGED CIVIL RIGHTS VIOLATIONS

Employees who allege a violation of their civil rights may have the matter investigated pursuant to the City's Affirmative Action Plan located on the City of Olathe Web site:

http://www.olatheks.org/files/CityDocuments/code/code_02.pdf, Section 2.44.100.

SECTION 7: HOLIDAYS, VACATION, AND LEAVES OF ABSENCE

7-1. HOLIDAYS

The City is committed to providing paid time off to employees to reward them for their hard work and to encourage them to spend time away from the demands of their jobs. The City is concerned with the whole person and encourages time with family and friends on a regular basis. The following sections detail the time off available, whether it is paid or unpaid.

7-1.A. List of Holidays

The City of Olathe will grant holiday time off to all employees on the holidays listed below for up to 84 hours annually. Observances of holidays are based upon approval by the City Council.

- New Year's Day (January 1)
- Martin Luther King Junior's Birthday (third Monday in January)
- Presidents' Day (third Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Veterans' Day (November 11)
- Thanksgiving (fourth Thursday in November)
- Day after Thanksgiving
- 1/2 day for Christmas Eve (December 24)
- Christmas (December 25)
- Floating Holiday (at discretion of City Manager)

7-1.B. Definition

The City of Olathe will grant paid holiday time off to all eligible employees immediately upon assignment to an eligible employment classification.

Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day (up to a maximum of eight hours). Employees will not receive overtime on the holiday pay hours.

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday.

7-1.C. Holiday Pay

In order to receive pay for an observed holiday, an employee must not have been absent without paid leave for any hour(s) either on the workday preceding or following the holiday.

Regular part-time employees shall receive holiday leave with pay on a pro-rated basis equal to the number of hours they normally and regularly work.

Employees will not receive overtime on holiday pay hours if the total hours actually worked for the week do not exceed 40 hours. However, at the discretion of the department director, employees may be granted additional holiday hours. This does not relieve the requirement to pay overtime for hours worked in excess of the maximum hours allowed in a work period for non-exempt employees.

Effective January 1, 2009, all employees (with the exception of 56-hour workweek Fire Department employees) will receive a maximum of eight hours for a paid holiday regardless of the regularly scheduled shift hours. As applicable, employees may need to work with supervisors directly to set up a workable schedule during the holiday week.

7-1.D. Paid Absence on a Holiday

If a recognized holiday falls during an eligible employee's paid absence (e.g., vacation, sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have been applied.

7-1.E. Work during a Holiday

Employees who are required to work on a City-observed holiday will be paid for all hours worked, in addition to up to eight hours of holiday pay.

An employee who works both the City-observed holiday and the actual holiday will only be paid overtime for the actual holiday. When the actual holiday and the City-observed holiday are on an employee's regularly scheduled day off, the employee will be granted a day off in lieu of the holiday to be taken during the one year period following the holiday.

7-1.F. Fire Department Exception

Fire Department employees who work a 56-hour workweek and are scheduled to work on the actual holiday will receive their regular pay and 24 hours of holiday pay at the straight hourly rate, and those employees not scheduled to work will receive 12 hours holiday pay at the straight hourly rate. Fire Department employees who work overtime on a holiday that is not a scheduled shift day will be paid 12 hours at the straight hourly rate plus the number of hours worked at time and one-half.

7-1.G. Emergency Snow Pay The City of Olathe demonstrates the value that we place upon customer service by working outside normal business hours to ensure that residents can travel as safely as possible in any weather. In the event of snow, City employees will work to ensure that all Olathe roadways are cleared. Employees may receive additional compensation for emergency snow pay; please see the City's Emergency Snow Pay Procedures, available on the Ozone, for more information.

7-2. VACATION

The City of Olathe values a work/life balance among its employees and believes that the use of vacation time helps employees to refresh themselves and come back to work with increased focus and energy.

Vacation time off with pay is available to eligible, regular employees to provide opportunities for rest, relaxation, and personal pursuits. Employees are encouraged to use their full allotment of vacation paid time off each year. Seasonal and temporary employees do not receive the vacation benefits outlined in this section. Regular part-time employees will accrue vacation time the same as full-time employees, prorated to the number of normally scheduled hours worked and on paid leave.

The amount of paid vacation time employees receive is based on hours paid in the pay period up to 80 hours maximum and increases with the length of their employment, as shown in the following schedule:

Vacation Earning Schedule

	Per Pay Period	Per Year	Maximum Accrual
Upon initial eligibility	3.08 hours	10 days	20 days
After 5 years	4.62 hours	15 days	30 days
After 10 years	5.54 hours	18 days	36 days
After 15 years	6.16 hours	20 days	40 days

Fire service employees who work a 56-hour workweek receive vacation leave as follows:

Upon initial eligibility	6 shift days	12 days
After 5 years	7 shift days	14 days
After 10 years	8.5 shift days	17 days
After 15 years	10 shift days	20 days

For exempt employees, use of vacation leave is recorded only if the employee is absent for at least one-half of one day or more (e.g., four hours). To take vacation leave, employees should request approval from their supervisors at least 48 hours in advance of the intended leave day, if at all possible. Requests will be reviewed based on a number of factors, including business needs, staffing requirements, and department rules.

Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

Vacation leave may only be accumulated up to twice the amount accrued per year. Upon separation from employment, employees who have completed six months of employment will be paid for all accrued and unused vacation time.

Employees should be at work on their last day of employment and not use vacation pay to extend their last day of work. The only exceptions are for retirees and employees resigning in lieu of involuntary termination.

7-3. LEAVES OF ABSENCE

7-3.A. Sick Leave (Short Term, Temporary)

The City of Olathe provides paid sick leave benefits to all eligible employees for periods of temporary absence due to illnesses or injuries. If an injury or illness is long-term, permanent, or may be permanent or long-term, please refer to the FMLA policy and contact the Human Resources Department to discuss potential disability benefits. Sick leave is not intended to extend the 12 week limit under the FMLA.

Eligible employees will accrue sick leave benefits at the rate of 12 days per year (credited at 3.7 hours per pay period).

For exempt employees, use of sick leave is recorded only if the employee is absent for at least one-half of one day or more (e.g., four hours). Eligible employees may use sick leave benefits for an absence due to their own illness or injury or that of a spouse, child, or parent.

Employees who are unable to report to work due to illness or injury should notify their direct supervisor no later than 30 minutes following the scheduled start of their workday, if possible. The direct supervisor also must be contacted on each additional day of absence.

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

Sick leave benefits are intended solely to provide income protection in the event of illness or injury and may not be used for any other reason for absence. Unused sick leave benefits will not be paid to employees while they are employed or upon termination of employment unless the employee retires under the KPERS or KP&F Retirement System. *See Section 8.*

All directors, managers, and supervisors must notify the Human Resources Department of any illness, condition, or absence exceeding three consecutive days and for all absences due to an intermittent or serious recurring condition.

The City of Olathe administers a Sick Leave Bank (see below) to provide support to eligible employees in the event of a long-term illness or incapacitation from an injury. Listed beneath it is the Shared Leave Program that the City also offers.

Sick Leave Bank (SLB) Program

Updated 10.6.2016

Purpose

The purpose of the Sick Leave Bank (SLB) is to provide support to eligible employees in the event of the employee's long-term illness or incapacitation from an injury, or to assist eligible employees in the event that they need to care for a spouse, parent or child's catastrophic illness or serious injury. The SLB is **not** intended to be used as a substitute for permanent disability income or to pay for custodial care for employees who sustain permanent, non-terminal diseases or injuries. SLB benefits are **not** available to employees as a result of injuries which qualify for workers' compensation. SLB is not intended to extend an employee's entitlement to job protected leave under the Family Medical Leave Act (FMLA).

Eligibility to Join the Sick Leave Bank

- Membership in the SLB is voluntary and open to regular full-time employees who possess a minimum of 144 hours of accumulated sick leave and regular part-time employees who possess a minimum of 72 hours of accumulated sick leave. Fire Department employees who work a 56-hour work week must possess a minimum of 200 hours of accumulated sick leave to be eligible.
- Upon initial eligibility, an employee will receive an email notification from Human Resources, advising that he or she has an opportunity to join the SLB within the next thirty (30) days. The employee will have additional opportunities to join the SLB during open enrollment each year if they continue to meet eligibility requirements.
- To join the SLB, a benefit-eligible full-time employee must make an initial contribution of 24 hours of accumulated sick leave and a benefit-eligible part-time employee must make an initial contribution of 12 hours of accumulated sick leave. Fire Department employees who work a 56-hour work week will be required to contribute 33.6 hours of accumulated sick leave to become a member of the SLB.
- If a benefit-eligible part-time employee joins the SLB and subsequently becomes a full-time employee, the employee may either remain eligible to utilize SLB time as a part-time employee or attain a sick leave balance of 144 hours and contribute an additional 12 hours of sick leave to the SLB.
- Employees are not entitled to recoup hours donated to join the Sick Leave Bank, even if they do not draw upon the SLB.

Guidelines for Using Sick Leave Bank Hours

- Before becoming eligible for SLB hours, a member must exhaust all accrued paid leave (*e.g.* vacation, comp time, personal days and sick leave). For a single incident of an illness or incapacitation from an injury: a benefit-eligible full-time employee may receive a maximum of 960 SLB hours; a benefit-eligible part-time employee may receive a maximum of 480 SLB hours; and a Fire Department employee who works a 56-hour work week may receive a maximum of 1,344 SLB hours. The Sick Leave Bank Committee may vote to allow an employee to exceed this single-incident limitation in extraordinary circumstances.
- To apply for SLB hours, an employee must complete an application and provide either a Family Medical Leave Act (FMLA) Healthcare Provider Certification or a Sick/Shared Leave Bank – Medical Certification Form. The employee may also be required to provide additional information requested by the SLB Committee.
- Employees must turn completed applications in to the Human Resources Benefits Coordinator.
- Employees who utilize SLB hours will not be required to replace such hours.

Sick Leave Bank Balance

The SLB must maintain a minimum balance of 1,200 hours. If the SLB balance falls below 1,200 hours, Human Resources will notify SLB members and each member will be required to contribute 16 hours (full-time) or 8 hours (part-time) of his/her sick leave to replenish the SLB. To retain membership in the SLB, members must make this contribution within 45 days of notification. However, if a member is utilizing SLB time at the time of notification, the member will not be required to contribute the required hours in order to retain membership.

EXCEPTION: Fire Department employees who work a 56-hour work week will be required to contribute 22.4 hours of sick leave to retain membership in the SLB.

Guidelines for the Sick Leave Bank Committee

The SLB committee consists of the following members, each of whom has a vote:

- Four elected members will serve two-year terms. Terms will be staggered such that two members will stand for election by the qualified membership of the SLB each year. Members may be re-elected up to two consecutive terms. No more than two elected members may serve from any City department.
- A Human Resources Designee.

A majority of the SLB Committee is a quorum for the transaction of business. The committee will take action by consensus or, if necessary, by a vote. Where voting is necessary, a majority of existing SLB Committee members must vote in favor of an action regardless of how many committee members are present at the meeting.

The SLB Committee will:

- Review all eligible applications for SLB hours and approve or deny applicant requests;
- Elect a Chair, who will sign all official correspondence issued by the Committee;
- Meet as required to review applications; and
- Upon request, provide a report of usage of SLB hours to the City Manager's Office.

Human Resources staff will provide the following support to the Committee:

- Receive applications for SLB hours from employees and convene the Committee to decide upon such applications.
- Make and notate the following for each application for use of SLB hours:
 - Whether the applicant is a SLB member;
 - How much paid leave the applicant currently has accrued;
 - Whether the applicant has requested and/or received previous SLB hours; and
 - Redact **all** personally identifying information from the SLB application.
- Ensure that all SLB Committee members have been properly trained regarding the medical privacy rules of the HIPAA and other applicable laws and have committed following those guidelines.
- Receive applications to serve on the SLB Committee and coordinate SLB Committee elections, according to the following:
 - Elections will be held annually by ballot by June of each year.
 - Newly elected SLB Committee members will begin their terms on July 1 of each year.

Shared Leave Program (ShLP)

Updated 10.6.2016

Purpose

The purpose of the Shared Leave Program (ShLP) is to provide support to employees who have been employed with the City of Olathe for five (5) or fewer years, in the event of an unexpected illness or incapacitation from an injury. Once an employee achieves his or her fifth anniversary of service with the City of Olathe, he or she is not eligible for ShLP. The ShLP is **not** intended to be used as a substitute for permanent disability income or to pay for custodial care for employees who sustain permanent, non-terminal diseases or injuries. ShLP benefits are **not** available to employees as a result of injuries which qualify for workers' compensation. ShLP is not intended to extend an employee's entitlement to job protected leave under the Family Medical Leave Act (FMLA).

Eligibility to Use the Shared Leave Bank

Shared Leave Bank hours are available to all regular full-time and regular part-time employees who have five (5) or fewer years of service in a benefit-eligible position at the City of Olathe. Once an employee achieves his or her fifth anniversary of service with the City of Olathe, he or she is not eligible for ShLP.

Decisions on Shared Leave Bank Hours

The Sick Leave Bank (SLB) Committee will review and act on all applications for ShLP hours, under the guidelines set forth in the Sick Leave Bank Policy.

Shared Leave Bank Balance

The Shared Leave Bank is not required to maintain a minimum balance of hours. If the Sick Leave Bank Committee determines the ShLP Bank does not have enough hours to continue meeting employee needs, Human Resources will make a call for voluntary sick leave donations. If sufficient hours are not available in the ShLP Bank, applications may be denied.

Upon separation of City employment through retirement or resignation, employees may contribute accumulated sick leave hours to the ShLP.

Guidelines for Using Shared Leave Bank Hours

- Before using ShLP hours, an employee must exhaust all accrued paid leave (*e.g.* vacation, comp time, personal days and sick leave).
- Employees who are granted ShLP hours will receive paid time off at a rate of seventy-five percent (75%) of their regular pay, excluding overtime.
- For a single incident of an illness or incapacitation from an injury: a benefit-eligible full-time employee may receive a maximum of 480 ShLP hours; a benefit-eligible part-time employee may receive a maximum of 240 ShLP hours; and a Fire Department employee who works a 56-hour work week may receive a maximum of 672 ShLP hours. The Sick Leave Bank Committee may vote to allow an employee to exceed this single-incident limitation in extraordinary circumstances.
- To apply for ShLP hours, an employee shall complete an application and provide either a Family Medical Leave Act (FMLA) Healthcare Provider Certification or a Sick/Shared Leave Bank – Medical Certification Form. The employee may also be required to provide additional information requested by the Sick Leave Bank Committee.
- Employees must turn completed applications in to the Human Resources Benefits Coordinator.
- Employees who utilize ShLP hours shall not be required to replace such hours.

7-3.B. Bereavement Leave

If an employee wishes to take time off due to the death of a family member, then the employee should notify their supervisor immediately. Up to five days of paid bereavement leave will be provided to eligible employees for the death of their spouse, parent including step, child(ren) including step and foster child(ren), mother & father in-law, and siblings including step; and up to three days will be provided for other family members (listed below).

Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation, such as shift differentials. Approval of bereavement leave will occur in the absence of unusual job demands or operating requirements. Any employee may, with the supervisor's approval, use any available paid leave for additional time off as necessary.

The City of Olathe defines "other family members" as:

- Aunts and uncles
- Nieces and nephews
- All brothers-in-law and sisters-in-law
- Sons-in-law and daughters-in-law
- Siblings of the employee's spouse
- Grandparents and step grandparents
- Grandchildren and step grandchildren

Employees may be allowed two (2) hours off with pay to attend the funeral or visitation of a current or former City of Olathe co-worker. Department Directors may allow additional time if needed.

7-3.C. Jury Duty

The City of Olathe encourages employees to fulfill their civic responsibilities by serving jury duty when required.

Jury duty pay will be calculated based on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence up to a maximum of eight hours per day.

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate the absence. Of course, employees are expected to report for work whenever the court schedule permits.

The City of Olathe will continue to provide health insurance benefits for the full term of the jury duty absence. Vacation, sick leave, and holiday benefits will continue to accrue during jury duty leave.

Compensation received by the employee for jury duty should be reimbursed to the City, with the exception of mileage and other miscellaneous expenses.

7-3.D. Time off to Vote

The City of Olathe encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their non-working hours, the City of Olathe will grant up to two hours of paid time off to vote.

Employees should request time off to vote from their supervisor at least two working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

7-3.E. Military Leave

A military leave of absence will be granted to employees to attend scheduled drills or training or if called to active duty with the U.S. armed services.

Employees will receive partial pay for two-week military training assignments and shorter absences. Each week of such military leave shall be equivalent to the number of regular hours that an employee is scheduled to work within a standard week, but shall not include overtime hours (*e.g.* an employee scheduled to work 56 hours a week will receive 112 hours of military leave for training assignments). Upon presentation of satisfactory military pay verification data, employees will be paid the difference between their City normal base compensation and the pay (excluding expense pay) received while on military training duty. The portion of any military leaves of absence in excess of two weeks will be unpaid. However, employees may use any available paid time off (comp time, personal day, holiday leave time, and vacation) to supplement partial pay in excess of two weeks.

Subject to the terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible, health insurance benefits will be provided by the City of Olathe for the full term of the military leave of absence.

Vacation, sick leave, and holiday benefits will continue to accrue during a military leave of absence.

Employees on two-week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time.

Employees on longer military leave must apply for reinstatement in accordance with all applicable state and federal laws. Every reasonable effort will be made to return eligible employees to their previous position or a comparable one. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service, such as the rate of vacation accrual and job seniority rights. *See Appendix C for extended military service.*

7-3.F. Family and Medical Leave FMLA - Eligibility

In full compliance with the Family and Medical Leave Act (FMLA), the City of Olathe provides eligible employees with unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. In order to be eligible for FMLA protections, an employee shall have worked for the City for at least one year and for

1,250 hours over the previous 12 months. Eligible employees may take twelve workweeks in a twelve month period, calculated backward from the date of leave for:

- The birth of a child and to care for the newborn child within one year of birth;
- The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- To care for the employee's spouse, child, or parent who has a serious health condition;
- A serious health condition that makes the employee unable to perform the essential functions of his or her job; or
- A qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is a covered military member on "covered active duty."

An eligible employee is entitled to twenty-six workweeks of leave during a single 12 month period, calculated backward from the date of leave, to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin.

FMLA – Serious Health Conditions

A serious health condition is an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. Some common serious health conditions that qualify for FMLA leave include:

- Conditions requiring an overnight stay in a hospital or other medical care facility;
- Conditions that incapacitate for more than three consecutive days *and* require ongoing medical treatment (either multiple appointments with a health care provider, or a single appointment and follow-up care such as prescription medical);
- Chronic conditions that cause occasional periods when the employee is incapacitated and that require treatment by a health care provider at least twice a year; and
- Pregnancy (including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest).

Designation of Leave

Human Resources will preliminarily designate leave as FMLA when it has reason to believe that an employee has taken leave for an FMLA-qualifying reason. In such cases, Human Resources shall notify the subject employee and supervisor of the designation within five days of learning of the absence, through a "Notice of Designation." If Human Resources learned of the reasons for the absence only after the employee had returned to work, Human Resources may retroactively designate the employee's as FMLA.

FMLA Concurrent with Other Leave

All but five days of available sick leave, vacation time, and comp time must be used at the beginning of the employee's leave of absence and will run concurrently with the leave of absence, except to the extent that such leave is covered by the City's short-term disability insurance plan. Employees will not be required to use sick leave, vacation, and/or comp time while receiving short-term disability benefits offered by the City. As soon as eligible employees become aware of the need for a family and medical leave of absence, they should request a leave from their supervisor.

Additionally, time off for workers' compensation will run concurrently with FMLA time.

FMLA – Health Provider Certifications

Employees requesting family and medical leave related to the serious health condition of the employee or the employee's child, spouse, or parent will be required to provide a health care provider's statement verifying the illness, its beginning and expected ending dates, the need for the employee to provide care, and the estimated time required.

FMLA – Notice

. Employees must give 30 days of advance notice when the leave is foreseeable. If the leave is not foreseeable, the employee must notify his/her supervisor the same or next business day.

Employees using intermittent leave will be required to contact their supervisors prior to missing work.

Requests for family and medical leave should be in advance for foreseeable events and as soon as possible for unforeseeable events. Requests for medical leave will be evaluated by the Human Resources Department to ensure that eligibility requirements are met. Failure to timely notify the supervisor of the need for medical leave or otherwise inform the supervisor of a medical condition may impair an employee's legal rights under the FMLA.

All directors, managers, and supervisors must notify the Human Resources Department of any illness, condition, or absence exceeding three consecutive days and for all absences due to intermittent or recurring conditions, including, but not limited to, migraine headaches, asthma attacks, and debilitating allergy attacks.

An employee on family and medical leave is requested to provide the City of Olathe as much advance notice as possible of the date the employee intends to return to work so that the return to work can be properly scheduled. Directors, managers, and supervisors should immediately schedule the employee back to work upon receipt of a return to work slip. Any scheduling conflict must be immediately reported to the Human Resources Officer. Any return to work slip containing a limitation on the employee's job duties, such as lifting or mobility restrictions, must be approved by the Human Resources Officer and the appropriate department director or designee.

FMLA – Health Insurance Benefits

Subject to the terms, conditions, and limitations of the applicable plans, the City of Olathe will continue to provide health insurance benefits for the full period of the approved family leave. It is the employee's responsibility to pay the employee's regular contribution towards health insurance coverage on the date the payment is due. Failure to timely pay the employee's share of the insurance premium will lead to cancellation of the health care coverage retroactive to the day the employee's payment first became due. Vacation and sick leave benefits will continue to accrue during the approved family and medical leave period.

Military Leave

The National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181, Section 585(a) of the NDAA, amended the FMLA to provide eligible employees working for covered employers two important new leave rights related to military service:

- Eligible employee are entitled to up to 12 weeks of leave because of "any qualifying exigency" arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty or has been notified of an impending call to active duty status in support of a contingency operation. By the terms of the statute, this provision requires the Secretary of Labor to issue regulations defining "any qualifying exigency." In the interim, employers are encouraged to provide this type of leave to qualifying employees.

- An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained during active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during “a single 12-month period” during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

FMLA – Return to Work

When a family and medical leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified.

If an employee fails to report to work promptly at the end of the approved leave period, the City of Olathe will assume that the employee has resigned with the effective date of termination as the date the employee should have returned to work.

FMLA – Supplemental Employment

Working a second job while on FMLA and workers’ compensation is subject to approval by the Risk Manager and department director. (NOTE: The Police Department does not approve working a second job during any leave time.)

7-3.G. Personal Days

Updated 1/23/2015

- Full-time and part-time regular employees are authorized personal days each **year based on their scheduled hours (e.g. 8 hours) at the beginning of the calendar year**, and will be paid at the regular wage and scheduled hours at the time taken.
- For exempt employees, use of personal days is recorded only if the employee is absent for at least one-half of one day or more (e.g., four hours).
- Personal days must be used before the annual cut-off date during the pay year they are awarded and are not accumulated, carried over to the next year, or paid out upon termination.
- Personal leave used after the annual cut-off date will be charged to the next payroll year.
- Employees will be sent a reminder of the cut-off period before the end of the payroll year.
- It is possible for an employee to be awarded up to two personal workdays annually. To receive personal leave the employee must meet the following requirements:

Regular full-time employee

Regular full-time employee

- One personal day: Be employed full time on January 1 and a current, regular, full-time employee at time of use.
- Second personal day: Available to employees with 20 or more years of full-time service on January 1 and a current, regular, full-time employee at time of use.

- An employee may receive an additional personal day as a reward for superior service. The additional day must be in writing and approved by a department director and submitted to the Human Resources Department.

Regular part-time employee

- One-half of one personal workday: Be employed as a current, regular part-time employee on January 1 and a current employee at time of use.
- Second personal one-half of one workday: Available to all employees with 20 or more years of current, regular part-time service on January 1 and a current employee at time of use.
- Additional personal one-half of one workday: (perfect attendance award) The employee did not use any sick leave in the preceding *payroll* year (*e.g.* if the payroll year ran from December 23, 2013 through December 21, 2014, an employee would receive an additional personal one-half of one workday if s/he used no sick leave from December 23, 2013 through December 21, 2014). See the City's Payroll Calendar, available on the O-Zone, for payroll start and end dates. Employee must also be employed part-time on January 1 and a current, regular, part-time employee at time of use.
- An employee may receive an additional personal one-half of one workday as a reward for superior performance. The additional one-half of one workday must be in writing and approved by a department director and submitted to the Human Resources Department.

7-3.H. Approved Leave without Pay

The City Manager may grant an employee leave without pay for a period not to exceed 120 calendar days in any one-year period when it is in the best interest of the City and does not cause an unnecessary imbalance of the work load. The purpose of such leave would be other than that as described in Section 7-3.F. (Family and Medical Leave).

The employee shall sign a letter of intent that he/she will return to City service. At the expiration of the leave without pay, the employee may be reinstated to the position he/she vacated or to any other position that is available. During the employee's absence, his/her position may be filled by temporary and/or regular assignment at the discretion of the department director.

Subject to the terms, conditions, and limitations of the applicable plans, the City of Olathe will continue to provide health insurance benefits for the full period of the approved leave. It is the employee's responsibility to timely pay his/her regular contribution towards health insurance coverage. Failure to timely pay the employee's share of the insurance premium will lead to cancellation of the health care coverage retroactive to the day the employee's payment first became due.

Unlike with family leave (FMLA), sick leave and vacation leave shall not accrue during the term of leave without pay.

SECTION 8: INSURANCE, RETIREMENT, AND OTHER BENEFITS

The City of Olathe desires to have a comprehensive benefit program that provides support to employees in the following areas: Health and Welfare, Financial Protection, Work/Life Balance, and Learning and Development. The following is a summary of benefits and does not alter any of the plan documents.

8-1. RESPONSIBILITY

The Human Resources Officer is responsible for the coordination and administration of the City's benefit programs. All questions regarding benefits should be directed to the Human Resources Department. All forms associated with these benefits are available from the Human Resources Department and on the City's Intranet.

8-2. ELIGIBILITY

All regular full-time and regular part-time employees are eligible for all benefits as detailed in this section.

8-3. HEALTH AND DENTAL INSURANCE

The City offers comprehensive health and dental insurance to regular full-time and regular part-time employees. If an employee enrolls, coverage begins the first day of the month following 30 days of employment.

During any authorized leave of absence with pay, coverage is continued. In the event an employee is on an authorized leave of absence without pay, he/she must make arrangements to pay the insurance premiums during approved leave, including workers' compensation leave. Unpaid premiums will be tracked in an arrearage account, which will be activated when the employee returns to work.

The monthly cost of each plan for health and dental coverage, as well as the portion each employee and the City will pay, is subject to review and adjustment each year prior to open enrollment for employees. Open enrollment will be held each year. This is an opportunity for employees to transfer their memberships from one City-sponsored plan to another when more than one plan is offered. Eligible family members may also be enrolled or dropped at this time.

It is the responsibility of each employee to notify the Human Resources Department when there is any change in family status, because a change may have an effect on benefits. (e.g., in the event of a divorce the former spouse should be dropped from coverage). In most cases notice is required within 30 days of an event or family status change. The City is not responsible for plan change denials when an employee fails to notify the Human Resources Department in a timely manner.

8-4. CONTINUATION OF COVERAGE

When an employee terminates employment with the City, insurance coverage for the employee and his/her dependents ends on the last day of the month in which the employment separation date is effective.

8-4.A. Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)

Eligible employees and dependents have the opportunity to continue coverage in certain instances where coverage would otherwise terminate. Such continuation coverage is as described in the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) and is, therefore, sometimes referred to as "COBRA Continuation Coverage." This notice is intended as a summary of a covered person's rights and obligations under the provisions of that law.

Entitlement and Qualifying Events

A covered employee or covered dependent may elect to continue health coverage if that coverage would otherwise terminate due to a “qualifying event.” Qualifying events are: a) a covered employee’s termination of employment, for reasons other than gross misconduct or reduction in work hours, b) death of a covered employee, c) divorce or legal separation of the covered employee and his/her spouse, d) a covered dependent child’s ceasing to satisfy the plan’s definition of dependent child, or e) a covered employee’s entitlement to Medicare.

COBRA Qualified Beneficiaries

A COBRA qualified beneficiary is an individual who is entitled to COBRA Continuation Coverage. In addition to those individuals covered under the plan immediately preceding a qualifying event, a child born to/adopted by/placed for adoption with a qualified beneficiary, who is a former covered employee and during the employee’s period of COBRA Continuation Coverage, is also a COBRA qualified beneficiary.

Sometimes filing a proceeding in bankruptcy under Title 11 of the United States Code can be a qualifying event. If a proceeding in bankruptcy is filed (with respect to the City of Olathe, Kansas) resulting in loss of coverage of any retired employee covered under the plan, then the retiree is a qualified beneficiary.

Notification of a Qualifying Event

The plan will offer COBRA Continuation Coverage to qualified beneficiaries only after the plan sponsor or its designee has been notified that a qualifying event has occurred. When the qualifying event is the end of employment or reduction of hours of employment, an employee’s death, commencement of a proceeding in bankruptcy with respect to the employer, or an employee’s enrollment in Medicare (part A, Part B, or both), the employer must notify the plan sponsor or its designee of the qualifying event within 30 days of its occurrence (of course, when the plan sponsor or its designee is the employer, there is no need for the employer to notify itself of these events).

An employee must notify the plan sponsor or its designee (at the address listed below) within 60 days of a divorce or legal separation, a child’s ceasing to meet the plan’s definition of “dependent,” or the Social Security Administration’s determination of disability.

In addition, if an employee was a disabled individual who obtained 29 months of COBRA Continuation Coverage, then he/she must notify the plan sponsor or its designee of any determination by the Social Security Administration that he/she is no longer disabled. Notification to the plan sponsor or its designee must be made within 30 days of the date such determination is made.

Notice of the qualifying events described above (describing the qualifying event and the date it occurred) must be sent in writing to:

City of Olathe
Human Resources Department
100 E Santa Fe
Olathe, KS 66061

8-4.B. Maximum Coverage Continuation Periods

General Rules

Coverage may be continued for up to:

- 18 months, for an employee or dependent whose coverage would cease because of a termination of employment or reduction in work hours.
- 29 months (18 plus 11), for a disabled individual who:
 - Becomes entitled to the 18 months of continued coverage available after an employee’s termination of employment or reduction in work hours.

- Is determined by the Social Security Administration to have been disabled on the date of that termination of employment or reduction in work hours or at any time during the first 60 days of COBRA Continuation Coverage.
- Notifies the plan of that disability determination within 60 days after receiving it and while are still purchasing first 18 months of COBRA. Please note that an employee is eligible for this additional 11 months of coverage even if he/she is not disabled if he/she is entitled to COBRA Continuation Coverage due to the same qualifying event that entitles a disabled person to the additional 11 months of coverage.
- 36 months, for a divorced or widowed spouse or a child who has ceased to be a dependent under the terms of the plan.

8-4.C. Coverage Continuation - Upon Retirement

Employees covered under any Kansas Public Employees Retirement System (KPERS), who were covered under this plan on the date immediately prior to their retirement and have at least 10 years of service with the City, may continue coverage under their health or dental plan as a retired employee (includes eligible dependents). *See plan document and K.S.A. 12-5040.*

If at the time of retirement an employee has at least 10 years of service with the City, then the City may pay a portion of the retiree coverage until the date the employee attains age 65 or becomes covered/eligible to be covered under a plan of another employer, whichever comes first. The City requires that employees provide notice of their retirement date to the Human Resources Department in order for the City to pay a portion of their retiree coverage. Recertification must be received every year.

The following changes to the retiree health insurance program took effect March 1, 2005. As currently allowed, at the time of retirement an employee may choose either single, employee + spouse, employee + children, or family coverage for health insurance.

	Employees hired before 1/1/04	Employees hired after 1/1/04
Employees retiring after 12/31/09	The City will make every effort to contribute 100% of the City’s share of single coverage premium.	The City may charge up to 125% of full premium, per K.S.A. 12-5040.

8-4.D. Coverage Continuation - Upon Disability

Employee benefits will end if an employee is on inactive status and/or premiums are unpaid. The City of Olathe grants no vested rights when someone goes on inactive status, and the City can amend or terminate all benefit plans at any time with or without notice. In the interest of society the City may make exceptions to maintain plans for employees who may be inactive under certain circumstances.

Level of Disability Not Work Related Work Related

	Not Work Related	Work Related
Total Disability/Totally Disabled Permanent total disability exists when the employee, on account of the injury/illness, has been rendered completely and permanently incapable of engaging in any type of substantial and gainful employment.	Health coverage to age 65, if permanent continuous disability.	Health coverage to age 65, if permanent continuous disability.

<p>Partial Disability Permanent partial disability exists when the employee, on account of the injury/illness, has been rendered partially and permanently incapable of engaging in full-time employment at the City.</p>	<p>Health coverage is terminated with employment – COBRA eligible.</p>	<p>Health coverage at cost of active employee rate is terminated one year after employment termination, then COBRA eligible.</p>
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NOTE: Employee share of premiums must be paid on all above plans. The City makes the final decision on level of disability based on information received from the attending medical provider.

8-5. LIFE INSURANCE AND DEATH BENEFITS

Updated 1/27/2015

The City provides term life insurance and accidental death and dismemberment coverage for all regular full-time and regular part-time employees. This coverage takes effect on the first day of the month following 30 days of employment. The entire monthly cost of this coverage is paid by the City. Each covered employee will receive a copy of the plan document and an explanation of benefits.

In addition, the City provides eligible employees with certain life insurance and death benefits through KPERS. Employees may contact KPERS at 1-888-275-5737 or visit www.KPERS.org for more information.

The City also offers supplemental life insurance. Employees may purchase additional insurance for themselves or dependents.

The cost of group term life insurance in excess of \$50,000 that is provided under a policy carried directly or indirectly by the City is subject to imputed income tax in accordance with Section 79 of the IRS Code. The amounts of all life insurance benefits subsidized by the City are combined to determine the taxable amount

8-6. FLEXIBLE BENEFIT SPENDING PLAN (SECTION 125)

The City has established a Flexible Benefit Spending Plan under Section 125 of the IRS Code, which allows eligible employees to pay their monthly premium contributions for medical and dental insurance on a pre-tax basis. Employees may also utilize a Flex Spending Account (FSA) for medical out-of-pocket expenses and for reimbursement of dependent care expenses.

All employees are eligible to participate. All elections are in force through the entire plan year, and changes can be made only if there is a change in family status.

8-7. RETIREMENT

8-7.A. Kansas Public Employees Retirement System (KPERS) & Kansas Police and Firemen’s Retirement System (KP&F)

The Kansas Legislative created the Kansas Public Employees Retirement System (KPERS) in 1962 to build a financial retirement foundation for those spending their careers in Kansas public service. KPERS is now a Kansas-administered defined benefits retirement program. Pursuant to K.S.A. 74-4901, *et seq.*, upon hire, regular full-time and regular part-time employees shall enroll in the KPERS or KP&F.

KPERS/KP&F provides retirement benefits to City employees who work 1,000 hours or more per calendar year (based upon the position guide). Both the employee and the City make contributions to KPERS each pay period. Employee contributions will be automatically deducted from each paycheck. Both systems provide retirement, long-term disability, life insurance, and survivor's benefits.

When an employee is "vested" in KPERS, it means the employee has earned enough service credit to guarantee a retirement benefit, even if he or she leaves covered employment. Service credit from different systems can be combined.

- KPERS Tier 1, Tier 2 and Tier 3 members vest with five years of service
- KP&F Tier I members vest with 20 years of service
- KP&F Tier 2 members vest with 15 years of service

For more information, you may visit www.kpers.org.

8-7.B. Buyback of Sick Leave at Retirement

The City has established a buyback program of 25% of unused sick leave upon KPERS or KP&F retirement (up to 960 hours for full-time employees, 1,344 hours for 56-hour Fire Department employees, and prorated hours for part-time employees).

8-7.C. Deferred Compensation

Employees may supplement their retirement programs by electing to participate in one of the deferred compensation programs offered by the City.

Contributions made by the employee are on a pre-tax basis, and contributions and earnings are not subject to state and federal tax until the funds are withdrawn prior to retirement, except in cases of extreme hardship or termination of employment. Income is taxed when it is received. The City may make a discretionary match, and funds are immediately 100% vested at the time of deposit.

8-8. EDUCATIONAL ASSISTANCE

The City of Olathe values the desire of employees to pursue educational opportunities that are of mutual benefit to the employee and the City. Regular full-time employees with one year or more of service with the City are encouraged to take advantage of educational courses that will help improve their performance in their current position and/or better prepare them for promotion within the City. The Human Resources Department will maintain a budget for educational reimbursement. The money will be allocated on a first-come/first-approved basis. Once the budget has been used, department directors will be responsible for approving and funding additional requests from their employees at the expense of the department. Employees must be actively employed (in paid status) at the beginning and end of the approved course to receive education reimbursement.

8-8.A. Conditions of Reimbursement

Updated 1/2/2015

Reimbursement for course attendance is 100% of tuition and books with the following provisions:

- Total reimbursement per employee will be limited to a maximum of \$2,000 per calendar year.
- The employee must complete the course with at least a "C" grade for undergraduate courses and a "B" grade for graduate courses.
- Priority will be given to courses taken at an accredited college, university, or other institution recognized by the North Central Association Commission on Schools (NCA).
- Single courses (not part of a degree program) must be shown to be job related.

- Courses taken for a degree (major courses and general requirements) must be for a major in a field directly related to the employee's position or municipal government work.
- Pass/fail courses are not eligible for reimbursement.

- Expenses related to registration fees, library fees, graduation fees, life learning experiences, calculators, etc. are not eligible for reimbursement.
- Expenses which exceed the limits of this policy may not be carried forward for reimbursement at a future time.
- Employees who fail to continue employment with the City of Olathe for one full calendar year after the City's reimbursement will be required to reimburse the City for 100% of any amounts paid by the City.
- In the event an employee receives other financial assistance (grants, scholarships, or waivers), the City's assistance will only apply to those amounts not covered by them. Tuition costs paid with student or other loans will be eligible for reimbursement, contingent on the employee providing appropriate documentation. All other sources of assistance must be disclosed at time of application.
- Reimbursement may be subject to taxation in accordance with current tax laws.
- The granting of assistance is based upon the availability of funds. All employees must complete an Educational Reimbursement Request form.

8-8.B. Procedures

1. An employee will complete an Educational Reimbursement Request form, submitting the original and one copy to their department director for consideration prior to course registration.
2. After review by the department director, the application will be forwarded to the Human Resources Department for review prior to course registration.
3. If the request is approved, then the employee will submit all grade report(s), tuition receipt(s), and receipts for any additional eligible expenses to the Human Resources Department upon completion of the course(s). All required documentation must be submitted within four weeks of completion of the approved course(s). If an employee is enrolled in multiple courses with varying end dates, then documentation must be submitted within four weeks of completion of each course.
4. In the event the request is denied, the employee may appeal the decision to the City Manager, who will make the final determination.

8-9. EMPLOYEE ASSISTANCE PROGRAM (EAP)

The EAP provides confidential professional assistance to help employees and their family members to resolve problems that affect their personal lives and/or job performance. Problems commonly handled include marital difficulties, parent-child relationships, alcoholism, drug addiction, stress, etc. The program is confidential and can be used by calling professional counselors directly. The fee for the EAP is paid for 100% by the City.

8-10. WELLNESS PROGRAM

The City sponsors a robust wellness program for all employees to encourage improved health, general fitness, and to control health insurance claims/costs. Activities include on-site clinic, wellness speakers, health risk assessments, fitness challenges, and incentives. An employee betterment committee will be formed of employee representatives from each City department to design, assess, and promote wellness activities (e.g., Olathe Works Well).

8-11. DIRECT PAYROLL DEPOSIT

The Direct Payroll Deposit program enables the deposit of all or a portion of an employee's net pay to be made in almost any financial institution (banks, credit unions, etc.) anywhere in the United States. The program allows the employee to split the amount of his/her direct deposit into a maximum of five accounts. Deposits are accomplished through an electronic funds transfer to be available in the employee's designated account on the morning of the normal payday.

8-12. LIFE THREATENING ILLNESSES

Employees with life-threatening illnesses, such as cancer, heart disease, and AIDS, often wish to continue their normal pursuits, including work, to the extent allowed by their condition. The City of Olathe supports these endeavors, as long as employees are able to meet acceptable performance standards.

As in the case of other disabilities, the City of Olathe will make reasonable accommodations in accordance with all legal requirements to allow qualified employees with life-threatening illnesses to perform the essential functions of their jobs.

8-12.A. Confidentiality

In full compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the City of Olathe shall treat protected health information regarding employees obtained in connection with administration of the City's group health plan confidentially. The City of Olathe will take reasonable precautions to protect such information from inappropriate disclosure. Managers and other employees have a responsibility to respect and maintain the confidentiality of employees' medical information. Anyone inappropriately disclosing such information is subject to disciplinary action up to and including termination of employment.

8-12.B. Questions

Employees with questions or concerns about life-threatening illnesses are encouraged to contact the Human Resources Officer or the City of Olathe's EAP for information and referral to appropriate services and resources.

8-13. WORKERS' COMPENSATION

The City of Olathe is committed to providing a workplace that is free from recognized safety and health hazards. The City takes this responsibility very seriously. Employees are required to immediately notify their supervisor of any injury arising out of or in the course and scope of employment. Failure to notify supervisor, manager, or director in a timely manner of a work-related injury may lead to the denial of benefits and possible disciplinary action. FMLA leave shall run concurrently with workers' compensation leave.

Weekly Wage Benefits

1. Weekly wage benefits under the Kansas workers' compensation law: Temporary Total Disability (TTD) wage benefits are paid by the City's self-insurance program. The amount of pay received may vary depending on circumstances. As a general rule, employees are not entitled to TTD for the first seven calendar days that they are unable to work.
2. City supplemental pay: The supplemental pay program is voluntary and provided at the City's

discretion and is not subject to the provisions of the Kansas workers' compensation law. The program is intended to supplement any rights to TTD that injured employees may have, so they do not suffer any economic consequences as a result of their injury.

- a. First week (seven consecutive calendar days): Regular employees may receive their base wage during the first week's absence, or any portion thereof, due to an accidental work-related injury.
 - b. Weeks two through 26: The City may supplement direct from payroll a regular employee's workers' compensation TTD entitlements.
 - c. Weeks 27 and beyond: All supplemental pay will be terminated. TTD will be issued by the third party administrator.
 - d. Subsequent injuries: Employees are entitled to use supplemental pay for subsequent work injuries up to a maximum of 26 weeks every five years. The City of Olathe may authorize additional supplemental pay for subsequent injuries in exceptional circumstances.
3. Follow-up medical treatment: The City may supplement pay for the time the employee must be present (during normal duty hours) for authorized follow-up medical treatment/therapy.
- a. Every effort will be made to schedule authorized follow-up medical treatment/therapy at the beginning or end of the work day or on days off. Departments will make every effort to adjust the employee's schedule so the employee is able to complete a full duty day or week.
 - b. When a schedule adjustment is not possible, the employee may be paid for the time at medical treatment/therapy so the employee receives his/her minimum duty shift or weekly pay. This time will be recorded as WS on the employee's timesheet. This time, when required, will be recorded as straight time and will not apply toward hours applicable to overtime.

Exceptions

Supplemental pay may be denied to any employee who does not report the accident that caused the work-related injury to the proper supervisor/department manager prior to the end of the shift or duty day, or within 24 hours if his/her work activity is unsupervised and the supervisor/department manager is not available by telephone or other communication means.

Supplemental pay may be terminated effective the date the employee misses a scheduled doctor's appointment or other treatment, such as physical therapy, unless the employee made arrangements in advance with the doctor/therapist and informed the Loss Control Coordinator of the need to miss the appointment.

Supplemental pay may be denied to any employee whose work-related injury involved the disregard for or failure to follow safety procedures as specified in federal and/or state regulations or the City's Employee Safety Program, Risk Management Manual, departmental safety regulations, or any written supplement thereto.

Ongoing Employment

If an employee returns to work upon achieving maximum medical improvement or within six months, whichever is sooner, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified.

If an employee does not return to work upon achieving maximum medical improvement or within six months, whichever is sooner, the employee will be terminated, unless the City Manager approves an

exception.

8-15. SAFETY PROGRAM

The City of Olathe has established a written Employee Safety Program, included as Appendix F of this handbook. All employees are expected to follow the safety rules and procedures contained in the Employee Safety Program and any supplements and/or safety procedures established by their department.

8-16. RISK MANAGEMENT MANUAL

The City of Olathe has established a separate document known as the Risk Management Manual, which contains: Risk Management Policy (ordinance), Risk Manager Safety and Hazard Abatement Authority, Employee Safety Program, Accident Reporting and Claims Procedures, New Employee Safety Orientation, and associated forms.

Additional sections will be implemented as required by state and federal laws and regulations, City of Olathe ordinances, and as specified by the City of Olathe's insurance companies.

A copy of this manual can be found on the Intranet and is available from all department directors and department managers.

8-17. ELECTION WORKERS

The City of Olathe supports the electoral process and provides unpaid leave to City staff to work polls, subject to department director approval. Request to work polls should be provided at least 30 days in advance to assist with proper shift coverage. Approval to work polls could be denied based on scheduling conflicts or performance issues. Employees may use accrued vacation or personal days to receive pay for time off working the polls.

8-18. MOVING EXPENSES

Moving expenses are subject to the approval of the department director. Approved moving expense payments must be coordinated through the **Human Resources Department and** the Payroll Division, because some moving expenses are taxable and must be reported on the employee's W-2. Actual expenses must be submitted to Payroll to be considered for non-taxable reimbursement.

8-19. CONTRACT WORKER STATUS

To ensure IRS guidelines are followed, department directors must contact the Human Resources Department if they have individuals they desire to hire on a contract basis.

8-20. CLOTHING ALLOWANCES AND PURCHASES

All department policies related to clothing (uniform) allowances must be approved by the Accounting Division. If an employee receives a clothing allowance, it will be paid as a benefit through the payroll system and will affect the employee's take-home pay and is taxable. In a few instances, however, employees are permitted to make clothing purchases with their purchasing cards (p-cards).

If required by their department, employees are permitted to make uniform clothing purchases with their purchasing cards (p-card) from vendors approved by the City's Procurement Division. Those items include:

- Pants, shirts, jackets, coveralls, etc. contracted for annually and required by the employee's

department. (Shirt, jackets, and coats must have the City logo to fall under this category).

- Shirts with the City logo.
- Items required for the job and are not suitable to be worn elsewhere (*e.g.* steel-toed boots).
- Safety shoes (the employee is responsible for all amounts above current allowance upfront. Payroll deduction is not allowed).
- Prescription safety glasses.

Items which are not considered uniforms and therefore will not be reimbursed or allowed to be purchased on the employee's P-card include:

- Shirts without the City's logo.
- Jeans not under the City's contract.
- Carhart jackets and coveralls (the City logo may not be added to these items).
- Items that may be worn elsewhere and not identifiable as City of Olathe uniforms.

8-21. TELECOMMUTING

These guidelines provide a general framework for telecommuting at the City of Olathe. They are only guidelines. They are not in any way an employment contract and make no promise of employment. They do not create any expressed or implied term of employment. They do not attempt to address the special conditions and needs of all individuals; the individual authorization agreements may address these issues.

The intent is to allow City employees and their managers to design their own telecommuting programs. A Telecommuting Agreement provides more specific information about employees working away from their principal worksite. The telecommuting arrangements must be agreed upon by the employee and supervisor, subject to the department director's approval.

8-21.A. Definitions

Regular Office or City Hall Office

The office to which an employee generally is assigned. The regular office may be a department not located in City Hall.

Regular Office Hours or Core Office Hours

The agreed-upon, uninterrupted set of hours during the day when the supervisor and co-workers can always communicate with the telecommuter.

Telecommuting

The working arrangements in which the workplace is located at least part-time at an alternate location, such as an employee's residence or other location, with hi-speed/broadband Internet access.

Equipment

A City mobile phone with voice mail or an employee-owned mobile phone, for which the employee is receiving a usage stipend, is the preferred method of communication. City-owned laptops are the only supported method of accessing the City's network from a remote location. The Olathe ITS Department can be consulted for any additional supported equipment.

Telecommuting Agreement

The document completed by the employee and appropriate supervisor, which outlines the location, day(s), and time(s) of the telecommuting schedule, and approved by the department director.

Telecommuter Task List

An optional form that may be used by the supervisor and/or telecommuter as a planning tool.

8-21.B. Employee Eligibility

Regular full-time employees, not on probation or in a training status, are eligible to apply for telecommuting, provided their position does not require them to meet and work with the public and/or customers. Generally, approval shall be based on whether or not the requesting employee meets all of the following criteria:

- Interaction and Scheduling: The nature of the work requires minimal face-to-face interaction or can be scheduled to permit telecommuting.
- Special Materials: There is minimal need for specialized material or equipment.
- City Worksite not Crucial: The employee's job is not dependent upon the location of the workplace and has tasks and deliverables that can be clearly defined and monitored at other locations than the traditional worksite. Employees working from home must reside in Kansas due to limitations of the City's workers' compensation policy.
- Low Impact on Workgroup: The employee's absence from the office is not detrimental to the productivity of the City.
- Positive Work History: When a telecommuting request is made, the employee's work performance must be rated as at least "valued" by the supervisor or through a formal evaluation, if applicable. Telecommuting is not available where there are concerns about an employee's ability to work independently and/or a history of performance or discipline problems.

8-21.C. Terms of Telecommuter's Employment

1. The telecommuter's salary, benefits, responsibilities, professional standards, and promotion opportunities will not change as a result of the telecommuting arrangement.
2. The employee and supervisor will sign a Telecommuting Agreement. The agreement must meet the needs of the City and the employee's department and describe the mutually agreed-upon arrangement. The agreement will provide specific information about the arrangement and each person's responsibilities.
3. City policies regarding leave, work hours, and schedules, Fair Labor Standards Act (FLSA) rules on overtime, and City travel policies and regulations shall apply to telecommuters.
4. When telecommuting, the alternate worksite is the official station for travel expense voucher purposes. Local travel to and from the employee's regular City office shall not be a reimbursable expense.
5. Non-exempt employees and supervisors must ensure compliance with FLSA and City of Olathe policies on overtime. Telecommuting will not be authorized unless compliance is assured.
6. Performance evaluation requirements will not change, although the supervisor's method of monitoring and evaluating performance may focus more on results than direct observation. Deadlines, goals, and objectives must be clearly communicated.

8-21.D. Responsibilities

Employees must comply with all City of Olathe rules, policies, practices, and instructions. Failure to do so may result in removal from the telecommuting program and/or disciplinary action.

The City will have the same responsibility for job-related accidents or injuries to the employee at the alternate workspace that it has at the employee's regular City office, but does not assume responsibility for injury to

any persons at the employee's residence.

8-21.E. Disabled Worker/Return to Work

Supervisors and employees may consider telecommuting as a flexible workplace arrangement for assisting disabled workers or in returning to work those employees on medical leave, injured on the job, or on workers' compensation.

8-21.F. Work Hours and Accessibility

Work Hours and Scheduling

The number of hours worked will not change because of telecommuting. Any changes must be approved by the supervisor in advance. In addition, please refer to Section 3 of this handbook regarding work hours, schedules, and the Fair Labor Standards Act.

Adequate Time in Office

The amount of time spent telecommuting during a workweek may vary according to each job, equipment needs, and the individual Telecommuting Agreement. At the least, the telecommuting schedule must allow adequate regular office time for meetings, access to facilities and supplies, and communication with other employees and with customers.

Accessibility

Telecommuters will maintain accessibility to their supervisor, co-workers, and customers as agreed upon in the Telecommuting Agreement.

Overtime and Leave

Requests to work overtime must be approved in advance, and requests for leave must be reported and/or approved by the supervisor in a manner consistent with City policy.

Emergency Excuse from Work

If an office closure (e.g., pandemic) or emergency excuses other employees from work and work can proceed at the alternate worksite, then telecommuters are not excused from work. However, an employee may be excused from work for an emergency, such as a power failure that affects the alternate worksite but not the office, or may be required to work in the regular office. The immediate supervisor must be notified of the emergency and must either excuse the employee or require attendance at the regular office. If employees are excused from work, then they must use acceptable forms of leave.

Telecommuter's Privacy

Only the employee's supervisor or persons authorized by the employee will be provided with a telecommuter's home phone number. The telecommuter's primary method of communication should either be a City-owned cell phone or the telecommuter's personal cell phone for which a compensatory stipend is being received.

Length of Term

The maximum telecommuting arrangement term is 12 months, subject to re-authorization. It is recommended that the first 90 days under the agreement be a trial period. At the end of the trial period, the immediate supervisor should review the arrangement with the employee and decide whether or not to continue for the remaining period authorized in the agreement.

8-21.G. City Equipment and Support

City Property and Inventory

Remote access to the City's network will only be allowed via City-owned computers. Hardware or software provided by the City remains the property of the City and shall be returned at the end of the telecommuting arrangement. Products, documents, and other records used and/or developed while telecommuting shall remain

the property of and be available to the City. They are subject to departmental policies regarding confidentiality and authorized access. Restricted-access documents and other materials may not be taken out of the regular City office without prior supervisory approval. Access to the City computer network is limited to City business. The telecommuter must comply with all security and access restrictions defined by the City of Olathe Information Technology Policies and Procedures Manual.

Software

City-owned software may not be duplicated or installed on any non-City asset.

Support

Telecommuting is only supported on City-owned computers. Prior to executing a Telecommuting Agreement, the supervisor should ensure the employee has an appropriate computer. If not, the supervisor/department is responsible for contacting the City Helpdesk for guidance in obtaining the appropriate equipment.

The diverse nature of the City's missions and the variety of information systems employed make it impossible to guarantee that a telecommuter can extend needed information system access to the alternate work location. If there are any questions concerning remote availability of a system, then the supervisor will contact the City's Helpdesk for guidance.

Repair of City-owned computer equipment will NOT occur at the telecommuting location. All work on City-owned assets will be performed at the designated ITS location.

Voice-Data Telecommunications

- The City will NOT pay for any land-line telephone services.
- The telecommuting employee is entirely responsible for anything related to Internet access (including, but not limited to, ISP accounts, DSL accounts, cable accounts, modems, and associated cabling), including monetary responsibility.

City Property Use and Protection

- Supplies necessary to complete assigned work at the alternate worksite should be obtained during one of the telecommuter's in-office work periods.
- All equipment, software, supplies, or other materials purchased or maintained by the City are to be used exclusively by the telecommuter and only for City business.
- The employee has the same responsibility for taking appropriate steps to minimize damage to City property used at the alternate worksite as for equipment used at the regular City office.
- Surge protectors will be provided by the City and must be used with any City-owned computer equipment. The employee will be responsible for damage resulting from a power surge if a surge protector is not used.

8-21.H. Personal Workspace and Equipment

Purchases

Purchase of home office furniture or equipment (desks, file cabinets, answering devices, etc.) is the telecommuter's responsibility. Maintenance and Repair Employees are responsible for the maintenance and repair of any equipment not furnished by the City

(office furniture, ISP-related equipment, modems, etc.). Damage or Loss The City assumes no obligation in regard to damage or loss to property owned by the employee at the

alternate worksite.

Workspace

- The employee is responsible for establishing and maintaining a designated, adequate workspace at the alternate worksite. The employee is responsible for maintaining this space to the same safety and other standards as are applicable at the regular City office.
- With reasonable notice and at mutually agreed upon times during the employee's normal work hours, the City may make on-site visits for inspection of the workspace to ensure that it is sufficient for the equipment and/or to retrieve City equipment or property. Visits may be made by the employee's supervisor or anyone designated by the supervisor to make an inspection.

Costs

- Individual tax implications, auto/homeowner's insurance, and incidental residential utility costs are the responsibility of the employee.
- Depending upon the nature of the job and availability of funds, the City may provide a workstation on site, job-specific software, and ITS supported computer equipment.
- Costs and benefits for each telecommuting arrangement should be reviewed. This includes an analysis of the nature of the job, equipment requirements, and expected results.

8-21.I. Administrative Procedures

Employee/Telecommuter

1. Drafts a telecommuting proposal, consisting of a completed Telecommuting Agreement and Telecommuting Assessment, outlining the request to telecommute.
2. Forwards it to the appropriate supervisor.

Supervisor

1. Decides whether or not to approve the telecommuting proposal.
 - a. If it is denied, then the supervisor discusses the decision with the employee.
 - b. If it is approved, then the supervisor collaborates with the employee to create a mutually suitable Telecommuting Agreement.
2. Signs the Telecommuting Agreement and Telecommuting Assessment.
3. Forwards both documents to the appropriate department director for approval.
4. Coordinates with the Human Resources Department and/or ITS regarding estimated costs, the telecommuter's needs, etc.

Department Director

1. Decides whether or not to approve the telecommuting proposal, including authorizing telecommuting costs and processing orders for necessary equipment.
 - a. If it is denied, then the department director explains the decision to the supervisor.

- b. If it is approved, then the department director signs the Telecommuting Agreement and Telecommuting Assessment.
2. Copies of each document are sent to the telecommuter and the supervisor, and a copy of each document is placed in the employee's personnel file.
3. The decision to allow an employee to telecommute is solely at the discretion of the department director and may not be appealed.

SECTION 9 - EQUAL EMPLOYMENT OPPORTUNITY

Section Updated 3/8/2018

9-1 EQUAL EMPLOYMENT OPPORTUNITY POLICY

The City of Olathe is an equal opportunity employer that seeks to employ qualified persons without regard to race, color, religion, gender identity, national origin, age, sex, sexual orientation, marital status, disability, veteran status or any other characteristic protected by law. We strive to ensure all employees a discrimination-free workplace and have a strong commitment to equal employment opportunities. We value and encourage diversity in our workforce.

9-1.A. Equal Opportunity Officer

The City of Olathe has designated the Human Resources Officer and Assistant Director of Human Resources, located within Human Resources, as the Equal Opportunity Officers to coordinate the City of Olathe's efforts in the implementation of its Equal Opportunity Policy and to advise and assist key staff. His/her duties will be the following:

- Conduct departmental reviews as necessary or indicated by reports to determine compliance with the City of Olathe's Equal Opportunity Policy.
- Serve as consultant and resource person to the department directors in the development of recruitment programs, selection procedures, training programs, or other human resources functions to implement the City of Olathe's Equal Opportunity Policy.
- Review concerns regarding violations of this section.

9-2 HIRING AND RECRUITING

The City of Olathe's Human Resources Division will:

- Recruit personnel in such a manner that clearly demonstrates the City of Olathe's interest in the employment of a diverse workforce.
- Establish communication with educational institutions, organizations, and leaders which encourage referral of qualified diverse applicants for positions that may become available in the City of Olathe government.
- Identify referral sources for diverse candidates in Olathe.
- Consider applicants on the basis of those able to be qualified to perform the job. If diverse applicants have qualifications to perform the job, they shall be given equal consideration for employment with any other applicant.
- Maintain liaison and cooperating with programs providing training for diverse applicants and seeking out opportunities to participate in and/or operate such training programs.
- Develop procedures for monitoring the application flow, final hiring, and disposition of diverse applicants.

9-3. REASONABLE ACCOMMODATION

It is the City's policy to accommodate qualified employees with disabilities, unless doing so would result in an undue hardship on the City.

Employees should notify their immediate supervisors or Human Resources if they wish to request a reasonable accommodation. If a supervisor or manager determines that an employee has a need or desire for a reasonable accommodation, he or she shall notify Human Resources as soon as possible. Human Resources will evaluate the request and, if applicable, engage in a collaborative process among the employee, supervisor and Human Resources to determine, identify and implement a reasonable accommodation.

9-4. HARASSMENT AND COMPLAINT PROCEDURE

9-4.A. Harassment

The City strives to maintain a working environment that is free from all forms of harassment. It is against the policy of the City, and illegal under state and federal law, for any employee to harass another employee. To that end, harassment of the City of Olathe's employees in the workplace by management, supervisors, coworkers, or nonemployees is absolutely prohibited.

"Harassment" is conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of substantially and unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment opportunities because of the individual's membership in a protected class.

Harassment includes, but is not limited to, epithets; slurs; jokes; pranks; innuendo; comments; written or graphic material; stereotyping; or other threatening, hostile, or intimidating acts based on race, color, ancestry, national origin, gender identity, sex, sexual orientation, marital status, religion, age, disability, veteran status, or other characteristic protected by state or federal law.

9-4.B. Sexual Harassment

Sexual harassment is generally defined under both state and federal law as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of any individual's employment or as a basis for employment decisions; *or*
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Other sexually oriented conduct, whether intended or not, that is unwelcome and has the effect of creating a work environment that is hostile, offensive, intimidating, or humiliating to workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct that, if unwelcome, may constitute sexual harassment depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwanted sexual advances, whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex

life, comments about an individual's body, comments about an individual's sexual activity, deficiencies, or prowess;

- Displaying sexually suggestive objects, pictures, or cartoons;
- Unwelcome leering, whistling, brushing up against the body, sexual gestures, or suggestive or insulting comments;
- Inquiries into one's sexual experiences;
- Discussion of one's sexual activities; and
- Off-duty conduct that falls within the above definition and affects the work environment.

9-4.C. Bullying

It is further the policy of the City to maintain a working environment that is free from all forms of bullying. Bullying is a persistent pattern of mistreatment from others in the workplace that causes either physical or emotional harm. It can include verbal, nonverbal or psychological abuse and humiliation. This behavior is not tolerated and could be subject for disciplinary action up to and including termination of employment.

9-4.D. Reporting

All acts of bullying or harassment in the workplace, whether specifically included in the above lists or not, are strictly prohibited by the City of Olathe. Employees who in good faith feel they have been bullied or harassed should immediately report the incident to any of the following: 1) employee's immediate supervisor, 2) the employee's department director, 3) designated Human Resources business partner (if applicable), 4) the Human Resources Officer, or 5) the City's Legal Department.

9-4.E. Investigation

Any supervisor or manager who becomes aware of possible bullying or harassment must promptly advise the Human Resources Officer or designee who will handle the matter in a timely and confidential manner.

Any employee determined by impartial investigation to have harassed another employee or applicant for employment will be subject to appropriate disciplinary procedures up to and including termination.

9-4.F. Anti-Retaliation

The City prohibits any form of retaliation against any employee or applicant for employment who has reported sexual harassment or any other harassment or bullying, or any employee who provides information regarding sexual harassment or any other harassment or bullying. Any employee or applicant who feels that retaliatory action has been taken should also immediately report that action to any of the following: 1) the employee's supervisor, 2) the employee's department director, 3) the employee's Human Resources Business Partner (if applicable), 4) the Human Resources Officer or designee, or 5) the City's Legal Department.

All complaints will be treated confidentially to the extent practicable for an effective resolution. No individual will suffer adverse employment consequences as a result of making a good faith complaint or taking part in the investigation of a complaint. An individual who knowingly alleges a false claim against another may be subject to the full range of disciplinary action up to and including termination.

APPENDIX A: ALCOHOL AND DRUG POLICY FOR CDL

A-1. PURPOSE

The purpose of this policy is to establish a City of Olathe alcohol and drug program for City of Olathe employees who operate commercial vehicles. The program shall include applicable provisions of the alcohol and drug testing rules adopted by the Federal Highway Administration (FHWA) for persons who operate a commercial motor vehicle requiring a commercial driver's license.

A-2. POLICY STATEMENT

The City of Olathe is committed to programs that promote safety in the workplace, employee health and well-being, and public confidence. Consistent with the spirit and intent of this commitment, the City of Olathe has developed this policy, which prohibits the unlawful manufacture, distributing, dispensing, possession, or use of alcohol or drugs by employees while on duty or in the workplace.

Employee abuse of alcohol and drugs, both on and off the job, increases the potential for accidents, absenteeism, substandard performance, poor employee morale, and damage to the City of Olathe's property and reputation.

Therefore, our goal and the purpose of this policy are to establish and maintain a safe workplace and a healthy and efficient workforce free from the effects of alcohol and drug abuse.

A-3. DEFINITIONS

1. Alcohol: the intoxicating agent in beverage alcohol, ethyl alcohol, or low molecular weight alcohol, including methyl and isopropyl alcohol.
2. Alcohol Concentration (or content): the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.
3. Alcohol Use: the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.
4. Commercial Motor Vehicle: a motor vehicle which is designed or used to transport passengers or property and which:
 - a. Has a gross combination weight rating of 26,001 or more pounds, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
 - b. Has a gross vehicle weight rating of 26,001 or more pounds; or
 - c. Is designed to transport 16 or more passengers, including the driver; or
 - d. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which requires the motor vehicle to be placarded under the Hazardous Materials Regulations (49 C.F.R., part 172, subpart F).
5. Confirmation Test: (for alcohol testing) a second test, following a screening test with a result of 0.02% or greater, that provides a quantitative data of alcohol concentration; (for drug testing) a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the initial test. Gas chromatography/mass spectrometry (GS/MS) is the only

authorized confirmation method for drug testing.

6. Drug: includes all substances listed on Schedules I through V, 21 U.S.C. §812, as they may be revised from time to time. For purposes of testing, a drug means marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines.
7. Employee: a person employed in a City of Olathe position requiring that person to operate a commercial motor vehicle and hold a commercial driver's license.
8. EAP: a counseling program that offers assessment, short-term counseling, and referral services to employees for a wide range of drug, alcohol, and mental health problems and monitors the progress of employees while in treatment.
9. Medical Review Officer (MRO): the individual who is responsible for receiving laboratory results generated from the City of Olathe's drug testing program under this policy and who is a licensed physician with knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate all positive test results together with an individual's medical history and any other relevant biomedical information.
10. Safety-Sensitive Function: any of the following on-duty functions, which involve operation of a commercial motor vehicle.
 - a. All time waiting to be dispatched, unless the employee has been relieved from duty by the City of Olathe.
 - b. All time inspecting, servicing, or conditioning any commercial motor vehicle.
 - c. All time spent at the driving controls of a commercial motor vehicle in operation.
 - d. All time, other than driving time spent, in or upon any commercial motor vehicle.
 - e. All time loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
 - f. All time spent performing the employee requirements associated with an accident, including the following:
 - i. Stopping immediately.
 - ii. Taking all necessary precaution to prevent further accidents at the scene.
 - iii. Rendering all reasonable assistance to injured persons.
 - iv. Giving any person demanding the same his/her name and address, the name and address of the City, the state tag and registration number of the vehicle involved, and, if requested, exhibiting his or her chauffeur's or operator's license.
 - v. Locating and notifying the custodian of an unattended vehicle that is stricken in the accident.

- vi. Reporting all details of the accident to the employee's supervisor as soon as practicable after its occurrence.
 - g. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
11. Performing (a safety-sensitive function): any period during which the employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.
 12. Screening Test (Initial Test): (for alcohol testing) an analytical procedure to determine whether or not the employee or applicant may have a prohibited concentration of alcohol in his or her system; (for drug testing) an immunoassay test to eliminate "negative" urine specimens from further consideration.
 13. Substance Abuse Professional (SAP): a licensed physician, registered nurse, fractioned or certified psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug disorders.

A-4. PROHIBITIONS

A-4.A. Alcohol

- Alcohol Concentration: No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02% or greater. If the City of Olathe has actual knowledge that an employee has an alcohol concentration of 0.02% or greater, it shall not permit the employee to perform or continue to perform safety-sensitive functions.
- Alcohol Possession: No employee shall be on duty or operate a commercial motor vehicle while the employee possesses alcohol. If the City of Olathe has actual knowledge that an employee possesses alcohol, it shall not permit the employee to drive or continue to drive a commercial motor vehicle.
- On-Duty Use: No employee shall use alcohol while on duty including any break wherein the employee is reasonably expected to return back to work, such as meal breaks. If the City of Olathe has actual knowledge that an employee is using alcohol while on duty, it shall not permit the employee to perform or continue to perform safety-sensitive functions.
- Pre-Duty Use: No employee shall perform safety-sensitive functions within four hours after using alcohol. If the City of Olathe has actual knowledge that an employee has used alcohol within four hours, it shall not permit an employee to perform or continue to perform safety-sensitive functions.
- Use Following an Accident: No employee required to take a post-accident alcohol test shall use alcohol for eight hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.

A-4.B. Drugs

- On-Duty Use: No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the employee uses any drug, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not

adversely affect the employee's ability to safely operate a commercial motor vehicle and the employee has informed his or her supervisor of the physician's advice.

- Violation: If the City of Olathe has actual knowledge that an employee has used a drug in violation of this policy, it shall not permit the employee to perform or continue to perform a safety-sensitive function.
- Testing Positive: No employee shall report for duty, remain on duty, or perform a safety-sensitive function if the employee tests positive for drugs. If the City of Olathe has actual knowledge that an employee has tested positive for drugs, it shall not permit the employee to perform or continue to perform safety-sensitive functions.
- Drug Possession: No employee shall possess drugs while the employee is on duty, except for those drugs which have been prescribed for the employee by a licensed medical practitioner.
- Drug Dealing: No employee directly or through a third party shall sell or provide drugs to any person, including any other employee, while either/both employees are on duty.

A-4.C. Refusal to Submit

- No employee shall refuse to submit to a post-accident alcohol or drug test, a random alcohol or drug test, a reasonable suspicion alcohol or drug test, a return to duty alcohol or drug test, or a follow-up alcohol or drug test.
- The City of Olathe shall not permit an employee who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.
- Any employee who refuses to submit to any test identified in this policy shall be immediately terminated.

A-5. TESTING PROCEDURES

A-5.A. Alcohol

- All alcohol testing shall be conducted by a breath alcohol technician (BAT) and shall be done on an evidential breath testing device (EBT).
- When required to take the test, the employees shall present themselves at a location designated by the City of Olathe.
- The BAT will conduct a screening test, and if the result of the screening test is an alcohol concentration of 0.02% or greater, then a confirmatory test shall be conducted.

A-5.B. Drugs

- A test shall be conducted for the following drugs: marijuana, cocaine, opiates, amphetamines, and phencyclidines. All testing for drugs shall be done by urinalysis. A drug testing custody and control form shall be used as a permanent record and contains the identifying data on the employee, specimen collection, and transfer process.
- Employees who are required to take the drug test shall present themselves at a collection site for the purpose of providing a specimen of their urine, which shall be subject to the split sample method of collection.

- The urine specimen shall be tested by a drug testing laboratory certified under Department of Health and Human Services (DHHS) guidelines. If the initial screening test is positive, then a confirmatory test shall be conducted.
- An employee whose urine sample has been verified as testing positive for a drug has the option of having the split sample tested at another laboratory within 72 hours of being notified by the Medical Review Officer (MRO).
 - However, action required by this policy as a result of a positive drug test (e.g., requiring removal from performing a safety-sensitive function) is not stayed pending the result of the test of the split specimen. If the second portion produces a negative result or for any reason the second portion is not available, then this test is considered negative, and no further action will be taken against the employee.
- The City of Olathe shall contract for the services of an MRO who shall be a licensed physician or registered nurse practitioner with knowledge of substance abuse disorders.
 - The MRO shall review and interpret confirmed positive test results for any drugs identified.
 - The MRO shall interview employees who tested positive to verify the laboratory report and review available medical records when a confirmed positive could have resulted from a legally prescribed medication.
 - The MRO shall report his/her findings and recommendation to the Human Resources Officer or designee.

A-5.C. Notification

Before conducting an alcohol or drug test the City of Olathe shall notify the employee that the test is required by this policy.

A-6. TYPES OF TESTING

A-6.A. Pre-Employment Testing

1. The City of Olathe shall notify an applicant that he/she is required to submit to an alcohol and drug test.
2. An applicant shall submit to an alcohol and drug test.
3. Any offer of employment made to an applicant shall be conditioned upon the applicant passing the alcohol and drug test.
4. If the alcohol test indicates an alcohol content of 0.02% or greater, the City of Olathe receives a drug test result from the MRO indicating a confirmed positive test result, or the applicant refuses to take the test or to comply with any applicable procedures of this policy, then the City of Olathe shall withdraw the offer of employment. The applicant shall not be hired and will cease to be eligible for employment with the City of Olathe until approved for rehire by the Human Resources Department.

A-6.B. Post-Accident Testing

Updated 3/24/2016

As soon as is practicable following an accident involving a commercial motor vehicle, the City of Olathe shall require a test for alcohol and drugs (using the federal Department of Transportation (DOT) version for post-accident drug and alcohol testing) of each surviving employee who was performing safety-sensitive functions with respect to the vehicle if:

- The accident involved another person; or
- At the scene of the accident, the employee received a citation under state or local law for a moving traffic violation arising from the accident.

A-6.C. Tests

- Alcohol: If an alcohol test required by this section is not administered within two hours following the accident, then the City of Olathe shall prepare and maintain a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within eight hours following the accident, then the City of Olathe shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FHWA upon request of the Associate Administrator.
- Drugs: If a drug test required by this section is not administered within 32 hours following the accident, then the City of Olathe shall cease attempts to administer a drug test and prepare and maintain a record stating the reasons the test was not promptly administered.
- Records shall be submitted to the FHWA upon request of the Associate Administrator.
- An employee who is subject to post-accident testing shall report all details of the accident to his/her supervisor as soon as practicable and shall remain readily available for such testing; otherwise, the employee shall be deemed by the City of Olathe to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.
- The City of Olathe shall provide employees with necessary post-accident information, procedures, and instructions prior to employees operating a commercial motor vehicle so that employees will be able to comply with the requirements of this section.
- The results of a breath or blood test for the use of alcohol or a urine test for the use of drugs, conducted by federal, state, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to applicable federal, state, or local requirements and that the results of the tests are obtained by the City of Olathe.

A-6.D. Random Testing

The City of Olathe shall administer a number of random alcohol tests and a number of random drug tests of its employees. The Human Resources Officer or designee shall randomly select the employees by using the last digit of the employee's social security number or other random means.

The tests shall be unannounced, and the testing dates shall be spread reasonably throughout the year. Under this method of testing, each employee has an equal chance of being tested each time the selections are made.

A-6.E. Reasonable Suspicion Testing

The City of Olathe requires that employees submit to an alcohol test when it has reasonable suspicion to believe an employee has violated the prohibitions of this policy concerning use of drugs and alcohol. An employee

shall submit to a drug test when the City of Olathe has reasonable suspicion to believe that the employee has violated the prohibitions of this policy.

Reasonable suspicion must be based upon observations by a director, manager, supervisor, or other City of Olathe employee who has received training in the identification of actions, appearance, or conduct that are indicative of misuse of alcohol and/or use of drugs.

A-6.F. Return-to-Duty Testing

Alcohol

After engaging in conduct concerning alcohol prohibited by this policy and before an employee returns to duty in a position requiring the performance of a safety-sensitive function, the employee shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02%, provided the employee has not been terminated from the position.

An employee who is tested under the provisions of this policy and found to have an alcohol concentration of 0.02% or greater, but less than 0.04%, is not subject to return-to-duty testing. However, the employee shall not continue to perform safety-sensitive functions until the start of his/her next regularly scheduled duty period, not less than 24 hours following administration of the test.

Drugs

After engaging in conduct concerning drugs prohibited by this policy and before an employee returns to duty in a position requiring the performance of a safety-sensitive function, the employee shall undergo a return-to-duty drug test with a result indicating a verified negative result for drug use, provided the employee has not been terminated from the position.

A-6.G. Follow-up Testing

Following a determination by a substance abuse professional (SAP) that an employee is in need of assistance to resolve problems associated with alcohol misuse and/or use of drugs, the employee shall be subject to unannounced follow-up alcohol and/or drug testing, which shall consist of at least six tests in the first 12 months following the employee's return to duty, provided that the City of Olathe has not terminated the employee from the position. Follow-up testing may be conducted for a period up to 60 months from the date the employee returns to duty. Follow-up testing shall be arranged by the Human Resources Department.

Follow-up alcohol testing shall be conducted just before the employee is to perform safety-sensitive functions, when the employee is performing safety-sensitive functions, or just after the employee has ceased to perform safety-sensitive functions.

A-7. CONSEQUENCES

A-7.A. Performance of Safety-Sensitive Functions

An employee who is tested under the provisions of this policy and found to have an alcohol concentration of 0.02% or greater, but less than 0.04%, shall be removed immediately from the performance of safety-sensitive functions. If the City of Olathe determines that the employee shall return to duty to perform safety-sensitive functions, then the employee shall not perform any safety-sensitive functions until the latter of his/her next regularly scheduled duty period 24 hours following the administration of the test.

An employee who is tested under the provisions of this policy and found to have an alcohol concentration of 0.04% or more or who tests positive for drugs (verified by an MRO) shall be immediately removed from performing safety-sensitive functions.

Employees who refuse to submit to a test required by this policy will be terminated immediately. If the City of Olathe determines that the employee shall return to duty to perform safety-sensitive functions, then he/she shall not perform any safety-sensitive functions until after being evaluated by a substance abuse professional and

undergoing a return-to-duty alcohol or drug test. If the conduct involved alcohol, then the result must indicate a breath alcohol level of less than 0.02%; if the conduct involved drugs, then the result must be verified negative.

A-7.B. Discipline

- Alcohol: Any employee subject to this policy found to have a blood-alcohol concentration of 0.04% or more shall be referred to the EAP and required to complete an approved rehabilitation program. In addition, he/she shall be placed on probation for 12 months.

If the employee violates any rules set forth in this policy during the probationary period, then he/she shall be terminated. Failure to successfully complete the rehabilitation program will be grounds for termination.

- Drugs: Any employee subject to this policy who tests positive for the presence of illegal drugs shall be referred to the EAP and required to complete an approved rehabilitation program. In addition, he/she shall be placed on probation for 12 months.

If the employee violates any rules set forth in this policy during the probationary period, then he/she shall be terminated. Employees who have successfully completed a rehabilitation program will be required to submit to random drug testing in accordance with provisions of this policy. After rehabilitation, an employee who again tests positive for the presence of drugs and/or alcohol will be terminated from employment.

- Employees who tamper with a sample or attempt to deceive the City of Olathe during the testing process will be terminated.
- Employees who refuse to sign the consent form and submit to a drug and/or alcohol test when requested to do so will be terminated.
- Any suspension from duty resulting from a violation of the provisions of this policy shall be without pay, provided that any employee who has undergone reasonable suspicion testing for drugs shall be suspended with pay until the City of Olathe receives the result of the drug tests.

A-7.C. Evaluation and Treatment

Each employee who has engaged in conduct prohibited by this policy will be advised by the City of Olathe of the resources available to him/her in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs. A substance abuse professional shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and drug use.

Before an employee who has engaged in conduct prohibited by this policy returns to duty requiring the performance of a safety-sensitive function, he/she shall undergo a return-to-duty alcohol or drug test. If the conduct involved alcohol, then the result must indicate an alcohol concentration of less than 0.02%; if the conduct involved drugs, then the result must be verified negative.

In addition, each employee identified as needing assistance in resolving problems associated with alcohol misuse or drug use shall be:

- Evaluated by a drug abuse professional to determine that the employee has properly followed any rehabilitation program under this policy.
- Subject to unannounced follow-up alcohol and drug tests administered by the Human Resources Department. The number and frequency of such follow-up testing shall be as directed by the substance abuse professional and consist of at least six tests in the first 12 months following the employee's return to duty.

The City of Olathe may direct the employee to undergo both return and follow-up testing for both alcohol and drugs, if the substance abuse professional determines that return-to-duty and follow-up testing for both alcohol and drugs is necessary for that particular employee. Follow-up testing shall not exceed 60 months from the date of the employee's return to duty. The substance abuse professional may determine the requirement for follow-up testing at any time after the first six tests have been administered.

A-7.D. Progressive Discipline Not Applicable

The disciplinary steps set forth in Section 5 of the main Employee Handbook providing for progressive discipline (e.g., verbal warning, written warning, suspension, termination) do not apply to violations of the Alcohol and Drug Policy. The discipline to be imposed for violations of the Alcohol and Drug Policy shall be governed solely by the provisions set forth herein.

A-8. SUPERVISORY TRAINING

The City of Olathe shall provide training to persons designated to determine whether or not reasonable suspicion exists to require an employee to undergo reasonable-suspicion testing. The training shall include at least 60 minutes of training on alcohol misuse and at least an additional 60 minutes of training on use of drugs. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of drugs.

A-9. RECORD KEEPING

A-9.A. Human Resources Department

The Human Resources Department shall maintain the records of the City of Olathe's Alcohol Misuse and Drug Use Prevention Program in a secure location with controlled access. The records shall be maintained and retained in accordance with 49 C.F.R. 382.401, 49 C.F.R. 40.83, and amendments thereto.

The Human Resources Department shall prepare and maintain an annual calendar summary of the information of its alcohol and drug testing program performed under the policy.

The information shall be maintained in accordance with 49 C.F.R. 382.403 and amendments thereto.

A-9.B. Medical Review Officer (MRO)

The MRO shall maintain records relating to an employee's verified positive drug test results for a minimum period of five years and shall maintain records relating to an employee's negative or canceled drug test results for a minimum period of one year.

A-10. RELEASE OF INFORMATION

The City of Olathe shall not release to anyone the employee's information contained in the records required to be maintained under this policy without first obtaining written authorization from the employee; however, the prohibition shall not apply to:

- A request for test results from the Secretary of Transportation, Department of Transportation agency, or any state or local officials with regulatory authority over the City of Olathe or its employees.
- A request for administrative information from the National Transportation Safety Council.
- A request in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee arising from test results of the employee or a City of Olathe determination that the employee engaged in conduct prohibited by this policy.

- A request which is otherwise required by law to be released.

Upon written request by the employee, the City of Olathe shall release to him/her copies of all records pertaining to his/her use of alcohol or drugs, including any records pertaining to his/her alcohol or drug test.

A-11. NOTIFICATION TO EMPLOYEE

The City of Olathe shall provide educational materials that explain the requirements of its policies and procedures with request to meeting alcohol and drug testing requirements.

The City of Olathe shall provide a copy of educational materials to each driver prior to the start of alcohol and controlled substances testing and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle.

The materials made available to drivers shall include the following:

- The identity of the person designated by the employer to answer questions about the materials.
- The categories of drivers who are subject to testing provisions.
- Sufficient information about the safety-sensitive functions performed by drivers to make clear when the driver is required to be in compliance with alcohol and drug policies.
- Specific information concerning drivers' prohibited conduct.
- The circumstance under which a driver will be tested for alcohol and/or drugs.
- The procedures that will be used to test for the presence of alcohol and drugs, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver.
- The requirement that a driver submit to alcohol and drug tests.
- An explanation of what constitutes a refusal to submit to an alcohol or drug test and the consequences.
- The consequences for drivers found to have violated alcohol and drug policies, including the requirement that the driver be removed immediately from safety-sensitive functions and related procedures.
- The consequences for drivers found to have an alcohol concentration of 0.02% or greater, but less than 0.04%.
- Information concerning:
 - The effects of alcohol and drug use on an individual's health, work, and personal life.
 - Signs and symptoms of an alcohol or drug problem (the driver's or a co-worker's).
 - Available methods of intervening when an alcohol or drug problem is suspected, including confrontation, referral to any EAP, and/or referral to management.

Each employee shall sign a statement certifying receipt of a copy of this policy and educational materials.

A-12. ADHERENCE TO FEDERAL AND STATE REGULATIONS

This policy is consistent with the Drug Free Workplace Act of 1988, which requires that employees notify the City of Olathe of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

APPENDIX B: FAMILY AND MEDICAL LEAVE ACT (FMLA)

EMPLOYEE RIGHTS AND RESPONSIBILITIES
UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee’s child after birth, or placement for adoption or foster care;
- to care for the employee’s spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee’s job.

Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service-member during a single 12-month period. A covered service member is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

***The FMLA definitions of “serious injury or illness” for current service members and veterans are distinct from the FMLA definition of “serious health condition”.**

Benefits and Protections

During FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months*, and if at least 50 employees are employed by the employer within 75 miles.

***Special hours of service eligibility requirements apply to airline flight crew employees.**

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and

a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer’s operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer’s normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer’s normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees’ rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee’s leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.



For additional information:
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor Wage and Hour Division
WHD Publication 1420 · Revised February 2013

APPENDIX C: MILITARY LEAVE

C-1. RIGHTS

State and federal laws protect workers who take leave to serve in the military.

A federal law, the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) (38 U.S.C. §§ 4301 and following, enacted by Congress and signed into law on October 13, 1994, and amended in 1996, 1998, and 2000), prohibits discrimination against members of the United States military or those who serve in the military reserves. USERRA applies to state and all private employers, regardless of size. *See following USERRA notice.*

The law prohibits employers from taking any negative job action, such as demotion or firing, against an employee because he/she is a member of the armed forces or reserves. The law also requires employers to reinstate most employees who take time off to serve. Employers generally do not have to pay employees who take military leave.

C-2. CONDITIONS FOR REINSTATEMENT

USERRA requires employers to reinstate an employee who takes time off to serve in the armed forces, if the employee meets all of these conditions:

- The employee must have given notice before taking leave and stated that the leave was for military service.
- The employee must have spent no more than five years on leave for military service (with some exceptions).
- The employee must have been released from military service under honorable conditions.
- The employee must report back or apply for reinstatement within specified time limits (these limits vary depending on the length of the employee's leave).

C-3. REINSTATEMENT BENEFITS

USERRA requires employers to reinstate employees to the same position they would have held had they been continuously employed throughout their leave, as long as they are otherwise qualified for that job. This means that the employer cannot simply return the employee to his or her former position; instead, the employer must provide any promotions, increased pay, or additional job responsibilities the employee would have received if he/she had never taken leave, but only if the employee is qualified to do that job. If the employee is not qualified, then the employer must try to qualify him/her.

The employer must also provide the benefits and seniority the employee would have earned had he/she been continuously employed. For purposes of benefits plans and leave policies, the time the employee spent on leave must be counted as time worked.

Returning members of the military receive one additional benefit: The employer cannot fire them without cause for up to one year after they are reinstated (the exact length of this protection depends on the length of the employee's military service). Thus, no matter what employment policies say, these workers are no longer at-will employment employees for a limited period after they return.

C-4. PROTECTIONS FOR STATE MILITIA OR NATIONAL GUARD

In addition to these federal protections, almost every state has a law prohibiting discrimination against active

members in the state’s militia or National Guard. KSA Chapter 48, Article 2, specifies the members reporting for active and training duty. KSA Chapter 48, Article 5 (48-517), specifies the employer responsibility for reemployment upon return from active duty.



YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

<h3 style="margin: 0;">REEMPLOYMENT RIGHTS</h3> <p>You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:</p> <ul style="list-style-type: none"> ☆ you ensure that your employer receives advance written or verbal notice of your service; ☆ you have five years or less of cumulative service in the uniformed services while with that particular employer; ☆ you return to work or apply for reemployment in a timely manner after conclusion of service; and ☆ you have not been separated from service with a disqualifying discharge or under other than honorable conditions. <p>If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.</p>	<h3 style="margin: 0;">HEALTH INSURANCE PROTECTION</h3> <ul style="list-style-type: none"> ☆ If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military. ☆ Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.
<h3 style="margin: 0;">RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION</h3> <p>If you:</p> <ul style="list-style-type: none"> ☆ are a past or present member of the uniformed service; ☆ have applied for membership in the uniformed service; or ☆ are obligated to serve in the uniformed service; <p>then an employer may not deny you:</p> <ul style="list-style-type: none"> ☆ initial employment; ☆ reemployment; ☆ retention in employment; ☆ promotion; or ☆ any benefit of employment. <p>because of this status.</p> <p>In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.</p>	<h3 style="margin: 0;">ENFORCEMENT</h3> <ul style="list-style-type: none"> ☆ The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations. ☆ For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at http://www.dol.gov/vets. An interactive online USERRA Advisor can be viewed at http://www.dol.gov/elaws/userra.htm. ☆ If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation. ☆ You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: <http://www.dol.gov/vets/programs/userra/poster.htm>. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.



U.S. Department of Labor
1-866-487-2365



VETS



U.S. Department of Justice



Office of Special Counsel



ESGR
1-800-336-4590

Publication Date—October 2008

APPENDIX D: RESOLUTION NO. 98-1068 (CODE OF ETHICS)

A RESOLUTION AMENDING SECTION ONE OF RESOLUTION NO. 93-1122 PERTAINING TO THE ESTABLISHMENT OF A CODE OF ETHICS FOR THE ELECTED AND APPOINTED OFFICIALS AND EMPLOYEES OF THE CITY OF OLATHE, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: Section One of Resolution No. 93-1122 is hereby amended to read as follows:

“SECTION ONE: The Code of Ethics for the City of Olathe shall read as follows:

CODE OF ETHICS

Officials and employees of the City of Olathe shall:

- A. Be dedicated to the ideals of honor and integrity in all public and personal relationships.
- B. Conduct themselves so as to maintain public confidence in the performance of their job duties.
- C. Make it their duty to improve operations and productivity and use time wisely so that all citizens know that full value is being received for each tax dollar spent.
- D. Seek no favors, use the prestige of office for private gain, nor use confidential information or government equipment or supplies to secure a profit or enhance wealth.
- E. Ensure that expenditures made by the City are in the interest of the City, for the betterment of the City and only for appropriate City business.
- F. Avoid conflicts of interest by refraining from participating in decisions or being involved in transactions in which he or she or their family has an interest and make a full disclosure of association when involvement cannot be avoided.
- G. Address constituents concerns and needs, striving to provide the highest level of service with equity, neither granting special favor nor discriminating against any citizen.
- H. Work in full cooperation with other officials and employees, unless prohibited by law or recognized confidentiality of material, to perform the operations of government, but not exceed their authority or encroach on another’s professional responsibilities.
- I. Refrain from assisting and representing the private interests of another before any commission, board, council, or agency of the City when they have any official involvement with respect to the determination of the private interest.
- J. Avoid the appearance of improper influence and refrain from ever receiving, soliciting or accepting gifts, gratuities, favors or anything of value for himself, his or her family or others, which is intended or has the appearance or affect of influencing the performance of his or her duties; and should never lobby or attempt to influence others in the performance of their duties by any means which are not a part of his or her authorized duties.

City employees may be offered honorariums as a result of speaking engagements or conducting seminars. A reasonable fee for time actually spent in preparation or participation may be accepted as

long as the City is not also compensating the employee for such time. If the City is paying the employee for the time, then the honorarium will be rejected.

Any gift not authorized by this subsection may be returned to the donor or transmitted to the City Treasurer or turned over to the City to be used by the City or to be sold, with the proceeds of such sale deposited into the general fund of the City. The City Treasurer for the City shall be notified within seven (7) days of the receipt of any nonmonetary property not authorized by this subsection.”

APPENDIX E: DISCIPLINARY APPEAL HEARING PROCEDURES

E-1. PURPOSE

The procedures set forth herein shall provide a framework for a hearing to be conducted concerning an employee's disciplinary appeal.

E-2. HEARING OFFICER

Pursuant to Section 6 of the Employee Handbook, an Assistant City Manager or his/her designee shall serve as a hearing officer for the purpose of hearing appeals of any employee termination, involuntary demotion, disciplinary probation, or suspension.

E-3. GENERAL PROVISIONS

1. The disciplinary action taken by the department shall not be suspended pending the appeal process.
2. "Working days" are defined as all days other than weekends and holidays.
3. A hearing shall commence within ten working days (or four shift periods in the case of a fire shift employee) of the date the appeal was filed.
4. The hearing may be continued as the hearing officer deems necessary. Once the hearing is concluded, the hearing officer shall have ten working days (or four shift periods in the case of fire shift employees) to issue his/her decision.
5. The employee and the department director shall have a sufficient opportunity to present evidence, witnesses, and testimonies at the hearing.
6. The hearing shall be tape-recorded.
7. The hearing officer shall have the right to conduct his/her own investigation regarding the matter.
8. The hearing officer may request production of records and reports, City employees, or any other information deemed appropriate.
9. Witnesses shall keep confidential all information obtained through the hearing process.
10. No legal representation of any party may be present during the hearing process.
11. The hearing officer may establish any other hearing procedures he/she deems appropriate.
12. The reviewing officer may exclude irrelevant and cumulative evidence. The hearing officer shall have the sole authority to determine whether or not evidence is irrelevant or cumulative.

NON-DISCIPLINARY DISPUTE RESOLUTION



REQUEST FOR REVIEW

Name(s):

Department(s):

Identify the regulation, policy, procedure, rule, or guideline alleged to be violated or misinterpreted:

Date of alleged violation or misinterpretation: _____ Brief

statement outlining the facts and nature of the dispute:

Identify the specific relief requested by employee(s):

List all parties who have information or knowledge about this dispute:

1. _____

2. _____

Date request for review received: _____

Attach Additional Sheets if Needed



APPEAL OF DISCIPLINARY ACTION

APPEAL REQUEST

Name: _____

Department: _____

Date discipline issued: _____

Brief statement outlining the discipline issued and the factual basis for appeal:

Identify the specific relief requested by employee:

List of witnesses:

1. _____

2. _____ Date

appeal received: _____

Attach Additional Sheets if Needed

APPENDIX F: EMPLOYEE SAFETY PROGRAM



EMPLOYEE SAFETY PROGRAM

AUTHORITY:

K.S.A. 44-636

OLATHE CITY CODE 3.60

Section 04, Risk Management Manual

Resources

National Institute for Occupational Safety and Health (NIOSH)

Occupational Health and Safety Administration (OSHA)

Kansas Industrial Safety and Health Section, Public Service Unit

Insurance Company Risk and Loss Control Guidelines

Insurance Underwriter Standards

Take Time for Safety

Safety does take **TIME**

(Total Involvement Managed Effort)

No safety handbook can anticipate every hazard or safety issue. As the City continues to grow and government safety regulations are modified, the need may arise, and the City reserves the right, to revise, supplement, or rescind any portion of the safety program as needed. Employees will be notified of such changes to the employee safety program as they occur.

EMPLOYEE SAFETY PROGRAM

1. RESPONSIBILITIES

- A. City Safety Team
- B. Department Director
- C. Department Manager and Supervisor
- D. Employee

2. HOW TO MANAGE AN UNSAFE CONDITION

- A. Methods
- B. Planning
- C. Speed vs. Safety

3. ERGONOMICS GUIDELINES

- A. Defined
- B. Risk Factors
- C. Risk Recognition
- D. Solutions
- E. Training and Assistance

4. GUIDELINES FOR SAFE ON-DUTY WORK HOURS – FATIGUE AND SLEEP

- A. Exceptions Limited
- B. Extra Duty Time
- C. Maximum Consecutive Hours-of-Duty
- D. Minimum Off-Duty Time
- E. Consecutive Day Duty
- F. Sleep Exception
- G. Sleep Tips
- H. References

5. DRIVING GUIDELINES

- A. Compliance
- B. Personal Use Prohibited
- C. Parking
- D. Equipment
- E. Seat Belts (Mandatory Use)
- F. Special Equipment Vehicles
- G. General
- H. Driving Infractions

6. PROCEDURES FOR REPORTING ACCIDENTS AND/OR BREAKDOWNS OF MUNICIPAL VEHICLES

- A. Police Investigations
- B. Vehicle Maintenance Facility
- C. Notification
- D. Reporting Procedures

7. SAFETY EQUIPMENT

- A. Personal Safety Equipment
- B. Decision to Use
- C. Unapproved Foot Wear
- D. Mandatory Use
- E. Additional Safety Equipment
- F. Use of Hard Hats
- G. Use of Eye and Face Protection
- H. Use of Foot Protection
- I. Hearing Protection
- J. Respiratory Protection
- K. High Visibility Safety Vests

8. PORTABLE POWER TOOLS

- A. General
- B. Grinders
- C. Electric Tools
- D. Gasoline Engine Powered Tools
- E. Portable Compressed Air Tools
- F. Powder Activated Tools

9. OPERATIONS IN PUBLIC WAY

- A. Responsibility
- B. General
- C. Pedestrian Safety

10. EXCAVATIONS

- A. Job Site Hazards
- B. Personal Protection
- C. Heavy Equipment Operation
- D. Sloping
- E. Trench Shields

11. CONFINED SPACES

- A. General
- B. Procedures

- C. Employee Responsibility
- D. Special Equipment and Training
- E. Training Documentation

12. BLOODBORNE EXPOSURES

- A. Exposure Determination
- B. Exposure Control Plan
- C. Positions
- D. Others

13. CHEMICALS

- A. Identification
- B. Handling and Storage
- C. Disposal
- D. Emergencies
- E. Program and Procedures
- F. Training

14. LADDERS AND SCAFFOLDING

- A. Injury Types
- B. Safety Standards

15. OFFICE SAFETY

- A. Hazardous Environment
- B. General

16. FIRE PREVENTION AND EMERGENCY EVACUATION

- A. General
- B. Housekeeping
- C. Flammable Liquids
- D. Smoking
- E. Fire Extinguishers

17. SEASONAL AND PART-TIME EMPLOYEE SAFETY AND DRIVING REQUIREMENTS

- A. Policies
- B. Orientation

18. SPECIFIED PROHIBITED ACTIONS

- A. Use of Headset Music Players
- B. Wireless Communication Devices
- C. Alcoholic Beverages
- D. Drug Use

19. WORKING DURING EXTREME COLD OR HOT WEATHER

- A. Cold Weather
- B. Hot Weather

20. SERIOUS ACCIDENT, INJURY, AND INCIDENT REPORTING

- A. Serious Accidents
- B. Incident Handling
- C. Emergency Assistance
- D. Reporting

21. ON-THE-JOB INJURY PROCEDURES

- A. Procedures
- B. Report by Injured Employee
- C. Report by Injured Employee's Supervisor
- D. Lost Time
- E. Medical Treatment
- F. Prescription Medications
- G. Follow-up Medical Treatment
- H. Progress Reports
- I. Changing Doctors or Second Opinions
- J. Medical Reports, Invoices, and Bills
- K. Limited Duty
- L. Return to Work
- M. Absence from Residential City
- N. Release of Medical Information
- O. Eye Injuries
- P. Permanent Files

22. TRAINING

- A. Department Responsibilities
- B. Specialized
- C. Employee Responsibility

23. FITNESS FOR DUTY

24. APPENDICES

- A. Department Supplements
- B. Risk Management Manual

EFFECTIVE: February 1, 1993 **REVISED:** June 1, 2009 **APPLICATION:** All City Employees

FOREWORD

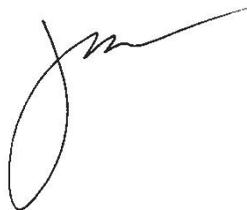
The City of Olathe, Kansas, is committed to providing a workplace that is free from recognized safety and health hazards, as well as a safe environment for citizens utilizing City services and facilities.

This employee safety handbook establishes reasonable and practical work procedures to prevent accidents.

Recognizing that most accidents can be prevented, every city has a responsibility to contribute to a safe workplace. The guiding principles for our goals are as follows:

- 1 People are our most important and valuable assets; their safety is our responsibility.
- 2 Every City employee has an important role in accident prevention.
- 3 The quality and quantity of work performed should not jeopardize our safety goals.

The City's safety record is a reflection of our combined efforts. Working together to reduce the severity and number of accidents is a key element as we strive to meet our public service objectives.

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by a series of loops and a long horizontal stroke extending to the right.

1. RESPONSIBILITIES

1.A. City Safety Team

The City Safety Team (CST) is responsible for the review and coordination of safety programs and safety education. These safety responsibilities include work-site inspections, hazard reduction and/or elimination, and serious accident/injury investigation, reporting, and management. Other assignments and responsibilities related to risk management and disaster response complete the role of the CST.

The CST will function in a consulting role and advise the City Manager, department directors, supervisors, and employees of new standards, unsafe conditions, problems related to accident prevention, and recommendations for loss control. The CST will not fulfill the obligations of department directors or supervisors relative to providing safe work environments, necessary equipment, training or routine accident investigations, and prevention inspections.

1.B. Department Director

The department director is responsible for the work environment, health, and welfare of each employee in the department, as well as the fulfillment of departmental goals and objectives. In this safety program, the highest priority has been placed upon employee safety. Effective safety practices are the responsibility of the respective department director. It is normal practice for supervisors to be delegated the authority to carry out the safety policy in his/her department; the responsibility for meeting objectives, as well as the protection of employees in performance of their assignments, cannot be transferred.

1.C. Department Manager and Supervisor

Managers and supervisors have the authority to instruct their personnel in the safe practices to be observed in their work situations. They are to enforce safety standards and requirements to the utmost of their ability and authority. Managers and supervisors should act positively to eliminate any potential hazards within the activities under their jurisdiction, and they should set the example of good safety practice in all spheres of their endeavors. Safety activities are measured along with other phases of supervisor performance; therefore, it is essential that supervisor safety records be complete and accurate, and all accidents be investigated and reported.

The principal duties of managers and supervisors in discharging responsibilities for safety are as follows:

- Enforce safety regulations currently in effect, and make employees aware that violations of safety rules are not tolerated.
- Make sure all injuries are reported promptly and treated properly.
- Make sure employees report all accidents even if an injury is not apparent.
- Conduct an investigation of all accidents, and take necessary steps to prevent recurrence through employee safety education, operating procedures, or modification of equipment.
- Provide employees with safety instructions regarding their duties prior to starting work.
- Conduct regular safety checks, including a careful examination of all new and relocated equipment before it is placed in operation.
- Properly maintain equipment, and issue instructions for the elimination of fire and safety hazards.
- Inspect for unsafe practices and conditions, and promptly initiate or undertake any necessary corrective actions.

- Develop and administer an effective program of good housekeeping, and maintain high standards of personal cleanliness.
- Ensure safety equipment and protective devices are provided and used for each job based on knowledge of applicable standards or on the recommendation of the CST.
- Conduct safety meetings at department and shift meetings, and encourage the use of employee safety suggestions.
- Give full support to all City and department safety procedures, activities, and programs.

If the personnel situation within a department does not allow supervisors to perform these tasks, then the department director is responsible.

Department managers and supervisors should seek the assistance of the CST when needed.

1.D. Employee

While performing daily tasks and as part of the comprehensive Employee Safety Program, each City employee, supervisor, manager, and director is expected to place safe work practices and the identification of unsafe conditions at the top of the list of highest priorities. Safe work habits and attitude are to be measured along with other phases of employee performance during each evaluation.

Each employee's safety commitment must include but is not limited to the following:

- Using the provided safety equipment while performing daily work assignments.
- Wearing the prescribed uniform and personal protective clothing and gear as required.
- Operating a motor vehicle in a safe and legal manner.
- Reporting immediately to a supervisor all motor vehicle accidents, regardless of severity.
- Operating equipment only for which training or orientation has been received.
- Warning co-workers of unsafe conditions or practices that could lead to or cause an accident.
- Reporting immediately to a supervisor any defective equipment.
- Reporting dangerous or unsafe conditions that exist in the workplace, as well as throughout the municipality, including, but not limited to, defective sidewalks, broken curbs, hanging tree limbs, loose handrails, open manholes, sunken basins and sewers, and missing or damaged traffic signs or signals.
- Reporting to a supervisor before the end of a shift all work accidents regardless of injury or severity.
- Implementing established procedures to alert the general public of hazardous conditions resulting from City operations in the right-of-way and on other City property.
- Taking care not to abuse tools and equipment so they will be in a usable condition for as long as possible, as well as ensuring they are in a safe condition while being used.

- Knowing and obeying City safety rules and any rules specific to the assigned department and position.

2. HOW TO MANAGE AN UNSAFE CONDITION

2.A. Methods

Often the obvious remedy to an unsafe condition appears costly, time consuming, unreasonable, and over-reactionary. These types of reactions are due generally to the failure to apply alternative methods to determine a solution that can be both timely and cost-effective for the situation. The following options are listed in order of their effectiveness:

1. Eliminate the hazard by removing the machine, method, material, or structure.
2. Provide control of the hazard by enclosing or guarding the point of hazard at the source.
3. Remove risk factors by replacing tools and equipment or re-engineering the task to ergonomic standards.
4. Train personnel on what to do when confronted with a hazardous condition, and provide safe avoidance procedures.
5. Provide and ensure the use of personal protective equipment to shield employees from a hazard.

2.B. Planning

The most effective way to avoid hazardous conditions is to engineer them out of the job. Re-engineering can often be accomplished by job planning and using the assistance of the Loss Control Coordinator in early stages of program planning, equipment specification-writing, and site inspections. *See Section 3 below.*

2.C. Speed vs. Safety

Protective devices or safety practices at no time should be set aside to finish "sooner" or "cheaper." The ultimate price paid may greatly outweigh the gain anticipated by such an action.

3. ERGONOMICS GUIDELINES

3.A. Definition

According to www.merriam-webster.com, *ergonomics* is defined as "an applied science concerned with designing and arranging things people use so that the people and things interact most efficiently and safely." Adapting tasks, workstations, tools, and equipment to fit the worker can help reduce physical stress on a worker's body and eliminate many potential serious disabling work-related injuries and musculoskeletal disorders.

3.B. Risk Factors

The following risk factors can make ergonomics an important part of every job task:

- Frequent lifting, carrying, and pushing or pulling loads without help from other workers or mechanical devices.
- Increasing specialization that would require the worker to perform only one repetitive function or movement for a long period of time or day after day.

- Working more than eight hours a day.
- Working at a quicker pace of work, such as faster assembly line speeds.
- Having to use tighter grips when using tools.

3.C. Risk Recognition

Recognizing ergonomic risk factors in the workplace is an essential first step in correcting hazards and improving worker protection. Including ergonomic principles in work tasks and equipment design may reduce exposing workers to undue physical stress, strain, and overexertion, including vibration, awkward postures, forceful exertions, repetitive motions, and heavy lifting.

3.D. Solutions

Many solutions to ergonomic problems in the workplace are simple and inexpensive. For example, many can be eliminated by:

- Adjusting the height of working surfaces.
- Providing telephone headsets.
- Supplying anti-fatigue mats.
- Varying tasks.
- Providing breaks.
- Paying attention to lift and load:
 - Reduce the weight and size of items workers must lift.
 - Minimize the distance between the worker and the load.
 - Lift loads from knuckle height; avoid lifting from floor level whenever possible.
 - Keep travel (carrying) distance for the lift to less than 10 feet.
 - Minimize twisting.
 - Provide handles for grasping loads.
- Putting supplies and equipment within easy reach of the worker.
- Providing ergonomic chairs or stools.
- Supplying the right tool for the job and the right handle for the worker.
 - Tools should be lightweight, and handles designed to allow a relaxed grip so the wrists can remain straight.
 - Tools should be designed for use with either hand and should be available in various sizes so they are appropriate for all workers.

- Tool handles should be shaped so they contact the largest possible surface of the inner hand and fingers; avoid tool handles with sharp edges and corners.
- Use power tools to reduce the amount of human force and repetition required.
- Reduce tool vibration by purchasing low-vibration tools, and if necessary, fit absorbent rubber sleeves over the tool handle(s).
- Using correct posture, which is important whether an employee is sitting, standing, pulling, pushing, lifting, or using tools or equipment.

3.E. Training and Assistance

Training employees how to properly use equipment, tools, and machine controls, as well as the correct way to perform job tasks, is essential. Suggestions and input from workers can be very helpful in designing improved workplaces.

General principles of ergonomics encourage work methods that allow workers to keep their body joints in a neutral position (wrists straight and elbows bent at a right angle) while using tools requiring manual force in order to prevent excessive force on joints and tendons. Workers should avoid all side-to-side twisting and quick movement of their wrists and keep their hands in line with their forearms while using tools or operating equipment. To minimize or prevent back disorders, employees should avoid long reaches, maintain neutral postures, and use proper lifting techniques that avoid twisting while lifting.

Specific ergonomic assistance may be obtained by contacting the Loss Control Coordinator. The person in this position has extensive ergonomic experience, background, and access to other professional ergonomic resources.

4. GUIDELINES FOR SAFE ON-DUTY WORK HOURS – FATIGUE AND SLEEP

The following on-duty work hours safety guidelines were established in order to prevent fatigue and sleep deprivation from becoming a safety hazard issue. The procedures listed below are applicable to City employees who operate City vehicles and equipment, as well as individuals required to perform rapid, timely, and detailed functions requiring a high state of mental alertness.

4.A. Exceptions - Limited

The procedures allow some flexibility to a rigid “12-on/12-off” schedule. The guidelines do not apply to 24-hour shift personnel, such as Fire employees. A modification of the safe on-duty work hours will be controlled by the department chief; however, back-to-back 24-hour shifts would be avoided. These safety procedures may be modified by the department director/chief on a limited and temporary basis for emergency situations and for City declared disaster demands. However, every effort should be made to ensure that personnel get adequate sleep breaks and preferably a minimum of eight hours of sleep every twenty-four hours.

4.B. Extra Duty Time

The normal extra duty time would consist of up to four hours before or after an eight-hour shift or two hours before or after a 10-hour shift, such as a “12-on/12-off” shift sequence.

4.C. Maximum Consecutive Hours-of-Duty

Personnel are limited to 14 consecutive hours in an on-duty period, but may only drive or operate vehicles/motorized equipment up to 11 hours in that duty period. The 14-hour duty period may not be extended with off-duty time for meals; only a sleep period of at least two hours can extend the 14-hour on-duty period.

4.D. Minimum Off-Duty Time

Each duty period must begin with at least ten hours of off-duty time, rather than eight. 10 hours allows ample travel time in order to obtain eight hours of sleep.

4.E. Consecutive Day Duty

The maximum amount of consecutive day duty time is 60 hours of on-duty time in seven consecutive days or 70 hours of on-duty time in eight consecutive days, but personnel can “restart” the seven- or eight-day period by taking at least 36 consecutive hours of off-duty time. For example, five days of “12-on/12-off” equals 60 hours. When 60 hours is attained in five consecutive days, a minimum break of 48 hours is required before the next duty assignment.

4.F. Sleep Exception

Personnel may split on-duty time by using sleep periods, but they must comply with the hours-of-duty rules. These employees may accumulate the equivalent of 10 consecutive hours of off-duty time by taking two periods of sleep, provided:

- Neither sleep period is less than two hours.
- Driving and/or equipment operation time in the duty period immediately before and after each rest/sleep period when added together does not exceed 11 hours.
- The on-duty time in the period immediately before and after each rest period when added together does not include any driving after the 14th hour.
- On duty for no more than 60 hours in seven consecutive days or 70 hours in eight consecutive days.

A new seven- or eight-day period can begin after 36 consecutive off-duty hours. (60 hours in five days requires 48 consecutive off-duty hours.)

4.G. Sleep Tips

- Avoid alcohol. (It may help to fall asleep faster, but it makes it difficult to remain asleep.)
- Do not consume spicy foods for the last meal of the day before sleep period.
- Use caffeine only in the first one-half of one work period, if needed.
- Do not exercise three to four hours before sleep; exercising after the sleep period may be best.
- Use a fan to block outside noise (or another white noise source).
- Darken the room; use dark shades to block sunlight and street/yard lights.
- A teaspoon of honey in a glass of hot water can be an effective sleep aid.

4.H. References

The safe on-duty work hours procedure guidelines utilize the January 2004 DOT safety rules and the National Sleep Foundation’s study, “Shift Workers and Sleep.”

5. DRIVING GUIDELINES

5.A. Compliance

All drivers of municipal vehicles and employees using personal vehicles in pursuit of municipal business will comply with all applicable laws of the state, as well as any additional ordinances and regulations of the City of Olathe. Drivers of emergency vehicles have limited exemption from the usual motor vehicle laws

and rules when responding to an emergency, but are still required to exercise due caution and care.

5.B. Personal Use Prohibited

Kansas Statute 8-301 prohibits the operation or use of any publicly owned automobile or other motor vehicle for private/personal use, for private business, or for pleasure.

5.C. Parking

- Municipal vehicles are not to be parked in "No Parking" zones except in emergency situations or if required for performance of official duties. During times a vehicle is parked in a "No Parking" zone, emergency blinkers will be turned on.
- No municipal vehicle is to be left unattended with keys in the ignition or with the keys accessible to unauthorized persons.
- All municipal vehicles should be locked when not in use.
- Employees who occupy a restricted parking place will display a permit or pay the fee for the duration of the stay.

5.D. Equipment

- Before initial use of any vehicle each day, the driver will walk around and inspect the vehicle for damage, inoperable lights or turn signals, damaged mirrors and reflectors, loose hardware, under-inflated tires, fluid leaks, or any other condition which may create an unsafe situation.
 - Low levels of engine oil, coolant, transmission fluid, and windshield washer fluid should be topped off at that time.
 - Any leaks shall be noted and reported for correction.
- Any damage or operating deficiency encountered must be reported to a supervisor immediately.
- In any case, the driver of the vehicle is responsible to see that all necessary vehicle safety conditions are met before operating it.
- Vehicle doors are never to be tied open.
 - Portable or detachable doors may not be removed from vehicles unless the mirrors remain usable when the doors are off.
- Turn signals are to be utilized in ample time to warn oncoming or following vehicles every time a driver intends to turn or initiate a lane change.
- Drivers will ensure before and during vehicle operation that the windows, headlights, and tail-lights are clean and working and that windshield wipers are operational.
- Tailgates should be up and locked when vehicles so equipped are in motion.
- If the vehicle does not have a tailgate, then the driver of the vehicle will ensure that the load is secured on the truck and that overhangs are properly marked in accordance with applicable state and City laws.

5.E. Seat Belts (Mandatory Use)

- All City employees who operate a licensed motor vehicle (City or privately owned) on City business or ride as a passenger in such vehicles shall wear the installed seat belt (safety restraints) properly adjusted and fastened.
- Any employee operating a licensed motor vehicle on City business shall not permit any person to ride as a passenger in such motor vehicle unless he/she is wearing a seat belt.
- Employees operating or riding on non-licensed motorized equipment with seat belts shall use the seat belts.
- The provisions of the seat belt policy shall not apply to:
 - Any person riding as a rear seat passenger in a motor vehicle in which the seating position is not equipped with seat belts and the other seat belt equipped seating positions are occupied by other passengers.
 - Any person who is physically unable to use seat belts provided the condition is certified by a licensed physician.
 - Any driver or passenger who exits a frequently stopping motor vehicle with a gross weight of 24,000 pounds or greater and the speed of the vehicle between stops does not exceed 15 mph. All other times the seat belt must be worn.
- The application of the provisions of mandatory seat belt use will be monitored by all supervisory personnel.
- Failure to wear an installed seat belt shall be considered a serious violation.
 - Disciplinary action in accordance with the City of Olathe personnel rules and regulations may be implemented for violation of the mandatory use of seat belts.
 - Disciplinary action may be in addition to any City driving probation/suspension, as well as any citation or fines issued under City ordinances or state laws.

5.F. Special Equipment Vehicles

- Special equipment, such as tractors, hi-lifts, high rangers, graders, plows, cranes, or any unit with special devices added for specific types of work, will require formal instruction prior to use by an operator. This special training may include, but is not limited to, the following:
 - Explanation and demonstration of all control devices.
 - Explanation and demonstration of all safety equipment.
 - Explanation and demonstration of maximum load capacity.
 - Knowledge of maintenance items, such as fuel, water, oil, or other minimum operating needs of the unit.
 - Demonstration of operation.
 - Observation and testing of new operator/drivers by the designated supervisor.
 - Instruction in driving to/from or on/off a trailer, all parking procedures, and the method for securing it.

- A record of this training is to be maintained by the department and is subject to inspection by Risk Management, insurance companies, and/or state and federal regulatory agencies.
- Passengers on special equipment will ride only in the seats designated for passengers.
- Operators will have visual control of the area around the equipment and have a person guiding them when backing it.
 - A backing guide is required for in-street work when the street is not closed to traffic.
- Unlicensed construction type equipment should not exceed 20 MPH in the public right-of-way.
 - This equipment should use the right lane except when a left turn is required.
 - The right-of-way will be given to all licensed motor vehicles, bicycles, and pedestrians.
 - Headlights, four-way flashers, and/or amber strobe lights should be on at all times during operation on right-of-ways.
 - Triangular, orange-colored, slow-moving vehicle signs should be displayed on the rear of the vehicle.
- Use of a special equipment vehicle without the required training and authorization may result in disciplinary action up to and including employment termination.

5.G. General

- Backing vehicles without a clear view of the area behind the vehicle will be done only with the assistance of a guide.
 - If a second person is in the vehicle, then he/she will get out and guide the vehicle back using the appropriate hand and voice signals.
 - If the driver is alone, then he/she will get out of the vehicle and inspect the area behind the vehicle before backing. Again, strict caution is to be observed.
- Riding on the sides, tool boxes, tailgate, or roof of any truck is prohibited.
 - Further, sitting or standing in the back of any moving truck is not permitted.
 - Riders will be seated only in the intended area.
- Employees will carry their state driver's license when on the job.
 - Suspension or loss of driving privileges may or may not result in termination, but will result in employment reclassification until driving privileges are reinstated.
- Each employee who operates a vehicle for City business is required to report any suspension or revocation of his/her license to his/her supervisor. The supervisor will in turn advise the Human Resources Department.
 - Failure of an employee to report a change in license status will result in disciplinary action.

- Riding on consoles of trucks is strictly prohibited.
- Except for authorized emergency vehicles, posted speed limits are to be obeyed, and speed should always be adjusted to traffic, lighting, weather, and road surface conditions.
- All operators of City vehicles will attempt to keep a two- to four-second distance behind other vehicles to avoid tailgating.
 - Do not allow others to tailgate.
 - Slow down, pull over, and let the tailgater pass when it is safe to do so.
- Drivers will direct their full attention to driving.
 - Any detailed inspection tour of streets, trees, signs, etc. from a moving vehicle should be made by a person other than the driver.
- Vehicle headlights will be turned on when vehicle is occupied and in motion.
- Operating a motor vehicle with headlights on *regardless of conditions* is in compliance with the City's safety program.
- All drivers should receive periodic reviews of their in-vehicle driving abilities.
- Periodic training exercises will be conducted for special driving skills.
- Being under the influence of or consumption of alcoholic beverages or drugs two hours prior to or during the operation of a City vehicle is strictly prohibited and will be subject to disciplinary action.
- Employees under a doctor's care and using prescription medication must notify their supervisor and have a doctor's statement that the medication will not impair their driving or equipment operation abilities.
- Trailers are to be fastened securely to vehicle hitches; safety chains will be used.
- Employees are not authorized to remove or modify any factory installed safety device, including but not limited to, seatbelts, air bags, roll bars, back-up alarms, four-way flashers, brake lights, etc.
- All items to be transported either in a truck or trailer that may move around during transport should be secured and not exceed the authorized vehicle load weight limit.
- No more than three persons may ride in the front seat of any vehicle.
 - If only two single seats or seat belts exist, then there is to be only one rider per seat or seat belt.

5.H. Driving Infractions

The following items relate to paid traffic fines/convictions during or after work hours, as well as City work related, preventable accidents.

- An employee with any combination of two traffic tickets or preventable accidents in 24 months may receive a driver eligibility warning/notice with the requirement to attend the City's Driver Improvement Training Course.
- An employee who incurs any combination of two traffic tickets or preventable accidents in 12 months or three in 24 months may be placed on City driving probation for up to 12 months.
- If during any 12 month period an employee incurs any combination of three traffic tickets or preventable accidents or during any twenty 24 month period incurs any combination of four, then employee may be subject to a City driving suspension for a period of up to one year, but not less than 30 days, which may result in termination of employment.
- Any employee who is allowed to return to "driving on City business" after a City driving suspension will be subject to a one-year City driving probationary period.
- Any employee incurring a driving infraction during a City driving probation may receive a driving suspension for the balance of the probationary period, but not for less than one month, which may result in termination of employment.
- Any employee who is convicted of driving under the influence (DUI) is subject to a City driving suspension of up to one year, which may result in termination.
- The City uses the National Safety Council's definition of a preventable accident: "any accident involving an organizational vehicle which results in property damage and/or personal injury, regardless of who was injured, what property was damaged, to what extent, or where it occurred, in which the driver in question failed to exercise every reasonable precaution to prevent the accident."
- Detailed procedures and forms are contained in the Risk Management Manual, Section: 25-06, Driver's License and Motor Vehicle Accident Review.

6. PROCEDURES FOR REPORTING ACCIDENTS AND/OR BREAKDOWNS OF MUNICIPAL VEHICLES

6.A. Police Investigations

In the event an operator of a City vehicle is involved in an accident, regardless of the severity, the Olathe Police should be called to the scene. If a bodily injury requiring ambulance transport or an extensive property damage accident should take place outside of the City, then the Police or Sheriff's department of that jurisdiction should contact the Olathe Police. The operator of a City vehicle involved in an accident should obtain names of witnesses and exchange all of the necessary identification and insurance information with the other driver(s).

6.B. Vehicle Maintenance Facility

If a City vehicle is disabled as the result of an accident or if a municipal vehicle breaks down and becomes inoperable, then the City's Fleet Manager and operator's department manager/supervisor are to be notified. If the vehicle is not in Olathe and needs to be towed back to the City Vehicle Maintenance Facility, then the other jurisdiction's police department should be notified that the City's Fleet Manager will make the necessary arrangements to retrieve the vehicle.

6.C. Notification

Operators of City vehicles should be sure that whenever a serious incident occurs, whether a breakdown, traffic accident, or vandalism, the responsible department manager/supervisor and the City Fleet Manager are notified by the most expeditious means.

6.D. Reporting Procedures

Detailed procedures are contained in the Risk Management Manual.

7. SAFETY EQUIPMENT**7.A. Personal Safety Equipment**

It is the City's intent to provide, make available, or require the necessary personal protective equipment needed in performing routine operations. These items can include, but are not limited to:

- Safety Shoes
- Rain Gear
- Gloves
- Boots
- Protective Headgear
- Safety Glasses
- Face Shields
- Goggles
- Hearing Protection
- High Visibility Safety Vest or Garment
- Gas Monitoring Devices
- Welding Clothing/Shields
- Breathing Apparatus
- Special Application Tools
- Protective Clothing
- Life Preservers

7.B. Decision to Use

The use of personal protective equipment is mandatory and the responsibility of the individual employee when hazards indicate a need. The decision to implement the use of specialized protective equipment is the responsibility of the involved department unless required by law or recommended by the Loss Control Coordinator.

7.C. Unapproved Foot Wear

Tennis shoes, jogging shoes, canvas shoes, sandals, loafers, etc. are not considered appropriate work footwear for any activities other than recreational ones.

7.D. Mandatory Use

Requests for equipment that is not immediately available should be directed to the responsible supervisor. Use of available and required personal protective equipment is the employee's responsibility. Ignoring this requirement may be considered a serious offense and subject to disciplinary action.

7.E. Additional Safety Equipment

To protect employees from unnecessary exposures, other equipment is provided, including barricades, cones, warning signs, warning lights, and many other specialty items. Consult with a supervisor or the Loss Control Coordinator for more information.

7.F. Use of Hard Hats

A hard hat is a personal item and shall be for the exclusive use of the employee to whom it is issued. Hard hats shall not be altered, painted, or otherwise defaced in any manner. Hard hats will be worn by employees when involved in the following situations:

- Present for any reason on construction sites where hard hats signs are posted.

- All water, sewer, street, and construction operations where work is being done with lifting or excavation equipment (or anything similar during Parks and Recreation Department operations).
- In excavations four feet or greater, where equipment or personnel are working above other workers, or where any other potential of head injury exists (or anything similar during Parks and Recreation Department operations).
- In manholes, lift stations, or pump stations below ground.
- All forestry operations.
- Any task by an employee where a potential for head injury exists, such as working below someone on a ladder, platform, or scaffold.
- All personnel engaged in climbing tasks or working from aerial lifts.
- In locations damaged by disaster, fire, flood, or other cause that could result in structural damage or falling material.
- Persons working near high-voltage electrical hazards.
- All supervisors involved in any of the above types of work.

7.G. Use of Eye and Face Protection

Protective eye and face equipment is required where there is a reasonable probability of injury that can be prevented by such equipment. In such cases, employees are responsible for using protection suitable for the work to be performed.

Suitable eye protectors will be used where machines or operations present the hazard of flying objects, glare, liquids, injurious radiation, or a combination of these hazards. Examples include, but are not limited to, the following:

- Working with or in the immediate area of machines (grinders, lathes, drills, saws, compressed air, etc.).
- Working with or in the immediate area of welding equipment.
- Working under equipment from which foreign objects might fall.
- Working with chemicals or other hazardous powder or liquid.

7.H. Use of Foot Protection

- Employees shall wear appropriate foot wear.
- Safety shoes (hard toed, special soles, or other safety features) shall be worn whenever there is a hazard of slipping or of dropped, falling, or rolling objects. Examples include, but are not limited to:

Indoor Activities

- Automotive and equipment maintenance personnel.

- Building maintenance and service personnel.
- Receiving or equipment storage and parts personnel.
- Inspectors who are required to enter locations where there are hazards to the feet.

Outdoor Activities

- Construction and utility repair personnel.
- Sanitation operation personnel.
- Heavy equipment operators.
- Full foot (toe and metatarsal) protection shall be worn by operators of impact and cutting machines, such as a jack-hammer.

7.I. Hearing Protection

Permissible Exposure Chart

<u>Level Measured in Decibels</u>	<u>Hours of Exposure Allowed</u>
85	8
87	6
90	4
92	2
95	1
97	1/2
100	1/4

- When equipment, machinery, or tools operate at 85 decibels (dba), personnel using such equipment shall wear hearing protection.
- When a work task, operation, or area is identified as producing greater than 85 dba, all employees experiencing that exposure will be required to wear ear protection.
- Ear protection will consist of ear muffs or ear plugs. The type most acceptable to the task shall be provided and worn whenever possible, as long as it achieves sufficient reduction of noise exposure.

7.J. Respiratory Protection

- Supervisors shall learn about the following items and then thoroughly instruct all employees whose work assignments may involve exposure to atmospheres containing noxious or toxic substances or oxygen deficiency.
 - The properties of such atmospheres.
 - Their potential hazards.
 - The circumstances under which these hazards may exist.
 - The proper method of testing for hazardous atmospheres.

- The proper type of protective breathing apparatus to use and how to use it.
- Refresher training of all affected employees shall be conducted at least annually. New employees should receive initial instruction as soon as possible after hire.
- Suitable breathing apparatus shall be kept available near work environments involving the possibility of exposure to harmful atmospheres. The apparatus shall be kept sterile and used only for the protective function intended.
- Approved respirators shall be worn in the following instances:
 - When welding on brass, bronze, or galvanized iron in confined areas where ventilation is limited.
 - When welding metal equipment that has been painted or coated with synthetic preservatives or other surface preparations and adequate measures to capture and exhaust toxic or noxious contaminants from the worksite atmosphere are not available.
 - When entering manholes, sewers, vaults, boilers, or other confined spaces where tests indicate the presence of noxious atmosphere after attempts to purge and ventilate them.
 - When working above suspended ceilings or removing ceiling tiles. (Approved personal protective clothing may be required.)
 - When determined by the supervisor to be advisable due to the known or suspected presence of hazardous substances or lack of oxygen in the environment concerned.
- All employees who may be required to wear self-contained breathing equipment for entry to a toxic or oxygen-deficient atmosphere must have a current certification by a physician to determine whether or not use of supplied air or self-contained breathing equipment would be injurious to their health.

7.K. High-Visibility Safety Vests

- High-visibility safety vests or other high-visibility apparel meeting the requirements of “American National Standard for High-Visibility Apparel” and labeled as meeting the ANSI standard for Class 2 risk exposure for daylight and Class 3 for night-time use will be worn by any City employee who:
 - Is involved with work that requires him/her to be at the curb line or on the traveled portion of the street.
 - Is involved with work where traffic is present even if there is no curb line.
- Firefighters will wear high-visibility outer garments or high-visibility vests when in traffic or off the curb line.
- Uniformed police officers will be exempt on traffic stops only. High-visibility garments are to be worn when assigned to control traffic or after sunset at an accident scene.
- When a street or construction area is completely blocked off to all traffic, then street and

utility maintenance/construction crew members need not wear high-visibility safety vests if wearing orange/red hard hats.

- If one or more lanes of traffic remain open on the street where construction is occurring, then high visibility safety vest or garment must be worn.
- Merely crossing the street, getting out of a vehicle and walking to the curb line, or placing a notice/ticket on a vehicle do not require the use of high-visibility safety garments or high-visibility vests.
- Working on a vehicle located in the vehicle traveled portion of the right-of-way requires the wearing of a high-visibility safety vest or garment.

8. PORTABLE POWER TOOLS

8.A. General

- Never lock the actuating switch in the "ON" position.
- Keep hands, feet, and body parts out of the line of operation.
- Assume a well-balanced stance on firm footing when using tools.
- Suitable personal protective equipment for the head, ears, eyes, body, and feet shall be worn when operating power tools.

8.B. Grinders

- The rated speed of the grinding wheel (indicated on the wheel) shall not be exceeded.
- Grinders shall be equipped with safety washers.
- Stand to one side out of the line of flying particles until the wheel reaches full speed. If uneven wear or vibration develops, then adjust or replace the wheel.
- Wear eye and face protection while grinding.
- Bench grinders shall be equipped with shields and tool rests. The tool rest shall be secured not more than 1/8 inch from the wheel.
- All abrasive wheels shall be closely inspected and ring-tested before mounting to ensure they are free from defects.

8.C. Portable Electric Tools

- All portable electric tools used in City operations must be of the double-insulated type or must be grounded by connecting a three-wire cord with a polarized, three-prong plug to a properly grounded three-hole receptacle. If extension cords are used, they must be of the three-conductor type with a matching plug and receptacle.
- As an additional precaution, ground fault circuit interrupters must be used whenever portable tools are used at out-of-door job sites.

- If it is necessary to use electrical equipment in a wet location, use low voltage equipment and/or a ground fault circuit interrupter. In addition, rubber boots and rubber gloves shall be worn.
- Extension cords and cords from tools shall be protected from contamination by oil or acid solutions.
- Cords shall be protected from damage to wire conductors or terminal connections by excess tension (pulling), kinks, pinches, etc.
- Cords shall be protected from damage to rubber insulation by exposure to heat, cuts, abrasion, pinching, etc.
- Electrical hand tools shall be visually inspected each time they are used for damage to cords and ground connections.
 - The most common defects occur at the points where the cord is attached to the tool or where the cord is attached to the plug.
 - Check for a secure connection and for lack of proper insulation at these points.
- Defective portable electric equipment may be dismantled and repaired only by qualified maintenance personnel as designated by the department director.
- Remove adjusting keys or wrenches before starting.
- Never overload or use undersized equipment.
- Never issue or operate a tool without the proper guard.
- To make adjustments, clear jammed objects, or change blades, bits, etc. always shut off power, wait for the machine to stop, and disconnect the electrical plug.
- Do not leave portable electrical tools unattended with the power cord plugged in.
- Do not carry plugged in portable electric tools with finger(s) on or near the switch.
- Hearing protection should be used.

8.D. Gasoline Engine Powered Tools

- Disengage the clutch before starting gasoline powered tools, and never start them under a load.
- The engine should be shut off and the spark plugs disconnected prior to clearing jammed objects or making adjustments.
- A machine shall not be operated without the guards provided for it.
- Running equipment shall not be left unattended.
- The engine will be turned off and hot engines shall be allowed to cool prior to refueling.

- Smoking is prohibited while refueling.
- Only Underwriter's Laboratory (UL) approved, explosion proof fuel cans shall be used for storage of gasoline.
- Use caution with engines using coolants since they may be highly flammable.
- Hearing protection shall be used.

8.E. Portable Compressed Air Tools

- Lift equipment properly; assume a well-balanced stance on firm footing when operating tools.
- Attaching a portable air compressor to a vehicle shall be a two-person operation.
- Hearing protection shall be worn whenever an employee is operating or in close proximity to an air-powered jackhammer and/or chipping tool.
- Air hoses shall be secured either manually or mechanically before charging them with air pressure.
- Hoses and couplings shall be inspected periodically for damage and/or deterioration.
- The pressure relief valve shall be inspected each time the compressor unit is placed into operation.
- Defective equipment, hoses, valves, etc. shall be reported to supervisor immediately.
- Pressure regulators shall be inspected frequently during operation; if air pressure exceeds the maximum pressure stated for normal operations, then turn in unit for repair.
- Air pressure shall be turned off and released before disconnecting.
 - Air pressure shall not be released if personnel are standing in front of or over the outlet.
 - The valve shall be opened gradually.
- Hoses shall be secured to the tool's housing with a safety fastener, unless a safety coupling is in use.
- Hoses shall be protected from vehicular or pedestrian traffic by placing two planks on each side of the hose.
- Triggers on tools such as nail guns are not to be tied back, altered, or compromised.
- When using a nail gun on walls, the adjacent room shall be evacuated prior to and during use of the tool.
- In-shop compressed air nozzles shall reduce the air pressure to 30 psi or less,

- Compressed air shall not be used for cleaning clothes or body parts.
- Air streams shall not be directed at self or other personnel.
- Caution shall be used in cleaning machinery with compressed air.
- Personal protective equipment (hearing, eye, and foot protection) shall be worn as outlined above in Section 7.

8.F. Powder Activated Tools

- Bystanders and workers must be kept a safe distance from the point of operation when setting and exploding the charge.
- Powder actuated equipment shall be safely operated only by properly trained and authorized personnel.
- Keep charges stored in accordance with the manufacturer's recommendations and secure from unauthorized handling.
- Charges shall be kept from heat, chemicals, impact, or dampness.
- Do not use charges that are unfamiliar; be able to identify all types of powder charges.
- Evacuate the adjacent room prior to and during use of tools when driving them through walls.
- Hearing protection shall be worn by operator and others in immediate area.
- Personal protective equipment (hearing, eye, and foot protection) shall be worn as outlined above in Section 7.

9. OPERATIONS IN THE PUBLIC WAY

9.A. Responsibility

The proper use of warning devices should be planned in advance to meet the requirements of the job site. Pertinent portions of the current edition of the U.S. Department of Transportation's Manual on Uniform Traffic Control Devices should be used as a guide when establishing a work zone. Whenever operations are taking place in streets, parkways, sidewalks, or other places where citizens and/or employees may be endangered, the supervisor/crew leader on the work site is responsible for monitoring the safety of the public and employees. The supervisor should spend ample time before, during, and after the work to ensure employees and the public are protected from hazards which may be created by this work.

9.B. General

- When street construction or repair work is to be done, vehicle and pedestrian safety preparation should be completed before such work is allowed to begin.
- If traffic will be affected by the operation, then proper signage will be used in advance to warn drivers of the work area.
- Traffic control signs in and around the affected area are to be placed and maintained throughout the period when work is being performed and while traffic obstructions exist.

- When barricades and signs are used overnight, the supervisors or crew chief will examine the work area for proper placement at the end of the workday and alert the City police to monitor for any vandalism or damage.
- Barricades equipped with flashing lights should be used whenever possible for overnight hazard protection.
- When traffic must be stopped periodically or obstructed by workers or equipment in the traveled portion of a roadway, an employee(s) wearing an orange/red hard hat, wearing a high-visibility safety vest or outer garment, and equipped with a “stop/slow” paddle should be stationed to control traffic through the Temporary Traffic Control Zone.
- All workers in and adjacent to the vehicle traveled right-of-way will wear a high-visibility safety vest or outer garment.
- Flaggers will be used to slow or direct traffic where the approach to the work area does not provide adequate visibility to approaching drivers or traffic has been reduced to one lane.
- A supervisor trained in work zone traffic safety will set up the work site; assistance in setting up signs or barricading is available at any time from the City Traffic Engineer.
- All steel plates used to cover holes in the street on a temporary basis are to be "spiked" or adequately secured in place.
- In any case when streets are significantly obstructed or closed for any period of time, the Police and Fire departments are to be notified of the situation and told approximately how long the closure will be in effect.

9.C. Pedestrian Safety

When pedestrian traffic is impeded, official municipal barricades, restrictive tape, fencing, rope, or other restraints should be used to keep the public from the work site. If pedestrian traffic must be routed off sidewalks and into the street, then protection should be provided by the appropriate combination of cones, barricades, and signs to guard pedestrians from vehicular traffic.

Excavations in the sidewalk or parking that must be left open should be covered whenever possible and include appropriate perimeter protection. Keep in mind that darkness and snow can reduce visibility and complicate the situation.

When an unusual situation exists that cannot be easily resolved, or when serious personal injury or damage to equipment or property occurs as a result of operations, contact the responsible supervisor and the Loss Control Coordinator immediately.

10. EXCAVATIONS

10.A. Job Site Hazards

Call and obtain utility locations prior to any excavation or installation of any post or pole. Danger is everywhere on a construction job site. The best defense against injury or death is recognition of the hazards that exist. The following are just a few hazards:

- Any trench five feet deep or deeper must use a shield, or be shored or laid back to the proper slope angle.
- Keep all loose material and construction equipment two feet from the edges of trench

excavation.

- Keep the trench dry - water indicates danger; take steps to get water out of the excavation or ditch.
- Read and understand all warning signs and posters, which are posted to alert of job site hazards.
- Know where emergency equipment is located; if an accident happens, then only minutes are available in which to act.
- Know blasting signals when working near explosives.
- Work carefully around utilities.
 - Underground utilities and overhead lines present a great hazard.
 - Operate at the proper distance from these hazards.
- Keep area neat; protect against injuries from tripping hazards and exposed nails, among others.
- Use ladders properly; make sure they are tied off and extend three rungs above the trench.
- Use fencing or barricades to keep people and vehicles away from the trench.
- Protect the job from theft and vandalism; vandalism can make equipment unsafe to operate.

10.B. Personal Protection

Each employee is responsible for using the appropriate personal protective equipment provided and/or required at the job site.

- Employees working in a right-of-way shall wear high-visibility safety vests or high-visibility outer garments.
- Employees working in the trench or near excavation equipment shall wear hard hats.
- Trenches exceeding a depth of four feet that are near landfills, hazardous chemical storage areas, or gas lines shall be tested for adequate oxygen of at least 19.5 percent and for flammable gas in excess of 20 percent of the lower flammable limit of the gas.

10.C. Heavy Equipment Operation

Operators are responsible for the safety of the entire crew. Attention to the safe operation of machines can mean the difference between a safe job site and tragedy. The following guidelines should be used:

- Check equipment daily, keep it in good working condition, and know the limits of the equipment.
- Keep walking surfaces clean; fuel spills, oil spills, mud, ice, and dirt can lead to falls.
- Use proper personal protective equipment, and ensure other workers at job site are using theirs.

- Locate underground and overhead utilities, and work carefully when excavating near them.
- Use signal persons or alarms when working blind; do not expect other people to know what work is being done.
- Keep equipment away from trenches; vibration can cause collapse.
- Do not allow riders on equipment; machines are not substitutes for ladders or vehicles.
- Park, shut down, and secure equipment properly; move hydraulics to the "down" position, and secure from unauthorized use.

10.D. Sloping

The maximum allowable slope for sides of excavations less than 20 feet deep as shown in 29 CFR 1926.562, Appendix B, is:

90°	Solid Rock: shale or cemented sand and gravels.
53° (½ : 1)	Type A: cohesive soils with an unconfined compressive strength of 1.5 tons per square foot (tsf). (Clay, silty clay, sandy clay, clay loam, and in some cases silty clay loam and sandy clay loam. No soil is Type A if fissured or subject to traffic vibration, pile driving, or similar effects.)
45° (1 : 1)	Type B: cohesive soils with an unconfined compressive strength greater than 0.5 tsf, but less than 1.5 tsf. (Angular gravel, silt, silt loam, sandy loam, and in some cases silty clay loam and sandy clay loam.)
34° (1 ½ : 1)	Type C: cohesive soils with an unconfined compressive strength of 0.5 tsf or less. (Granular soils, including gravel, sand, loamy sand, submerged soil from which water is freely seeping, or submerged unstable rock.)

10.E. Trench Shields

Trench shields or other protection must be used in trenches five feet or more deep.

11. CONFINED SPACES

11.A. General

Confined spaces are difficult to get into and out of and have potential for dangerous atmosphere. Explosive gases, toxic conditions, and lack of oxygen mean trouble to anyone working in the space. All confined spaces shall be considered "permit required," unless otherwise approved by the Loss Control Coordinator or his/her designee.

1. Be able to recognize a confined space; if uncertain, then do not enter until find out.
2. Obtain permission before entry; never enter any confined space without supervisor's permission.
3. Understand hazards before entry; every confined space is different, so make sure know hazards and are properly protected before entry.

11.B. Procedures

These procedures do not preclude more stringent departmental confined space safety standards.

1. Each department will draw up a list of confined spaces where entry procedures would be used.

- a. Any area where there is uncertainty about whether or not it is considered a confined space will be referred to the Loss Control Coordinator for assistance.
2. Before an unprotected person enters a confined or enclosed space, the atmosphere shall be tested with a suitable instrument to determine whether or not the atmosphere is respirable and whether or not any combustible contaminants are present.
 - a. Workers dealing with the sewage system shall test for hydrogen sulfide, as well as the above mentioned conditions.
3. Where possible, workers shall test the atmosphere with a probe through a vent hole prior to opening the cover door.
4. If the atmosphere is determined to be respirable and non-combustible, then the space shall be ventilated and tested again before entry may be made.
5. The gas-testing instrument shall remain activated during the entire time an employee is in the confined space to provide continuous monitoring and assurance of respirable atmosphere.
 - a. If the instrument gives warning of either a drop in oxygen content or presence of combustible atmosphere, then immediate exit from the space is mandatory.
6. If a test indicates combustible atmosphere and it is possible that a gas line leak is the cause, then post appropriate warning against introduction of any ignition source, contact supervisor, and request notification be given to the appropriate natural gas company.
 - a. Do not ventilate until after the gas company has obtained samples of the atmosphere.
 - b. If the combustible source is natural gas, then make no attempt to enter the confined space until the source is located and necessary repairs of any leaks are made by the gas company; ventilate thoroughly and re-test.
7. If under any circumstances an explosion should occur in a confined or enclosed space, whether entry is made or not, the natural gas company and the Fire Department should be notified immediately.
8. If tests do not indicate a combustible atmosphere, but do indicate a non-breathable atmosphere, then ventilate area thoroughly and test again. If after a reasonable period of ventilation the atmosphere is still not breathable, then do not enter, and report this condition to supervisor.
9. During work in a confined space, the introduction of respirable air through constant ventilation is a safety factor which should be retained whenever possible. However, when personnel are working in small enclosures where the stream of forced air interferes with work or causes physical discomfort, then constant ventilation may be omitted, provided the proper testing and ventilation is performed before entry and constant monitoring is performed during the entire time an employee is in the space to ensure there is continual respirable atmosphere.
10. When work is being performed in a confined space, another employee shall be available in the immediate vicinity (on the surface) to render emergency assistance if required. In an emergency situation, the top person may be from another department, such as Police or Fire.
11. When setting portable blowers to ventilate the area, make sure the air intake will not pick up carbon monoxide fumes from the engine exhaust.
12. When working in a confined space, smoking and use of ignition sources, other than those approved and required to do the job, shall be prohibited.
13. If entry and ventilation are made at a right-of-way or street opening, then set up barricades and advance warning signs to protect pedestrian traffic and to alert vehicle traffic before covers of manholes, hand-holes, or vaults are removed. High-visibility safety vests or high-

visibility outer garments are to be worn.

14. Never allow exits to be blocked while working in a confined space.
15. If tests show the presence of a non-respirable atmosphere and if, prior to ventilation, it is necessary to enter a confined space, then a person trained in the use of protective equipment shall be provided with an approved positive pressure breathing apparatus or equivalent before entering.
 - a. The use of canister breathing apparatus for entry into toxic or low oxygen atmosphere is prohibited.
16. All employees who may be required to wear self-contained breathing equipment for entry into a toxic or oxygen-deficient atmosphere must have a physical examination every year to determine whether or not the use of supplied air or self-contained breathing equipment would be injurious to their health.
17. If an employee equipped with self-contained breathing equipment enters an area with dangerous atmosphere, then standby personnel must have suitable rescue equipment.
18. When employees inspect storm sewers, sanitary sewers, or water mains by walking through them, the following procedures shall apply:
 - a. One manhole shall be opened ahead of the segment to be inspected.
 - b. At least one employee shall remain on the surface and walk the same route.
 - c. Employees walking the pipes shall report to the employee on the surface at each manhole.
 - d. Tests for combustible and non-respirable atmosphere shall be made.
 - i. A portable blower should be put in operation for ventilation.
 - ii. The air flow of natural ventilation should be determined, and the blower should be located so as to introduce a flow of air in the same direction as the natural air flow.
 - e. All persons in a pipe shall be equipped with self-contained breathing apparatus.
 - i. At least one gas testing instrument shall continuously monitor the atmosphere for oxygen deficiency.
 - ii. The workers shall also test continuously for combustible atmosphere while they remain in the confined space.
19. If any employee suffers an adverse effect or becomes unconscious while entering a confined space, then summon emergency service help immediately and notify supervisor.
 - a. Notify the Loss Control Coordinator by the most expeditious means.
 - b. All supervisors of employees that enter confined spaces should be trained in CPR.

20. Any employee entering a "Permit Required - Confined Space" subsurface space must wear a harness and lifeline.
 - a. The harness and lifeline must be tended by employees on the surface.
 - b. Entry may be made without harness and lifeline, as long as readings are satisfactory, but an attendant must still be present on the surface.
21. Any employee entering a "Permit Required - Confined Space" subsurface space must test the atmosphere prior to and during entry for:
 - a. Oxygen.
 - b. Flammable gases and vapors.
 - c. Potential toxic air contaminants.
22. It is mandatory when entering a closed vessel, tank, or similar space that a harness and lifeline be worn while wearing a self-contained breathing apparatus.
 - a. A person must be stationed outside to handle the line and summon assistance in case of an emergency.
 - b. This procedure is also required when welding operation is conducted in a confined space.
23. Monitoring for "toxic gases" is mandatory before entering a confined space.
24. In an emergency situation when one or more workers are trapped in a confined space, the employee on the surface shall not enter the confined space to attempt a rescue until:
 - a. After contacting the Fire Department, 911, or delegating that responsibility to a co-worker or individual trained in confined space procedures.
 - b. Another person is available to be stationed outside to handle the line and assist.
 - c. A self-contained breathing apparatus has been donned, checked out, and lifeline attached.
 - i. Upon entering, the employee may not remove his/her air supply mask for any reason.
25. Any confined space, where possible, will have affixed to the opening a decal stating it is a confined space and that confined space entry guidelines will be followed.
 - a. Where it is impossible to affix such a decal, workers will be informed prior to entry that the space is to be treated as a confined space.

11.C. Employee Responsibility

The requirements of each department can be very different; however, each employee is responsible for understanding and adhering to the above minimum procedures prior to working in any confined space.

11.D. Special Equipment and Training

Special equipment, such as monitors, ventilators, and rescue devices, require special training. No employee will be involved in the use of such equipment without training.

11.E. Training Documentation

Training for entry into confined spaces will be documented by each department and conducted on a regular basis as needed. The employee is responsible for receiving training prior to entry into any confined space.

12. BLOODBORNE EXPOSURES

12.A. Exposure Determination

The City has determined certain positions may incur occupational exposure to human blood or other potentially infectious materials. The exposure determination is made without regard to the use of personal protective equipment.

12.B. Exposure Control Plan

The City's Exposure Control Plan is contained in Section 25-13 of the Risk Management Manual.

12.C. Positions

The City positions involved are: police officers (all sworn ranks and property custodian), firefighters (all grades), lifeguards, custodians, wastewater collection workers, and some park maintenance workers.

12.D. Others

All other City employees are not within the scope of the Bloodborne Pathogens Exposure Standards. However, they are to report to their immediate supervisor any contact with human blood while in the performance of assigned duties. Such report must be made immediately after contact with blood or other potentially infectious body materials that are not their own.

13. CHEMICALS

13.A. Identification

All City employees are expected to know the identity of all chemicals they handle. All chemicals will be in marked or properly labeled containers. Portable containers into which hazardous chemicals are transferred from labeled containers that are intended only for the immediate use of the employee transferring the chemical do not have to be marked or labeled. Unmarked containers will not be left unattended or used for storage of a chemical.

13.B. Handling and Storage

Material Safety Data Sheets (MSDS) will be available at the workplace where chemicals are handled and stored. Employees are responsible for knowing the proper handling and storage methods required of each chemical they use or handle.

13.C. Disposal

All employees are expected to know and utilize the proper disposal methods for all chemicals they use or handle.

13.D. Emergencies

All employees are expected to know the proper emergency procedures for chemical spills or releases in the workplace.

13.E. Program and Procedures

The City's Chemical Handling and Storage Program is contained in Section 25-12 of the Risk Management

Manual. This section (RMM25-12) should be found in each regular work site together with the MSDS used in that facility. Refer to RMM25-12 for additional information.

13.F. Training

Each department will conduct training as specified in RMM25-12.

14. LADDERS AND SCAFFOLDING

14.A. Injury Types

Mishaps involving electricity and falls from high places result in the two most critical types of injuries involving ladders and scaffolding. Other hazards include: splinters, slivers, and slipping, which causes sprains, strains, bruises, abrasions, and puncture wounds.

14.B. Safety Standards

The following safety standards may prevent accidents:

Ladders

- Metal ladders are not to be used in the vicinity of exposed electrical wiring or open circuits.
- Periodically inspect wooden ladders; they shrink over a period of time.
 - In a stepladder, this may cause steps or back bar members to become loose.
 - Hold the rods beneath the steps with pliers, and tighten the nut at the end with a wrench to maintain strength and keep the ladder steady.
- Wooden ladders or scaffold planks shall not be painted; paint can hide a defect.
 - To preserve the wood, use a good grade of spar varnish or a mixture of linseed oil and turpentine when necessary.
- Non-skid feet should be used on all straight and extension ladders.
- When properly placed, the feet of the ladder should be about one-fourth of the distance away from the vertical surface.
- Ladders should never be placed against window sashes.
- When using a straight ladder, it should be long enough to extend at least three rungs above the level to which the user is climbing.
 - Stepladders are not to be used in lieu of straight ladders; they are not designed for that purpose.
- If the feet of a straight ladder are to rest on an unsecured surface, then secure the ladder in position by the use of hooks, ropes, spikes, cleats, or other anti-slip devices or by having an employee wear a hard hat and stand at the base of the ladder to hold it during use.
- Never stand on the top or top step of a stepladder.
- Only one person should be on a ladder at a time.

- Never carry articles while climbing.
 - Use a hand line to raise and lower tools and materials or suspend them suitably in a tool belt.
- Use both hands and face the ladder when ascending or descending.
- Clean muddy or slippery shoes before climbing a ladder.
- Keep rungs clean and free of grease, oil, and caked-on dirt.
- If it is necessary to place a ladder near a door or where there is potential for foot traffic, then set up warning signals or take other precautions to prevent accidental contact that might upset the ladder.

Scaffolding

- Proper supervision is required to erect scaffolding.
- Planks and other material used in building scaffolding must be sound and free from knots.
 - Keep planks in good condition with spar varnish.
 - Never paint the planks.
- Keep planks clear.
- Scaffolding used for work over 10 feet off the ground should have mid-rails and handrails.
- Tools left on top of scaffolding can easily fall to the ground and injure a passerby; keep tools in a container lashed to the scaffold.

Personal Protective Equipment

- Hard hats should be worn when working below an occupied ladder or scaffold.
- Other personal protective equipment, such as gloves and eye protection, should be used as warranted.

15. OFFICE SAFETY

15.A. Hazardous Environment

Office work is more hazardous than is commonly supposed with many accidents occurring during ordinary office routines. Anyone can prevent office accidents.

15.B. General

- Every employee is responsible for keeping his/her own desk and work area clean and orderly; good housekeeping is an important key to a safe office environment.
- Be alert for and report loose or threadbare floor coverings.
- Employees should be extra cautious when coming to a door that can be opened in their direction.

- Slowly push open doors.
- Slow down when coming to a "blind corner."
- Haste when walking between desks can result in bruises and falls.
- Keep electrical cords out of aisles.
- All file, desk, and table drawers shall be kept closed when not in use.
 - Before leaving an open drawer, close it.
 - Never open more than one file drawer at a time.
- Overloading the top drawer of unsecured file cabinets has caused many an injury.
 - If unfamiliar with a file cabinet, then test the drawers, being careful not to pull them out to full extension.
 - Take caution since there may be no locking device on the inexpensive or older model cabinets to prevent the drawer being pulled from them.
- Office tables, desks, and chairs must be maintained in good condition and free from sharp corners, projecting edges, wobbly legs, etc.
- Tilting chairs can be hazardous when improperly used; take care to assure they are in good working condition.
- Never use chairs, desks, or other office furniture as a makeshift ladder.
 - Always use stepladders or step-stools.
 - Do not overreach and lose balance.
- Message spindles and knife shaped letter openers are not recommended for City use.
 - Remove them from counters and desk tops.
 - They should not be accessible to the general public or anyone other than the user.
- Scissors, paper cutters, and similar office tools can easily cause minor, but painful injuries.
 - Report such injuries at once, and take precaution to avoid infection.
 - Keep the blades of paper cutters closed when not in use.
- Keep hands clear of electric typewriter carriages and printers.
- Paper cuts can be painful.
 - Use a sponge or other wetting device for envelopes.

- Use rubber finger guards when working with stacks of paper.
- Keep paper clips, thumb tacks, and pins in a place where they cannot injure anyone.
- Keep razor blades and Exacto knives/blades covered.
- Be sure all electrical equipment is grounded and the cord is in good condition.
 - If a machine gives a shock or starts smoking, then unplug it.
 - Report the defective device immediately.
- City ordinance requires employees to refrain from smoking in City buildings.
 - Ensure that visitors are aware of this policy.
 - Do not permit the flicking of cigar or cigarette ashes or the disposing of butts into wastebaskets.

16. FIRE PREVENTION AND EMERGENCY EVACUATION

16.A. General

- Each employee will be familiar with the fire alarm signal, evacuation routes, and assembly sites as posted in their specific area.
- In the event of a fire, call the Fire Department immediately, dialing 9-9-1-1 from internal phones and 9-1-1 from external and pay phones.

16.B. Housekeeping

- Good housekeeping shall be practiced at all times.
- Dispose of trash, papers, and other combustible materials by placing them in the proper waste container.
- Oily and greasy materials shall be disposed of in covered metal waste containers.

16.C. Flammable Liquids

- Gasoline, utilized in small quantities, may be stored only in UL approved, explosive proof, safety cans.
 - No more than five gallons of gasoline shall be stored inside a building at one time, unless it is in an approved safety can and stored in an approved metal safety cabinet.
 - Safety cabinets will be limited to 60 gallon storage capacity.
- When dispensing flammable liquids, the receiving container and the dispensing container shall be effectively bonded.
 - Drums from which flammable materials are dispensed shall be grounded.

- Paints and other flammable liquids will be stored in approved safety cabinets.

16.D. Smoking

- Smoking and carrying lit pipes, cigars, or cigarettes are prohibited in all City buildings, structures, and vehicles.
- Smoking and carry lit pipes, cigars, or cigarettes are prohibited in areas on City grounds where "No Smoking" signs are posted or where there is a fire or explosion hazard from smoking.

16.E. Fire Extinguishers

- Activating a warning for other persons in the area and dialing 9-1-1 should be performed before approaching a fire with a fire extinguisher.
- Fire extinguishers, appropriate for the potential exposure, shall be located so they are easily available for use.
 - The location shall be clearly marked with signs.
 - Access to the equipment shall not be blocked.
- Anytime a fire extinguisher is discharged for any reason, the employee using it shall report the use to his/her supervisor and department safety representative.

17. SEASONAL AND PART-TIME EMPLOYEE SAFETY AND DRIVING REQUIREMENTS

17.A. Policies

All of the procedures and guidelines set forth in this safety program apply to all employees of the municipality regardless of the number of hours worked.

17.B. Orientation

The Loss Control Coordinator is available as needed to give orientation sessions to seasonal or part-time employee groups on the previously mentioned topics, as well as more specific topics. Whenever possible, requests for orientation sessions should be scheduled at least two weeks in advance.

18. SPECIFIED PROHIBITED ACTIONS

18.A. Use of Headset Music Players

As a general policy, the use of personal headset music players is not permitted on the job for the following reasons:

1. Headset units provide mental distraction from the concentration required to perform most jobs.
2. The ability to hear ambient sounds, including abnormal rattling and equipment noise, is affected.
3. Verbal communication from other employees is impaired.
4. Hanging wires leading from the unit's receiver to the headset can prove dangerous when near machinery.

5. Headset units are dangerous for vehicle operators and bicycle riders because they can easily muffle traffic noises.
 - a. Accordingly, municipal employees operating motor vehicles and machinery should exercise extreme caution when driving behind vehicle operators and bicycle riders wearing headsets.

18.B. Wireless Communication Devices

As a general policy, the use of City assigned and/or personal wireless communication devices on-the-job have limitations for use during the following activities due to the distraction and lack of concentration they present to safe work performance:

- While operating a moving, licensed, motor vehicle. Regardless of whether or not using a handheld or hands-free wireless device, a driver's first responsibility is to pay attention to the road. Conversations should be kept to an absolute minimum. Let the caller know there is a chance of having to hang up abruptly and calling back later when it is safe. Any lengthy conversation will require the vehicle to be brought to a stop at a safe location, preferably off the traveled portion of any highway or street. Conversations, taking notes, dialing, text messaging, emailing, working on files, or reading of displays must be avoided while moving on very busy main streets, highway exchanges, during rush hour, and in other heavy or congested traffic.
- While operating moving and/or in-gear, motorized, off-road (maintenance/construction type) equipment. Even hands-free wireless communication devices will not be authorized while operating this type of equipment, unless the equipment has been properly stopped and taken out of gear or turned off.
- While at any work site during which the operation of a wireless device will be a distraction to the user and/or may create an unsafe work environment. Such work sites include, but are not limited to: road repair, maintenance, construction, and operating/repairing energized equipment (electrical panels, motors, energized circuits, etc.). Such work sites must be secured, or the wireless device must be used by an employee only while out of harm's way of such work environments.
- Use of wireless communication devices for personal conversations is limited to non-duty time, such as breaks, lunch, etc. Supervisors will have the authority to restrict or prohibit use of personal wireless communication devices at any time on-the-job when they consider that such situations and use may present a safety hazard to employee, co-workers, contractors, the general public, and to City and private property. Use of a personal wireless device is not authorized while operating a City vehicle.
- Please DO USE a wireless device to call for help or to help others in an emergency. However, do not place self or others in danger while doing so. If observing a serious auto accident, crime in progress, or other serious emergency where lives are in danger, then dial 9-1-1 and give the exact location and emergency information. Stay on the line as long as the dispatcher requires.

18.C. Alcoholic Beverages

Under no circumstances shall an employee report to work at the beginning of a shift, after lunch, or after a rest break under the influence of alcoholic beverages, nor shall any alcoholic beverages be consumed during duty hours or carried in/upon any municipal vehicle. Failure to observe this rule may result in disciplinary action

up to and including separation.

18.D. Drug Use

Employee misuse of legal, non-prescription drugs or abuse of prescribed drugs while on the job, where the taking of same could impair judgment, will require action in compliance with the City's drug policy contained in Section 2-17 of the Employee Handbook (Appendix A for holders of a commercial driver's license) to include the following minimum supervisory actions:

- The employee may be transported to a City-authorized doctor to determine the degree of impairment.
 - An impaired employee will be transported home for the remainder of the work day.
- When it is determined that an employee was impaired due to misuse of a non-prescribed drug or abuse of a prescribed drug, then the appropriate action will be taken in accordance with City personnel rules and regulations.

The use or possession of illegal drugs while on the job will not be tolerated and may result in immediate termination of employment in accordance with City's personnel procedures contained in Section 2-17 of the Employee Handbook (Appendix A for holders of a commercial driver's license).

Any employee with a question about the use of non-prescription or prescription drugs, or any combination of such drugs, and their effect on work capability should discuss this matter with an immediate supervisor. If there is reason for concern, then the pharmacist where the drug or drugs were purchased is always a good source of information.

19. WORKING DURING EXTREME COLD OR HOT WEATHER

The following is a guideline for assessing continuance of non-vital services during extreme weather. This information may not be relevant to all City operations, but it provides good personal information and should be utilized by each employee when appropriate.

19.A. Cold Weather

Wind chill factors were originally developed by the military to determine the effects of combining wind and temperature on exposed skin surfaces. More recently the National Oceanic and Atmospheric Administration (NOAA) published standards based on new research. Wind chill does not cause liquids to freeze when the air temperature is above the freezing point. However, when the air temperature is below freezing, wind chill will speed up the freezing process.

There are situations where no weather condition will force work to be stopped. These situations include Police and Fire departments' services, snow removal, and emergency responses to situations that arise as a result of severe weather. However, non-essential services of an emergency response department should be considered for curtailment when subject to extreme temperature or wind chill.

Supervisor - recommended procedure for evaluation of particular jobs in cold weather:

1. Assess the necessity of the particular task.
2. Assuming task must be done, ensure individuals are properly dressed and protected from the elements.
3. Determine what method the individual will have available to get warm periodically while the task is performed.
4. Consult the wind chill chart and determine the wind chill equivalent.

- a. If in the "10 minute" zone, then special clothing must be used.
 - b. If in the "10 minute" zone, then certain tasks may be impossible due to wind or temperature alone.
 - c. If in the "5 minute" zone, then only life and health safety tasks should be performed.
5. Non-life safety tasks should have cold weather considerations implemented any time the reported wind chill falls below -18° F.
 6. Each department may establish separate conditions for each specific task affected by the wind chill factor.

WIND CHILL CHART

[NOAA: 11/01/01]

WIND WHAT THE THERMOMETER ACTUALLY READS (°F)

SPEED (MPH)	40	35	30	25	20	15	10	5	0	-5	-10	-15	-20	-25	-30	-35	-40
<u>05</u>	36	31	25	19	13	7	1	-5	-11	-16	-22	-28	-34	-40	-46	-52	-57
<u>10</u>	34	27	21	15	9	3	-4	-10	-16	-22	-28	-35	-41	-47	-53	-59	-66
<u>15</u>	32	25	19	13	6	0	-7	-13	-19	-26	-32	-39	-45	-51	-58	-64	-71
<u>20</u>	30	24	17	11	4	-2	-9	-15	-22	-29	-35	-42	-48	-55	-61	-68	-74
<u>25</u>	29	23	16	9	3	-4	-11	-17	-24	-31	-37	-44	-51	-58	-64	-71	-78
<u>30</u>	28	22	15	8	1	-5	-12	-19	-26	-33	-39	-46	-53				
<u>35</u>	28	21	14	7	0	-7	-14	-21	-27	-34	-41	-48	-55	-62	-69	-76	-82
<u>40</u>	27	20	13	6	-1	-8	-15	-22	-29	-36	-43	-50	-57	-64	-71	-78	-84
<u>45</u>	26	19	12	5	-2	-9	-16	-23	-30	-37	-44	-51	-58	-65	-72	-79	-86
<u>50</u>	26	19	12	4	-3	-10	-17	-24	-31	-38	-45	-52	-60	-67	-74	-81	-88

Frostbite Time 30 min. 10 min. 5 min.

When exposed to wind chill factor of:
 Above -16 F: little danger if properly clothed
 -18 to -50 F: cold weather considerations must be implemented
 -50 to -85 F: only emergency services should be performed
 -85 & below: only life and health safety services should be performed

19.B. Hot Weather

During the extreme temperature of summer days, heat stress illness and injuries are common. However, these types of illness and injuries are easily avoided by following a few basic precautions:

- Wear comfortable, loose fitting clothes.
- Wear hats with visors or wide brims.

- The amount of skin exposed to direct sunlight should be kept to a minimum: wear long sleeves.
- Have a ready source of cool liquids to drink, such as water and fruit juice.
 - Avoid liquids containing alcohol and caffeine since they worsen the effects of heat exposure.
 - Limit consumption to 8 -12 oz per hour.
 - The more they perspire, the more they need to drink.
- Have a shaded area available for frequent breaks when work is performed in direct sunlight.
- Reduce activities requiring high levels of physical exertion during periods with high temperatures and high humidity - this combination particularly dangerous (heat index of 105° F or greater).
- Age and health can be a factor.
 - Heat cramps in an 18-year-old may be heat exhaustion in someone 40 years of age and heat stroke in a person over age 50.
- Monitor employees and co-workers frequently; many individuals will not realize when they are suffering heat stress.
- REMEMBER, when feeling the heat -COOL IT!

Heat Exhaustion: Any employee who becomes pale, dizzy, nauseated, weak, or complains of a headache may be suffering from heat exhaustion and will need appropriate attention. If these symptoms last longer than one hour, then medical attention is required.

Heat Stroke: Signs of a heat stroke - high fever, rapid pulse, and red, hot, dry skin. An employee showing these signs needs immediate attention. Cool the skin immediately with large amounts of water, and call 911 for an ambulance. Shade the person from direct sunlight. If the water supply is limited, then use it on arms, shoulders, neck, and forehead. Heat stroke is life threatening. Treatment is not to be delayed.

Heat Index (Apparent Temperature) Chart

		RELATIVE HUMIDITY (%)												
°F		30	35	40	45	50	55	60	65	70	75	80	85	90
A	105	114	118	123	129	135	141	148	155	163	171	180	190	199
I	104	112	116	121	126	131	137	144	151	158	166	175	184	193
R	103	110	114	118	123	128	134	140	147	154	161	169	178	186
	102	108	112	116	120	125	131	136	143	149	156	164	172	180
T	101	106	109	113	118	122	127	133	139	145	152	159	166	175
E	100	104	107	111	115	119	124	129	135	141	147	154	161	168
M	99	102	106	109	113	117	121	126	131	137	143	149	155	163
P	98	101	104	107	110	114	118	123	127	133	138	144	150	157
E	97	99	102	105	108	112	115	120	124	129	134	140	145	152
R	96	98	100	103	106	109	113	116	121	125	130	135	141	146
A	95	96	98	101	104	107	110	114	117	122	126	131	136	141
T	94	95	97	99	102	104	107	111	114	118	122	127	132	137
U	93	93	95	97	100	102	105	108	111	115	119	123	127	132
R	92	92	94	96	98	100	103	105	108	112	115	119	123	128
E	91	90	92	94	96	98	100	103	106	109	112	115	119	123
	90	89	91	92	94	96	98	100	103	106	109	112	115	119
	89	89	89	91	93	95	97	100	103	106	110	113	117	
	88	88	88	89	91	93	95	97	100	103	106	110	113	

With prolonged exposure and/or physical activity the following applies:

130 °F and above:		Extreme Danger	Heat stroke or sunstroke highly likely. Curtail all but emergency operations.
105 °F to 130 °F:	Danger		Sunstroke, muscle cramps, and/or heat exhaustion likely. Limit activities, and monitor employees very closely.
90 °F to 105 °F:	Extreme Caution		Sunstroke, muscle cramps, and/or heat exhaustion possible. Monitor employees closely.
80 °F to 90 °F	Caution		Fatigue possible. Ensure employees are drinking water and juices, but no caffeine.

IMPORTANT: Exposure to full sunshine can increase the Heat Index values by up to 15 F. Also, strong winds, particularly with very hot, dry air, can be extremely hazardous.

20. SERIOUS ACCIDENT, INJURY, AND INCIDENT REPORTING

20.A. Serious Accidents

In the event of a serious or life-threatening accident or injury to a municipal employee, any injury to a citizen by municipal operations, or extensive damage to property related to municipal operations, the Loss Control Coordinator is to be notified by the most expeditious means, especially if any fatalities (employee or other) occur on municipal property. This rapid notification is vital to the proper management of the incident, as well as to allow the necessary procedural steps to be taken. All other bodily injury accidents are to be reported by telephone to the Loss Control Coordinator no later than the end of the duty shift.

20.B. Incident Handling

The Loss Control Coordinator is responsible for proper handling of such incidents so that effective case management can take place, which requires helping individuals involved to remain calm and in control of the situation, making the necessary requests for emergency assistance, and collecting vital information including names and addresses of all witnesses,.

20.C. Emergency Assistance

Emergency assistance is obtained by dialing 9-9-1-1 from City facilities and 9-1-1 from external lines and pay

phones. The same number applies to Police, Fire, and all other types of emergency assistance. The mobile phone number for the Risk Manager is (816) 225-2078. There should be no hesitation or reluctance about calling the Risk Manager for information or to advise the Risk Manager of an unusual or serious circumstance.

20.D. Reporting

Reporting procedures for injuries other than workers' compensation and copies of reporting forms can be found on the Intranet. Workers' compensation injury instructions are contained in Section 21 below.

21. ON-THE-JOB INJURY PROCEDURES

The following reporting and treatment procedures apply to all employees. Whenever questions arise that are not covered herein, they should be referred to the Loss Control Coordinator.

21.A. Procedures

Time of Injury: Employees must report all accidents and injuries to their supervisor or department manager by the most expeditious means. Failure to report an accident/injury/illness to the proper supervisor prior to the end of a shift, duty day, or within 24-hours if the activity is unsupervised and supervisor is not available by radio or telephone (weekends or late night hours) will result in loss of the City's supplemental pay, and the employee may be subject to disciplinary action. If an injury is life threatening, then do not hesitate to call 911.

21.B. Report by Injured Employee

The injured employee should complete the "Employee Accident Report" immediately after an accident and submit it to his/her immediate supervisor. In the event the injury precludes the employee from completing the form on the day of the accident, then the supervisor will ensure it is completed as soon as the employee is physically able to do so. Any employee who fails or refuses to properly and accurately complete the form may be subject to disciplinary action.

21.C. Report by Injured Employee's Supervisor

In addition and as a supplement to the "Employee Accident Report," a "Supervisor Accident Report" must also be completed and signed by the injured employee's supervisor and department manager. Completion of the "Supervisor Accident Report" should not be delayed while waiting for completion of the employee's written report.

Provide a copy of the report to the department director for review, signature, and written comment. The supervisor's report should not be delayed while waiting for the department director's signature either. It is then to be forwarded by the most expeditious means to the Loss Control Coordinator.

The Loss Control Coordinator should have a copy of the "Supervisor Accident Report" within 48 hours or by the end of the first working day after the date of the accident. Written reports for non-treated injuries may be submitted within three working days. The Loss Control Coordinator should be notified immediately by telephone about any employee accident requiring medical treatment.

21.D. Lost Time

If an employee must be off work beyond the day the injury occurred, then the injury is considered a lost-time injury. The lost time for regular employees will be initially recorded on timesheets as injury leave (WI). Employees are only permitted to be on injury leave when a supervisor has verified the work related injury and a medical provider approved by the City has ordered the time off. Lost-time absences of less than one day and for medical treatment are not eligible for state workers' compensation wages. In those cases, the City may elect to pay the regular wage for those employees when they are unable to adjust their work schedules. Absences for medical treatment that cannot be scheduled during the employee's non-work hours will be recorded as WS on the employee's timesheet.

21.E. Medical Treatment

If an injury requires treatment by a doctor, then the supervisor will make arrangements for the employee to go or to be transported directly to the City approved clinic, doctor, or medical facility.

21.F. Prescription Medications

All medications prescribed by the City approved workers' compensation physician for work-related injuries or illnesses will be filled at no cost to the employee at an approved workers' compensation pharmacy. The employee will receive a "first fill" prescription card when leaving Olathe Occupational Medicine. This card allows the first prescription to be filled at virtually any pharmacy location in Olathe. Once the claim has been submitted to the Third Party Administrator, the employee will receive another pharmacy card in the mail. This card should be used for future prescriptions related to the work-related injury or illness.

21.G. Follow-up Medical Treatment

1. Individuals who have been hospitalized for job-related injuries must call or report their status to their department and to the Loss Control Coordinator.
2. Follow up medical treatment will be monitored by the Loss Control Coordinator, who may be present and/or confer with the medical provider during or after such follow up treatment sessions.
3. Each appointment related to the work-related injury or illness should be kept, including all doctor scheduled follow-up treatments, unless other arrangements have been made in advance and approved through Risk Management.
 - a. If the employee is a no-show or cancels the appointment more than once, then treatment may be stopped.
 - b. Individuals who miss follow-up physician appointments may lose their continuing benefits, may be subject to disciplinary action, and also will be considered absent without permission from their jobs, if they have not returned to duty.
4. The employee should return to work as soon as possible after the medical/therapy appointments, unless he/she has been taken off of work duty by the physician.
5. After each appointment, the employee should make contact with his/her supervisor.
 - a. If visiting supervisor in person, then give him/her a copy of the return-to-work slip that was issued at the doctor's office.
 - b. If phoning supervisor, then tell him/her what the new work status is.
 - c. It is up to the supervisor to determine whether or not work restrictions will be accommodated.

21.H. Progress Reports

Employee progress will be monitored by the Loss Control Coordinator and the claim representative responsible for the City's self-insured workers' compensation plan.

- The Loss Control Coordinator will keep the supervisor abreast of the progress of the injured employee. This communication will continue until the employee reaches maximum medical improvement (MMI) and is able to return to regular duty status.
- All City employees are expected to respond to all telephone and written inquiries from the claim representative responsible for the City's self-insured workers' compensation plan.

21.I. Changing Doctors or Second Opinions

Employees may seek treatment regarding their conditions from another doctor. However, neither the City's self-insured workers' compensation plan nor its self-insured health plan will be responsible for medical treatment costs above a specified statutory amount (\$500), unless the new treating doctor is approved in advance. No medical consultation or treatment will be paid without submission of a complete medical report from the doctor to the workers' compensation claims manager. If the employee wishes to use the \$500 in unauthorized medical expenses, then he/she must get prior approval from the Loss Control Coordinator or the claims adjuster handling the claim.

21.J. Medical Reports, Invoices, and Bills

All reports, invoices, and billing documents received that relate to the injury must be submitted to the Loss Control Coordinator. Do not assume that reports or bills received at residence, place of work, or office are copies and that the originals have already been sent for payment to the Loss Control Coordinator or the workers' compensation claims manager.

21.K. Limited Duty

Limited duty is a temporary work category that may be available to an employee who has temporary functional limitations. Its purpose is to allow an employee to return to work at the earliest possible time during recovery from a work-related injury or illness. Temporary functional limitations must be determined and assigned by an approved workers' compensation doctor. If no productive, limited duty is available, then the employee must remain off the job until released by the City's doctor or until the doctor adjusts the work restrictions to a level that the department can accommodate.

21.L. Return to Work

Without a written doctor's release, no employee may return to work from an injury or illness involving surgery, hospitalization, or lost time resulting from broken bones, loss of consciousness, seizures, or any outpatient surgical procedures.

21.M. Absence from Residential City

An employee must first report to Risk Management before leaving the city of his/her residence for a period exceeding one calendar day while on job-related injury leave.

21.N. Release of Medical Information

Employees may be requested to sign a release of their medical information. This information is vital to the continuation and/or payment of benefits to which the employee may be entitled. Kansas law specifies that the employer is entitled to medical and other information concerning job-related injuries and illnesses.

21.O. Eye Injuries

Due to the sensitive nature of eye injuries, employees with serious eye injuries that could involve loss of sight should be transported directly to a hospital emergency room; in non-emergency cases during normal working hours, an immediate appointment with an ophthalmologist may be authorized.

21.P. Permanent Files

The Loss Control Coordinator is responsible for notifying and forwarding any documentation to the Third Party Administrator and the Human Resources Department.

22. TRAINING**22.A. Department Responsibilities**

Each department has the responsibility of providing initial and annual on-the-job training to each employee on the topics that will enable the employee to do his/her job safely and efficiently. The

recommended training includes, but is not limited to:

- Orientation to general municipal, department, and division work safety and health rules.
- Chemical handling, "Material Safety Data Sheets," and the "Employee Right to Know" standards.
- "Bloodborne Pathogens Exposure Control Plan."
- Procedures for reporting on-the-job accidents and injuries.
- Procedures for processing hospital/medical bills related to job-related injuries.
- Workers' compensation claims process.
- Requirements for use and care of vehicles, tools, and equipment.
- Requirements for selection, use, and care of personal protective equipment.
- Reporting of unsafe conditions.

Departments shall document each training performed, including, but not limited to, the date and content of the training and list of attendees.

22.B. Specialized

In addition, specialized training should be offered in the use of power tools and equipment in order to maximize the capabilities of the equipment, prolong the equipment's usable life, and prevent accidents - all of which will increase the work environment safety of the employee.

22.C. Employee Responsibility

All employees are expected to request information, orientation, and/or training for all new or unfamiliar tasks or equipment from their supervisor or department.

23. FITNESS FOR DUTY

23.A Policy Statement

The City of Olathe is committed to maintaining a safe and productive workplace, and therefore requires that every employee report to work fit to perform his or her job. For the purpose of this policy, "fitness for duty" refers to the readiness of an employee to perform the essential function of his or her job. This policy also addresses the circumstances under which the City may require a fitness for duty examination and the applicable process pertaining to such examinations.

This policy does not limit the City's right to take employment action, and application of this policy is not a substitute for discipline. In circumstances where an employee has engaged in misconduct or failed to perform his or her duties, the City may impose disciplinary action, up to and including termination, notwithstanding a referral for fitness for duty examination.

The City of Olathe is committed to equal employment opportunity and it prohibits discrimination against qualified individuals with disabilities. This policy is to be construed consistent with that commitment and in compliance with applicable law, including the Americans with Disabilities Act.

23.B. Employee Responsibilities

All employees are required to report to work fit for duty and to be able to perform their job duties in a safe, appropriate and effective manner.

The City encourages employees to voluntarily seek assistance for emotional, personal, physical or mental health problems or conditions, including controlled substance, drug and alcohol abuse or addictions before their work performance is adversely affected. The City offers an Employee Assistance Program, as described in Section 2-18 of the City of Olathe Employee Handbook.

23.C. Fitness for Duty Examinations

A fitness for duty examination constitutes a medical examination paid for by the City and with a health care provider chosen by Human Resources. Therefore, in full compliance with the Americans with Disabilities Act and City of Olathe policy, any such examination is strictly limited to job-related inquiries and must be consistent with business necessity. Any such inquiry must be made with reference to the actual job duties of the individual who is to be examined.

If the condition identified constitutes a disability, employees shall follow the guidelines set forth in Section 2-4.C, ADA Compliance.

23.D Grounds for Seeking a Fitness for Duty Examination

The City of Olathe may evaluate any employee's medical fitness for duty as a result of any required post-offer, pre-employment screening or as required after a leave of absence. Employees returning from leave under the Family Medical Leave Act (FMLA) or other medical leave of absence may be required to complete a fitness for duty evaluation.

Additionally, a supervisor or manager may request Human Resources make a request to evaluate an existing employee's fitness for duty when there is a reasonable belief that:

- An employee's conduct creates a reasonable belief that a threat to the health or safety of the employee or others exists; or
- There is objective evidence that the employee cannot perform his or her essential job functions.

The grounds for seeking a fitness for duty evaluation may become evident from a manager's observations and/or receipt of a reliable report of an employee's possible lack of fitness for duty. Observations or employee self-report may include, but are not limited to: difficulties with manual dexterity, memory, coordination, alertness, speech, vision acuity, concentration, response to criticism, interactions with co-workers and supervisors, outbursts, hostility, violent behavior, suicidal or threatening statements, change in personal hygiene, and/or reasonable suspicion of drug or alcohol abuse (See Section 2-18.C of the City of Olathe Employee Handbook).

23.E. Medical Evaluation

Fitness for duty examinations may include, without limitation, a health history, physical and/or psychological examination, alcohol and drug testing and any medically indicated diagnostic studies. The purpose of the evaluation is to determine if the employee can perform the essential functions of his or her position in a safe manner and if there is a need for accommodation or restrictions.

23.F. Confidentiality

Personal health information that the City of Olathe obtains in the course of the fitness for duty examination process shall be confidential, in accordance with applicable law. See Section 8-12.A of the Employee Handbook, regarding Confidentiality.

24. APPENDICES**24.A. Department Supplements**

Each department should supplement the employee safety program by issuing an appendix to this document that contains the safety rules necessary for specific work environments or equipment unique to a department, division, or work site. Supplemental department policies may not eliminate nor reduce the standards contained in this document. A copy of department supplemental safety rules will be provided to each employee in the department and to the Loss Control Coordinator. When it is necessary for a department to issue unique safety rules for different divisions, the appendices will be titled accordingly. For example:

- Municipal Services Department, Employee Safety Program, APPENDIX A: All Divisions
- Municipal Services Department, Employee Safety Program, APPENDIX B: Line Maintenance

24.B. Risk Management Manual

The Risk Management Manual contains expanded details for some procedures contained in the Employee Safety Program. Two such examples are Bloodborne Pathogens and Chemical Safety. Each department manager should maintain an up-to-date copy of the Risk Management Manual.



SAFE WORKER ACKNOWLEDGMENT

Employee's Name _____ ID Number _____

Position _____ Dated Hired _____

Department _____

I WILL:

- Always ask the proper methods before performing any new task.
- Wear appropriate clothing and foot wear, as required by my job.
- Wear all personal protective equipment required by my job.
- Use guards on machinery whenever required.
- Lift properly, using my legs and not my back.
- Never attempt to repair defective electrical equipment or wiring, unless it is a function of my position.
- Immediately report to my supervisor any defective equipment and electrical wiring.
- Always keep the work site organized, and never litter.
- Never consume or be under the influence of drugs or alcohol while on duty or while on the premises.
- Never take part in horseplay.
- Report unsafe practices or conditions to my supervisor.
- Never perform any unsafe practice that will place myself or others in danger.
- Immediately report to my supervisor any job-related accident regardless of injury or illness.
- Always operate a motor vehicle during my duty-day or shift in a safe and legal manner.
- Know, use, and obey the City's safety rules and procedures, as well as ones specific to my department and position.

Any infraction of the above rules may result in disciplinary action. Such action may take the form of verbal or written warnings, suspension with or without pay, or separation, depending on my prior record, warning(s), and/or the seriousness of the infraction.

EMPLOYEE'S STATEMENT

I have read the above rules, understand them, and will apply them while employed by the City of Olathe.

. I hereby acknowledge that I have received the City of Olathe Employee Safety Program, Appendix F of the Employee

Handbook.

Employee
Signature

Date

Witness

Signature (supervisor or other City employee)

(Witness Print _____) First MI Last Name

APPENDIX G: CITY OF OLATHE CUSTOMER SERVICE STANDARDS

The City of Olathe's customer service standards shall be consistent with the City's core values:

Customer Service: We are committed to serve the community with respect, accountability, initiative and integrity.

Teamwork: We value a friendly attitude that delivers timely, competent and responsible service to all of our customers.

Learning: We value an innovative environment that challenges us to continuously seek ways to improve our organization and our community.

Communication: We value open discussion with others as a basis for decision-making and action.

Leadership through Service: We value an organization in which each of us is a leader, focused on serving people through listening, caring, supporting and developing others.

Customer service is everyone's responsibility and the primary reason for local government. Every time we interact with a customer in person, answer the telephone, send an e-mail, write a letter, or attend a meeting, we are making an impression on our customers – whether they are citizens, visitors, contractors, vendors or co-workers. The City's customer service standards were created to ensure that the quality of service to all our customers meets or exceeds their expectations.

A detailed explanation of the City's Standards of Customer Service is available on the Ozone.

**APPENDIX H: SOCIAL MEDIA GUIDELINES FOR THE CITY OF
OLATHE:
SECURITY, REPUTATIONAL AND ETHICAL USAGE GUIDELINES FOR
CITY-SPONSORED SOCIAL MEDIA SITES**

The City of Olathe has adopted guidelines for all City employees, which may be found on the Ozone. Additionally, please reference your Department's own social media guidelines, if applicable.

Call your EAP

Your SupportLinc program offers emotional wellbeing and work-life balance resources to help you be your best

Call anytime, 24/7/365, for in-the-moment support and guidance



Download the mobile app today!

1-888-881-5462
supportlinc.com
group code:
cityofolathe



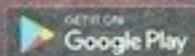
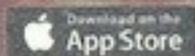
Support for everyday issues. Every day.

Your 24/7 Wellness Resource

- Confidential
- Anonymous
- Accessible 24/7
- Available for you and your significant others
- Self-Assessments
PTSD, sleep, stress and more
- Wellness Content
videos & articles on 50+ topics
- Peer Support, Chaplain Support,
Therapist Finder



Download the Cordico Wellness App today!



Scan the QR code to install the wellness app.

Department ID: OlathePD-A-KS

Department Code: Wellness1

Department ID and Department Code are case sensitive.

You do so much to serve and take care
of others, now take care of yourself.

FIRST RESPONDERS



SUPPORT TEAM

Critical Incident Stress Information

Our Mission

Provide educational programs,
to promote healthy development
following stress and critical
incidents experienced by first
responders and their families
including collaboration with
culturally competent mental
health professionals.

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