

RESOLUTION 110

RESOLUTION APPROVING AMENDMENTS TO THE PERSONNEL RULES
AND REGULATIONS FOR THE CITY OF CHESTERFIELD

WHEREAS, the City of Chesterfield passed Ordinance 492 approving the Personnel Rules and Regulations dated August 13, 1990; and

WHEREAS, said Ordinance provides that amendments to the Rules and Regulations may be incorporated into the Ordinance upon approval.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

That the Personnel Rules and Regulations as adopted in Ordinance 492 dated August 13, 1990 are hereby amended by the Amendments as set out on Attachment "A" which are attached hereto and incorporated herein by reference.

The City Administrator is directed to incorporate the amended rules into the City of Chesterfield Personnel Rules and Regulations.

Passed and approved this 16th day of DECEMBER, 1991.



MAYOR

ATTEST:



CITY CLERK

ATTACHMENT A

Chapter II, Personnel Administration

Section 4(E) - This section removed from manual.

(New) Section 6. Finance and Administration Citizens Advisory Committee

Seven (7) appointed representatives shall serve on the Finance and Administration Citizens Advisory Committee. The Finance and Administration Citizens Advisory Committee:

A. Shall make recommendations to the Finance and Administration Committee of the City Council on designated and assigned areas of study of the city's personnel policies and procedures as deemed appropriate by the Finance and Administration Committee of the City Council.

B. Hear authorized grievance appeals and determine final resolution as the Personnel Appeals Board.

(Renumbered) Section 7. Management Rights

(Renumbered) Section 8. Rules and Regulations

(Renumbered) Section 9. Interpretation of Personnel Rules and Regulations

(Renumbered) Section 10. Personnel Records

The Personnel Director or his appointee(s) shall maintain the official personnel records for all employees. The personnel records shall show the employee's name, job title, job description, application, leave requests, salary, salary history, employee evaluations, benefit enrollments, drug test results and any other information which may be considered pertinent.

Any and all personnel actions in order to be effective must be based on the official personnel record. The official personnel record includes all recommendations for discipline by Department Heads and Executive Staff but allows for separate and confidential files for internal investigation reports, background investigations, medical records/reports (excluding drug tests) and psychological reports.

All employee records shall be considered confidential when allowed by law and shall be accessible in the following manner:

A. Contents of an employee's personnel file may be opened only by the Personnel Director or his appointee(s), the City Administrator, the Department Heads, Executive Staff, other city supervisors with the permission of the responsible Department Head, the employee or his specially authorized representative, or as may be required by court order.

B. Contents of an employee's psychological report and medical records/reports (excluding drug tests) shall be maintained in separate files although they are part of the official personnel record and may be opened only by the Personnel Director, the employee's Department Head and/or the City Administrator.

C. Contents of internal investigation reports and background investigation reports shall be maintained in separate files although they are part of the official personnel record and may be opened only by the Personnel Director, the employee's Department Head and/or the City Administrator. If the internal investigation report results in disciplinary action involving reprimand, suspension, demotion, monetary assessment, reduction in pay, or dismissal, only the recommendation for discipline shall be made available to the employee. It shall be signed by the employee and a copy made available to the affected employee, or his specially authorized representative, or as may be required by court order.

D. Same

E. Same

Chapter III, Ethics, Standards of Conduct, and Work Guidelines

Section 1. Guidelines for Standards of Conduct

C. City employees shall cooperate with fellow employees so that the work to be done is not hindered and meets required standards. Acts of violence or threats of violence among or between employees or with the public beyond a job-related responsibility requiring force in an acceptable circumstance (i.e. police officer) will not be tolerated.

Section 3. Conflicts of Interest - All Employees

After subsection D add:

Any employee with a substantial or private interest in any measure, bill, or other ordinance proposed or pending before the city if that interest is an ownership by the individual, his or her spouse, or his or her dependent children, whether singularly or

collectively, directly or indirectly of (1) 10% or more of any business entity; or (2) an interest having a value of \$10,000 or more; or (3) the receipt of a salary, gratuity, or other compensation or remuneration of \$5,000 or more, per year from any individual, partnership, organization, or association within any calendar year, shall so declare it while the matter is pending and before approval of any measure, bill or ordinance.

Section 4. Conflicts of Interest - Employees Serving in Executive or Administrative Capacity

After subsection F add:

Any necessary disclosure reports required by state law shall be filed by the appropriate employees in a timely manner as set out by state law.

Section 7. Working Hours

Working hours are determined by the requirements of each department. Most departments in the Government Center operate on a Monday through Friday, 8:15 a.m. to 5:00 p.m. schedule.

Chapter IV, Recruitment and Selection

Section 1. Types of Appointments

A. Full-time appointments - an employee who works, is scheduled to work, or is paid for at least forty (40) hours per week throughout the calendar year.

Section 2. Recruitment Process

F. Screening Methods - the screening process of applicants shall include but are not limited to any combination of written application, oral interviews, pre-employment tests (physical agility-dexterity and written assessments), assessment centers, performance evaluations, a background and criminal record check, driving record check, and drug testing. Prior to July 26, 1992, medical examinations and psychological testing shall be part of the pre-employment testing process; thereafter, they shall be performed post-offer to determine if an employee can perform the essential or bona fide functions of a position. Reasonable accommodation shall be required for any disabled applicant to assist him in performing the skill level required for a position, unless it creates an undue hardship. Undue hardship requires significant difficulty or expense. All methods of recruitment and testing shall be determined appropriate for each recruited position by the

Department Head in consultation with the Personnel Director (see Chapter X, Drug and Alcohol Screening Policy).

G. Disqualification - the Personnel Director may remove from further consideration the application of an applicant where:

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2. The applicant, after an offer of employment and the administration of either or both a medical/psychological exam, is found disabled or inhibited to an extent which would render the individual unable to perform the essential functions or bona fide occupational requirements of the position. Reasonable accommodation shall be required for any disabled applicant to assist him in performing the skill level required for a position, unless it creates an undue hardship. Undue hardship requires significant difficulty or expense;

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Section 6. Initial Review Period

A. Purpose - The initial review period is an integral part of the appointment process. It shall be utilized to observe closely an employee's work, to secure the most effective adjustment of a new or promoted employee to his position, and to reject an employee whose performance does not meet required work standards.

B. Duration - The normal initial review period shall be twelve (12) months. The initial review period may be extended by the City Administrator upon the recommendation of the Department Head or supervisor and Personnel Director. Such an extension of the initial review period for a period of not more than ninety (90) days is at the discretion of the Department Head or supervisor and must be based on the employee's job-related performance evaluation.

C. Evaluation of Performance - At least two (2) performance evaluation reports shall be submitted by the Department Head to the City Administrator during the initial review period of a new employee - one at the end of the six month of service and one prior to the completion of twelve (12) months of service.

D. Dismissal of Employees During the Initial Review Period - The City Administrator may, with or without the recommendation of the Personnel Director and Department Head, terminate a new employee with or without cause during the initial review period. The City Administrator may, with or without the recommendation of the Personnel Director and Department Head, either terminate a promoted employee or demote a promoted employee back to his previous

position during the initial review period depending upon the availability of a position. Dismissals shall follow the procedure outlined in Chapter VIII, Section 2.F.

An employee terminated during the initial review period cannot appeal such action.

Section 7. Promotions

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D. Initial Review Period - promoted employees shall complete an initial review period according to the provisions outlined in this Chapter, Section 6.

Chapter V, Benefit Plans and Other Services

Section 2. Dental Plan

All full-time employees are eligible to participate in the city's contracted group dental insurance program. The dental plan is optional for employees and dependents, since the city pays no portion of the dental premium unless otherwise provided by employment agreement. Enrollees must remain in the program one (1) year after enrollment. A decision to drop the plan must coincide with the employee's anniversary date of enrollment, and requires prior notification of 30 days. Additions and deletions of dependents may be made annually during the open enrollment period 30 days before November 23rd. New employees and dependents are covered the first day of the month following the first day of employment.

Section 3. Section 125 Benefits

Only full-time employees are eligible to participate in the city's Section 125 benefit plan established through the IRS Code. The plan offers premium conversion benefits, flex payments for other medical care, and flex payments for dependent care.

The premium conversion plan is optional for employees paying medical plan or dental plan premiums. Such premiums may be paid pre-tax.

The flex payment plan for other medical care allows employees to select an amount up to \$2,500 annually to be taken pre-tax for a spending account to cover other medical costs not covered by insurance.

The flex payment plan for dependent care allows employees to select an amount up to \$5,000 annually (if married filing a joint return

or single) or \$2,500 annually (if married filing separate returns) to be taken pre-tax for a spending account to cover dependent care expenses.

These plans reduce Social Security paid by the employee and his benefit at retirement. Participation in the premium conversion plan is determined annually by the employee.

Chapter VI, Leaves of Absence

Section 3. Sick Leave

D. Sick Leave Length - Sick leave earnings may be taken in increments as short as one quarter (.25) hour and as long as a balance of sick leave remains in an employee account. All sick leave must be documented on a Leave Request form and signed by the Department Head.

F. Use of Sick Leave - Sick leave is provided to full-time employees to protect them from endangering their health and that of their co-workers. It is intended to be a protection in case of need and is not to be used as vacation. Sick leave benefits are payable only for an employee's personal illness, incapacity, injury, physician, optical, or dentist appointments, maternity, paternity or adoption leave as defined, or an illness, injury, incapacity, physician, optical or dentist appointments of an employee's immediate family. "Immediate family" for the purpose of this section shall be defined as employee's spouse, children, mother or father, or other relative permanently residing in the same residence.

1. Doctor's Certificate - The city reserves the right in all cases of an employee's or an employee's immediate family illness, incapacity, injury, physician, optical or dentist appointment to require a physician's certificate or illness report to a supervisor. ...

3b. Acceptable Conditions - Maternity Leave
... to 5th Paragraph

If in the judgement of the Department Head, with the approval of the Personnel Director, a pregnancy or maternity prevents an employee from properly performing her duties, or creates a hazard to persons or property, the Department Head may direct an employee to take maternity leave or may reassign the employee to other duties the employee can perform, if they are available.

3.c. Acceptable Conditions - Paternity Leave

...The employee, however, may only be granted paid sick leave for the period of time the employee is attending to the delivery, time the spouse is hospitalized, time the spouse may need medical care after delivery, and for any medical problems experienced by the newborn child....

3.d. Acceptable Conditions - Adoption Leave

...The employee, however, may only be granted paid sick leave for the period of time when the employee receives notice about the placement of a child, attending to the delivery, acceptance and placement of the child in his new home, and for any medical problems experienced by the newly adopted child...

Section 5. Emergency Leave

B. Acceptable Conditions

... to 2nd Paragraph

This provision does not allow for situations such as transportation problems, auto repairs, babysitting, or similar non-critical obligations of the employee. It cannot be substituted for sick leave or other types of leave otherwise provided by the city. It cannot be used when other leaves are exhausted and an absence rightly belongs under another leave benefit.

D. Scheduling of Emergency Leave - Emergency leave shall be scheduled with as much advance notice as possible. A Leave Request Form shall be submitted for all emergency leave requested and signed by the Department Head and Personnel Director.

Section 6. Funeral Leave

B. Purpose -

"Extended family for purposes of this section is defined as spouse, children, father, mother, brother, sister, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandmother or grandfather by affinity (marriage) or consanguinity (blood) including any "great" relationship, or any relative permanently residing in the same home as the employee.

Section 7. Duty Disability Leave

C. Occupational Injury Pay

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6. The accident involves gross negligence by the employee including, but not limited to, incidents involving the use of drugs and/or alcohol and failure to use a seat belt while on-the-job in a vehicle.

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Amount of earnings paid by the State of Missouri may also be reduced if the employee is injured while knowingly disobeying the city's rules on use of alcohol or non-prescribed controlled drugs at work or where the use of alcohol or such drugs, is in knowing violation of employer policy, or failure to use a seat belt while on-the-job in a vehicle, is the proximate cause of a workplace or work injury.

Section 9. Jury Duty and Witness Leave

... Last paragraph

For purposes of this section an employee shall not be considered a "witness" when the employee is the plaintiff or a defendant in court. A sworn police officer shall also be considered on-duty anytime when he is called to testify, regardless of jurisdiction.

Section 10. Military Leave

A. Eligibility - Full-time employees entering the active military service of the United States by draft during peacetime, or by enlistment or draft during a national emergency, or reservists required to go on assignments other than military training leave as provided elsewhere in these rules and regulations, shall be granted military leave.

Section 13. Compensatory Time-Off Leave

D. Scheduling of Compensatory Time - All compensatory time accrual, as well as compensatory time taken, must be approved by the Department Head. All accruals must be recorded on the employee's bi-weekly time sheet and requests for leave of eight (8) hours or more must be submitted on the Leave Request form at least three (3) days prior to the date(s) requested. Exceptions to this requirement shall only be approved by the Personnel Director.

Chapter VII, Grievance Procedures

Section 3. Grievance Procedure - In General

E. The employee may, within five (5) working days following receipt of the City Administrator's decision, submit a written

request for further review to the City Administrator who shall notify the Chairperson of the Personnel Appeals Boards within five (5) working days of the appeal.

Chapter VIII, Disciplinary Procedures

Section 2. Types of Disciplinary Actions

E. Suspension - When appropriate, an employee may be suspended. The supervisor shall record in writing the date and time of the rule infraction, prior record of any similar infractions and efforts made by the supervisor to correct the problem. A suspension may be with or without pay and involves the removal of an employee or barring of an employee from the city premises for a temporary period. A Department Head may suspend any employee for a maximum of five (5) days. A supervisor shall be allowed to suspend an employee, with pay, not to exceed 48 hours from time of suspension pending the Department Head's action, if the Department Head is not available. Any recommendation exceeding five (5) days shall require the approval of the Personnel Director and City Administrator who may suspend an employee a maximum of thirty (30) days. A suspension becomes a permanent part of an employee's personnel record.

F. Dismissal

5th paragraph....

Prior to the final decision to dismiss any employee, the employee will be given:

1. Oral or written notice of the charges; and
2. An explanation of the basis of the city's charges; and
3. An opportunity to present his explanation of the matter.

At any time during the initial review period, the City Administrator, with or without the recommendation of the Personnel Director and Department Head, may dismiss an employee with or without cause.

Chapter IX, Separations

Section 8. Rehire

Failure to leave the city in good standing shall be considered cause for denial of future employment with the city. Past performance and conditions surrounding the previous separation from

employment and length of previous notice shall be the factors for determining good standing. (See Chapter IV, Section 3(B)).

Chapter X, Drug and Alcohol Screening and Smoking Policy

K. Requirement to Report Drug/Alcohol Charges and Convictions -

... 2nd Paragraph

An employee may be suspended without pay if formally charged with a crime (felony or misdemeanor) involving drug violations arising from the illegal use, possession, presence, distribution, sale or offering of drugs in the workplace or while on city business as provided in the progressive disciplinary program or "serious offense" responses.

Off-duty illegal use, possession, presence, distribution, sale or offering of drugs may be cause for disciplinary action as authorized in the progressive disciplinary program or "serious offense" responses.

An employee may be suspended without pay if formally charged with a crime (felony or misdemeanor) involving alcohol violations arising from the use of alcohol in the workplace or while on city business as provided in the progressive disciplinary program or "serious offense" responses.

An employee may be suspended without pay for the use of alcohol on city premises as provided in the progressive disciplinary program or "serious offense" response.

Any conviction shall become a permanent part of the employee's record and appropriate disciplinary action shall be taken if the conviction is for a felony charge as provided in the progressive disciplinary program or "serious offense" responses. If the conviction is a misdemeanor charge, appropriate action shall also be taken as provided in the progressive disciplinary program or "serious offense" responses.

Section 2. Smoking Policy

A. Employees are encouraged not to smoke as it is a proven detriment to health, safety, and productivity. Smoking is prohibited in all city facilities and vehicles, unless otherwise authorized by the City Administrator.