



**City of Baldwin City
Council Meeting Agenda**

**Baldwin City Public Library
800 7th St 7:00 p.m.**

Monday, August 15, 2016

- A. **Call to Order:** Mayor Marilyn Pearse
- B. **Consent Agenda:** *Consent Agenda Items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action.*

1. Consider the Minutes of the August 1, 2016 Regular Meeting and the August 9, 2016 Special Meeting.

- C. **Public Comments:** *Members of the public are welcome to comment about any matter relating to City business not listed on this Agenda. Please stand and wait to be recognized by the Mayor. As a general practice, the comments may or may not be acted upon by the Council during the meeting, or the Council may refer the items to staff for follow up.*

If you wish to comment on an item listed on the Agenda, a sign-up sheet is provided for you to sign in and provide your address. You will be called on when the Agenda item of interest is under discussion by the Council.

For all public comments there is a time limit.



**City of Baldwin City
Council Meeting Agenda**

**Baldwin City Public Library
800 7th St 7:00 p.m.**

Monday, August 15, 2016

D. Special Reports or Presentations

E. Old Business

1. Ordinance No. 1346 Franchise Fees City Utilities

F. New Business

1. Ordinance No. 1350, 2016 Standard Traffic Ordinance for Kansas Cities
2. Ordinance No. 1349, 2016 Uniform Public Offense Code for Kansas Cities
3. Personnel Manual
4. Public Building Commission Appointments
5. Resolution 2016-16 Utility Fund Balance Policy

G. Committee and/or Commission Reports

1. Budget and Finance/Kathy Gerstner, David Simmons
2. Community Development Committee/Steve Bauer, Tony Brown
3. Public Health and Safety Committee/David Simmons, Kathy Gerstner
4. Public Works Committee/Christi Darnell, Steve Bauer
5. Utilities Committee/ Tony Brown, Christi Darnell – Wellsville Water Rates

H. City Administrator and Staff comments

I. Council & Mayor Comments

J. Executive Session

K. Adjourn

City of Baldwin City
Minutes from the August 1, 2016
Regular Council Meeting

Council members met at 6:30 p.m. at the Baldwin City Fire House to participate in a Fire Department tradition of pushing a new Fire Engine into the Fire House. Fire Chief, Terry Baker was sworn into office by Mayor Pearse.

The Baldwin City Council met in Regular Session at 7:00 p.m. at the Baldwin City Public Library, 800 7th Street, with Mayor Marilyn Pearse presiding.

Present were Council Members: President Kathy Gerstner, Tony Brown, Steve Bauer, Christi Darnell, David Simmons.

Also present were Glenn Rodden, City Administrator, Laura Hartman, City Clerk, Brad Smith Ed Courton, Tina Rakes, Rob Culley, Kenny Oshel, Chris Croucher and Greg Neis.

A. Call to Order:

Mayor Marilyn Pearse called the regular council meeting to order at 7:00 p.m.

B. Budget Hearing: The Budget Hearing began at 7:00 p.m. Mayor Pearse opened the Budget Hearing at 7:00 p.m. asking for comments from the public. There were no comments from the public regarding the 2017 Budget. The Public Hearing was closed. Mayor Pearse opened the Regular session. Time: 7:04 p.m.

Kathy Gerstner moved and Christi Darnell seconded we approve Resolution 2016-14, 2017 City Budget as presented. Motion carried with a vote of 5 yes and 0 no.

The next item on this agenda was Ordinance No. 1345, 2017 Budget Ordinance. Ordinances relating to the Budget are a one-time action item. There was no discussion by Council members.

Kathy Gerstner moved and David Simmons seconded to approve Ordinance No. 1345, 2017 Budget Ordinance. Motion carried with a vote of 5 ayes and 0 nays. Tony Brown- aye, Kathy Gerstner-aye, Steve Bauer-aye, David Simmons-aye and Christi Darnell-aye.

Notice of Vote Publication. According to State legislation, this is the final step in the Budget process. This publication lets the public know what the vote outcome was on the 2017 Budget. Therefore, the Council will need to take action on this item as well.

Tony Brown moved and Kathy Gerstner seconded we approve the Notice of Vote Publication. Motion carried with a vote of 5 yes and 0 no.

C. Consent Agenda:

Christi Darnell moved and Kathy Gerstner seconded to approve the consent agenda as presented. Motion carried with a vote of 5 yes and 0 no.

D. Public Comments: No comments were given at this time.

E. Special Reports or Presentations – There were none at this time.

F. Old Business - David Simmons stated he is in support of the neighborhood revitalization however, he is not in support of the property tax rebate of 95% included in the Resolution. Christi Darnell commented she is looking at this from the back end. She supports the Resolution, stating she is in strong support. Christi said this is not a significant tax issue for the City. She talked of this building being a “gem inside of our town” and is supportive of the language in the Resolution. Tony Brown stated that there are 3 issues to consider and of them being the historic nature of the building. Tony said he didn’t think this will set a precedent for future projects, but is a legitimate concern on tax abatements.. Tony said there is a little more urgency for this project to get it moving forward The Council needs to figure this out with deliberate speed and in a timely manner. Tony shares David’s concerns as well. Kathy Gerstner said she is comfortable with this Resolution as written. Steve Bauer said we have unique opportunity to improve a building that needs it. Steve is supportive to move the Resolution forward and is in favor of the project as well. Steve supports the 95% property tax rebate. Mayor asked if there was further discussion. There was none.

Steve Bauer moved and Christi Darnell seconded to approve Resolution 2016-13 a resolution of support for a neighborhood revitalization program. Motion carried with a vote of 4 yes and 1 no.

Steve Bauer moved and David Simmons seconded to approve Ordinance No. 1341 Amending Chapter XI Public Offenses Possession of Marijuana or THC. Motion carried with a vote of 5 yes and 0 no.

G. New Business: Job Descriptions- Council members had before them the job descriptions that were updated to meet the legal and current practices. David Simmons asked about the exempt status of the City Clerk, Codes Administrator and Electric Lead Journeyman Lineman positions. The Accountant position should be named Accountant Clerk in his opinion. Laura shared the process that took place in updating the job descriptions and that the exempt/non-exempt status for each position was carefully reviewed. The recommendation from the Austin Peters Group legal department supports the current practice. Brad commented about the name “Accountant” stating this is just a name of a position and that current staff in this position meets and exceeds the job descriptions requirements. There were no other comments on the job descriptions.

Steve Bauer moved and Kathy Gerstner seconded to approve the job descriptions as presented. Motion carried with a vote of 5 yes and 0 no.

Vista Pointe final plat was before council. Ed Courton explained this plat contains the property that was recently approved by the Council for annexation and a rezone. . There was no discussion. Christi Darnell moved and Kathy Gerstner seconded to approve the Vista Pointe final plat. Motion carried with a vote of 5 yes and 0 no.

Council members discussed the wording of Ordinance 1346 relating to the dates of increase. After some discussion, Council tabled this Ordinance to the next regular meeting. Kathy Gerstner moved and Tony Brown seconded to table Ordinance 1346. Motion carried with a vote of 5 yes and 0 no.

Mayor Pearse recognized patron Gene Vaughn, 1218 Fremont. Gene shared his comments regarding the Community Center. Gene asked for Council support of a community center.

Kathy was happy with Ordinance 1347, however she thought there was going to be a sunset clause to address the .5 sales tax increase. David was in agreement with Kathy. Steve stated that Section 3 sounded like the funds could be used for whatever, and then put back into the General Fund any time. Glenn explained the legal requirements for an ordinance like this one. Christi Darnell asked Steve Friend what is their plan was for maintenance after 20 years with the .5 sales tax. The Mayor confirmed the maximum is 7.5% and we will have already used up a third of that amount. Steve stated that he wished we didn't have to use .5 cent sales tax increase, but was in favor of having the public vote on it. He says it will be a significant increase to some people. David said there is a voting date of February 1st, 2017 and he is concerned about voter turn out..

Christi Darnell moved and Kathy Gerstner seconded to approve Ordinance No. 1347 Levying Sales Tax with the amendment changing the voting date from Feb 1 to Feb 7, 2017. Motion carried with a vote of 4 ayes and 1 nay. Tony Brown- nay, Kathy Gerstner-aye, Steve Bauer-aye, David Simmons-aye, Christi Darnell-aye.

Rob Culley explained Power Cost Adjustment to the Council. Tony said the Utility Committee did discuss this and felt this is the prudent way to address this situation and encouraged the rest of the Council to approve this Ordinance. Tony Brown moved and Kathy Gerstner seconded to approve Ordinance No. 1348 Power Cost Adjustment amendment. Motion carried with a vote of 5 ayes and 0 nays. Tony Brown- aye, Kathy Gerstner-aye, Steve Bauer-aye, David Simmons-aye and Christi Darnell-aye.

H. Committee and/or Commission Reports

Finance Committee - Kathy Gerstner – No report

Community Development - Steve Bauer – The Committee will meet next week, Wednesday, August 10th at 7:00 p.m., at the Library to discuss the neighborhood revitalization program among other items. David Simmons stated he wanted to be part of the process. There was some discussion if this was allowed. Matt Hoy says Council members must meet the KOMA guidelines for meetings.

Public Health and Safety – David Simmons - No report

Public Works - Christi Darnell - No report

Utilities – Tony Brown – Tony said they will be meeting later this week and will provide the date and time to Laura to post on the Website calendar.

I. City Administrator and Staff Comments

Brad presented the finance report to council and explained how a change in format would be presented to Council.

Laura informed Council Members of the League of Municipalities Annual Conference. Council member should let Laura know if they want her to register them.

Glenn reminded the Council of the Special meeting August 9, 2016 at 6:30 p.m. at the Performing Arts Center.

J. Council & Mayor Comments – There were none.

K. Executive Session – There was no executive session.

L. Adjourn - Kathy Gerstner moved and Christi Darnell seconded to adjourn the regular meeting. Motion carried with a vote of 5 yes and 0 no. Time 8:35 p.m.

Approved by the governing board on _____.

Attest:

Laura E. Hartman, City Clerk

City of Baldwin City
Minutes from the August 9, 2016
Special Session Meeting

The Baldwin City Council met in a Special Session at 6:30 p.m. at the Performing Arts Center, with Mayor Marilyn Pearse, Nick Harris presiding.

Present were City Council Members: President Kathy Gerstner, Tony Brown, Steve Bauer, Christi Darnell, David Simmons. USD 348 school board members present Nick Harris, Chad Christie, Ivan Huntoon, Kelly Bethel-Smith, Sandy Chapman and Greg Kruger. Baldwin City Recreation Commission members, Steve Friend, Ginny Honomichl, Dan Harris, Doug Barth and Josh Ediger

Also present were Laura Hartman, City Clerk, Brad Smith, Finance Director, Kyle Bulmer, Baldwin City Police. USD 348 Staff, Cory Countryman, Clerk and Cyndi Frick, Finance Director, Dustin Avey, Piper Jaffray & Co.

A. Call to Order:

Mayor Marilyn Pearse and Nick Harris called the special joint meeting to order at 6:30 p.m.

- B. The joint meeting of USD 348 Board of Education, Baldwin City Recreation Commission and Baldwin City Council discussion of the proposed Community Building began with opening remarks from Steve Friend. Steve reviewed each document in the packet relating to the proposed Community Center. Paul Dorathy, USD 348 Superintendent explained the school district is involved with the recreation commission by being the taxing entity. Anytime the Baldwin City Recreation Commission wants to increase the mill, they have to request this action to the school board of education. A resolution would be drafted in order to begin the process.

Nick Harris, USD 348 Board President said he has been asked many question regarding this project and one of those questions asked often is who the driving force behind this project is. Ginny Honomichl, President of the Baldwin City Recreation Commission said the BCRC is the driving force.

Brad Smith, Fincance Director spoke on behalf of the City on the the financial piece the City would support. The City recently passed a Resolution to put the sales tax increase to a vote.

Chad Christie, USD 348 board member asked about the district office space and the cost. Steve Friend responded it is it included in the cost.

Mayor Pearse asked about the hours of operation. Steve gave some general hours of operation saying it depends on the seasons. Marliyn also asked if there has been testing to the soil in the

area for stabilization. Steve replied there has not been any testing. Kevin Marley, from the audience stated we have built many building in and around water ways with no issues.

Kathy Gerstner asked the length of bond. Steve answered, 20 years.

Sandy Chapman asked about a shortfall, should this occur. Dustin Avey, Piper Jaffray said the City would have to cover a shortfall should one occur. Dustin explained the City and PBC (Public Building Commission) will need to adopt a resolution of intent to finance the rec center project. Once this resolution is adopted, it is required to be published for 2 consecutive weeks followed by a 30 day protest period. If protested, the ability to issue Public Building Commission Revenue Bonds would be required to be put to a vote. This election, if needed, could be done at the same time as the City sales tax election and Rec Commission Levy election (if protested). In addition, if protested, we could also evaluate pros/cons of General Obligation Bonds, which would require an election anyway. If the notice of intent is not protested, the PBC/City have the authority to issue PBC bonds for the rec center project, subject to the sales tax and rec commission levy elections passing.

From a timing perspective, Dustin added the PBC/City may want to convene to adopt this resolution of intent in the next month with the intent to know by the end of October whether or not a protest is filed. In addition, I suspect the organization and members of the PBC will need to be updated if it has been a while since the last PBC meeting.

Lastly, Kevin Cowan at Gilmore and Bell can draft the various PBC/City resolutions and sales tax election documents for the consideration by the governing bodies.

Ivan asked when BCRC will speak with private entities for funds to support this project. Steve said he could not depend on this money, however, should this money become available it could be used to retire debt.

Dustin said the actual monies would not be put in the budget until 2017-2018.

Nick opened the floor to Public Comment.

Dennie Johnson, 1865 N 700 Road, Baldwin City, KS. Stated he does not support the raising sales tax or property tax. He is concerned with the size and cost of the project and the implications on raising taxes.

Tamara Starkey, spoke on several issues regarding how the CC would be financed. She raised concerns with the current tax base being able to support this project. She stated she is not in favor of this project. Baldwin does not have enough businesses to increase the tax base. She would rather see the money of increases go towards higher salaries for teachers and City staff. She added comments regarding Senior Citizens and the cost being prohibited.

Steve Bauer stated this is not only for adults but for children as well.

Kim Lauffer supports the community center and feels it is needed as there not a facility close by in Baldwin. This facility is needed to support a healthier lifestyle in your own neighborhood.

Lacy Ulrich, N 600 Road. Lacy said this is a good benefit for the the community. She supports the center. Not everyone can drive to Lawrence, having a facility to walk to is a better option.

Leann Bathke stated this was her third go around with a community center project for Baldwin City. She said we will never go away and is in favor of the project.

Patty Ogle, N 200 Road. She asked how were the eminities decided on? Steve Friend responded they came from interest surveys in the past. She added it could be a nice facility for Baldwin City but not so much for the rural community.

Gretchen Brumm stated this forum was not advertised very well. Concerned about how the school does not know how they are going to be funded, yet asking for mill increase. Stated concerns about the lack of sidewalks. Also concerned about the usage of this facility. She asked who will do the maintenance? Steve said the BCRC. She stated concerns about staffing. Gretchen was also concerned about the rural population and whether or not they would use this facility.

Ted Brecheisen thanked the group for all the work put on this project. He stated that Baldwin City has the highest tax valuation in the county. Ted said he read that BCRC may asked the City to pay for part of the utilities which really means a cost to us as tax payers. He asked the school board that when they consider a resolution to think of what their needs may be in the future.

Dennie Johnson spoke again commenting about Rock Chaulk Park and someone being able to drive to that facility.

Clarence Brumm, commended the BCRC on the job they are doing. He addressed the School Board and City Council and the fact they need to think about the children in this community and the education instead of a place for them to go to after school and during the summer. The edderly cannot afford to support this type of project. He stated he does not feel this is the right time for this project.

Tamara Starkey spoke again about raising the tax base in Baldwin City before starting a project such as the Community Center.

Ted Madl said the tax base will not support this project. You need to get new businesses in this town to build this base. It is not Sun City, we do not need to judge it like Sun City.

Kayla Mountain, USD 348 student, spoke in support of the Community Center.

Eric Bailey, 1205 Palmyra Court, spoke in support of the facility especially for the students. Students grades 6-8 would benefit greatly from the type of facility. He added the location is a great place to have this facility.

Mayor Pearse talked about the sales tax and the fact it has to be voted on by the citizens. She clarified that the Council only approved this to go to a vote by the citizens.

Nick Harris thanked the patrons for showing up and speaking.

Nick Harries adjourned the meeting.

C. Adjourn - Kathy Gerstner moved and Christi Darnell seconded to adjourn the special joint meeting. Motion carried with a vote of 5 yes and 0 no. Time 8:29 p.m.

Approved by the governing board on _____.

Attest:

Laura E. Hartman, City Clerk

Published in the Baldwin City Signal on the ____th Day of _____, 201__

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING THE CODE OF THE CITY OF BALDWIN CITY, KANSAS PERTAINING TO ELECTRIC, WATER, SEWER AND REFUSE RATES TO MEET COST OF TRANSFERS TO THE GENERAL FUND IN LIEU OF FRANCHISE FEES.

WHEREAS, the General Fund of the City of Baldwin City should not be financially penalized because the electric, water, sewer and refuse utilities of the City are owned by the City, and

WHEREAS, if the aforementioned utilities were owned by entities not affiliated with the City the General Fund would be receiving a Franchise Fee equal to 5% of the gross revenues of such entities, and

WHEREAS, in 2012 the City began transferring to the General Fund an expenditure in each of the aforementioned utilities an amount equal to 5% of the Utility Fee Revenue as a Transfer in Lieu of Franchise Fee; and

WHEREAS, such expenditures in each utility have not been offset by a collection of such amounts from the customers of the utilities;

WHEREAS, such unmatched expenditures have had a detrimental effect on the cash reserves of the utilities;

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BALDWIN CITY, KANSAS;

- Section 1. Effective with the utility bills issued during September, 2016, each utility will assess to all customers a Franchise Fee of 2.5% of the gross utility fees billed to the customer in the billing cycle. Late fees and any other non-revenue charges will be excluded from the Franchise Fee calculation.
- Section 2. Effective with the utility bills issued during September, 2017 and continuing thereafter, each utility will assess to all customers a Franchise Fee of 5% of the gross utility fees billed to the customer in the billing cycle. Late fees and any other non-revenue charges will be excluded from the Franchise Fee calculation.
- Section 2. This ordinance shall be in force and effect from and after its passage by the City Council, and its approval by the Mayor of the City of Baldwin City, Kansas and its publication in the official City newspaper, and shall commence with the September, 2016 billing distributions.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF BALDWIN CITY, KANSAS on the ____ day of _____, 2016.

APPROVED:

Marilyn Pearse, Mayor

ATTEST:

Laura Hartman, City Clerk

APPROVED AS TO FORM:

Matthew H. Hoy, City Attorney

ORDINANCE NO. 1350

AN ORDINANCE AMENDING CHAPTER XIV, ARTICLE 1, SECTION 14-101 OF THE CODE OF THE CITY OF BALDWIN CITY INCORPORATING THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BALDWIN CITY, KANSAS, AS FOLLOWS:

Section 1. That Section 14-101, Incorporating Standard Traffic Ordinance be amended to read as follows:

INCORPORATING STANDARD TRAFFIC ORDINANCE: There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Baldwin City, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities, Edition of 2015", prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. One copy of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 1350," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this section and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge, and all administrative departments of the city charged with enforcement of the ordinance shall be supplied at the cost of the city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

SECTION 2. REPEAL. Former Chapter XIV, Article 1, Section 14-101 of the Code of the City of Baldwin City is hereby repealed.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect and be in force after its passage by the City Council; its approval by the Mayor and publication in the official City newspaper.

PASSED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF
BALDWIN CITY,

KANSAS THIS _____ DAY OF _____, 2016.

CITY OF BALDWIN CITY, KANSAS

By: _____
Marilyn Pearse, Mayor

ATTEST:

Laura E. Hartman, City Clerk

APPROVED AS TO FORM:

Matthew Hoy, City Attorney

ORDINANCE NO. 1349

AN ORDINANCE OF THE CITY OF BALDWIN CITY, KANSAS, AMENDING SECTION 11-101 (“INCORPORATING UNIFORM PUBLIC OFFENSE CODE”) OF ARTICLE 1 (“UNIFORM PUBLIC OFFENSE CODE”) OF CHAPTER XI (“PUBLIC OFFENSES”) OF THE CODE OF THE CITY OF BALDWIN CITY.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BALDWIN CITY, DOUGLAS COUNTY, KANSAS.

SECTION 1. That Chapter XI, Article 1, Section 11-101 of the Code of the City of Baldwin City is hereby amended to read as follows:

INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Baldwin City, Kansas, that certain code known as the “Uniform Public Offense Code for Kansas Cities,” 2016, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. One official copy of said Uniform Public Offense Code shall be marked or stamped “Official Copy as adopted by Ordinance No. 1349,” with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this section, and filed with the city clerk to be open for inspection and available to the public at all reasonable hours.

SECTION 2. REPEAL. Former Chapter XI, Article 1, Section 11-101 of the Code of the City of Baldwin City is hereby repealed.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect and be in force after its passage by the City Council; its approval by the Mayor and publication in the official City newspaper.

PASSED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF BALDWIN CITY, KANSAS THIS _____ DAY OF _____, 2016.

CITY OF BALDWIN CITY, KANSAS

By: _____
Marilyn Pearse, Mayor

ATTEST:

Laura E. Hartman, City Clerk

APPROVED AS TO FORM:

Matthew Hoy, City Attorney

PERSONNEL RULES AND REGULATIONS
(REFERRED TO AS MANUAL)

FOR THE

CITY OF BALDWIN CITY
KANSAS

August, 2016

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August 1, 2016

All City Employees:

This revised manual is a revision of the City's personnel rules and regulations. This document supercedes all previous policies, memorandums, and manuals. Although the layout, and much of the language, is similar to previous policy manuals, many of the changes are significant, and I ask that you take time to read and understand all of the provisions of this new personnel manual.

On behalf of the governing body, The City of Baldwin City welcomes all new employees and wish you every success here. We believe that each employee contributes directly to the City's growth, reputation and success in delivering the highest level of service to our citizens and community.

This manual was developed to describe some of the expectations of our employees and to outline the policies, programs, and benefits available to eligible employees. Employees should familiarize themselves with the contents of the employee manual as soon as possible, for it will answer many questions about employment with the City.

We hope that your experience here will be challenging, enjoyable, and rewarding. Again, welcome!

Sincerely,

Glenn Rodden
City Administrator

RECEIPT AND EMPLOYEE ACKNOWLEDGEMENT FORM
PERSONNEL RULES AND REGULATIONS

The personnel rules and regulations describe important information about the City of Baldwin, and I understand that I should consult my department head, City Clerk, or City Administrator regarding any questions not answered in the personnel rules and regulations. I have entered into my employment relationship with the City of Baldwin voluntarily and acknowledge that there is no specified length of employment. Accordingly, either the City of Baldwin or I can terminate the relationship at will, with or without cause, at any time.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the personnel rules and regulations may occur, except to the City of Baldwin's policy of employment-at-will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the City Council of the City of Baldwin has the ability to adopt any revisions to the policies in this manual.

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

Confidential Information

I am aware that during the course of my employment confidential information may be made available to me; for instance, tax information, bid information, arrest records, personnel information, and other information. I understand that this information is confidential and must not be given out or used outside of the City's premises or with non-City employees. In the event of termination of employment, whether voluntary or involuntary, I hereby agree not to utilize or exploit this information with any other individual or against the City. I also understand that there is an open records policy and procedure that I should be aware of and follow in the distribution of information.

Drug and/or Alcohol Testing

I acknowledge and consent to random and unannounced substance abuse testing if my position falls into the category that is drug tested.

Sexual Harassment/Harassment Policy

I acknowledge that I have read the sexual harassment/harassment policy and will bring to the appropriate party's attention any and all issues involving harassment. I further acknowledge that I understand my rights in bringing issues forward and will use those avenues if an issue arises.

EMPLOYEE'S NAME (printed): _____

EMPLOYEE'S SIGNATURE: _____

DATE: _____

ARTICLE A: GENERAL PROVISIONS

A-1. Policies Established. The following policies, guidelines and other provisions for Personnel Administration in the City of Baldwin City are established in order to:

- (a) Promote and increase the efficiency and effectiveness of City services.
- (b) Develop a program of recruitment, advancement, and tenure that will make City service attractive as a career.
- (c) Establish and maintain a coordinated plan of performance evaluation and compensation based upon the relative duties and responsibilities of each position.
- (d) Establish and promote high morale among City employees by providing good working relationships, uniform personnel policies, and an opportunity for advancement without regard to race, color, sex, disability, religion, age, national origin or ancestry, marital status, veteran status, genetic identification, victim of domestic violence or sexual assault, or any other characteristic protected by law.
- (e) Establish City employment and personnel policies. These policies and guidelines do not create contractual employment rights.
- (f) **All employees are considered to be at-will employees for the purposes of City employment.** City employment is not for a specific period of time. Employment may be terminated at any time, without notice or liability of any kind (except for wages earned and unpaid) and with or without cause.

A-2. Equal Opportunity Employer. The City of Baldwin City is an Equal Opportunity Employer.

- (a) *Equal Opportunity Employment.* It is the official policy of the City not to discriminate against any employee or applicant for employment in any manner because of race, color, sex, disability, religion, age, national origin or ancestry, marital status, veteran status, genetic identification, victim of domestic violence or sexual assault, or any other characteristic protected by law. This policy applies to all terms and conditions of employment, including but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leave, compensation, and training.
- (b) *Qualified Persons with Disabilities.* It is the official policy of the City not to discriminate against any employee or applicant for employment in any manner because of a physical or mental disability in regards to any position that the employee or applicant for employment is qualified to perform with or without reasonable accommodation. The City will provide to disabled employees and applicants reasonable accommodations that do not impose undue hardship on the City.

(c) *Procedure for Requesting Accommodation.* Qualified individuals with disabilities may make a request for reasonable accommodation to the City Administrator. On receipt of an accommodation request, the City Administrator will meet with the individual to discuss the request and potential accommodations, investigate the feasibility of the requested accommodation, and inform the individual of the results.

(d) *Reporting Alleged Discrimination or Harassment.* Any employee or applicant for employment with a bona fide complaint that he or she has been discriminated against in violation of this policy shall promptly report such alleged discrimination to the appropriate supervisor following the procedure set out in Article H, Section 3-6.

A-3. Application of Policies. These policies and guidelines shall apply to all employees and volunteers in the service of the City. Such policies and guidelines do not apply to elected officials.

A-4. Departmental Guidelines. The head of any City department may formulate in writing reasonable guidelines for the conduct and operations of his or her department, such as those relating to safety or operational procedures, which shall be available to all departmental employees. Such department guidelines shall not be in conflict with any personnel guidelines adopted by the Governing Body.

A-5. Personnel Records. The City shall keep adequate records of all persons employed, their pay scale, time worked, accrued vacation and sick leave, all absences for vacation, sick, or other leave, accrued overtime, and all other records directed to be made and maintained under these policies and guidelines or under applicable state or federal law. With reasonable notice an employee's personnel records shall be available during office hours for inspection by that employee upon request. Record retention and disclosure shall comply with Health Insurance Portability Act as Amended (HIPPA).

A-6. City Property. The City has the right to inspect and search any of its property at any time, including but not limited to, electronic equipment, computers, electronic media, lockers, desks, and vehicles or other City-owned property that may be assigned to a particular City employee. Employees have no expectation of privacy in the City's computer or phone network, email systems, messages, or any email messages transmitted or received over such system.

Employees may secure lockers and similar storage with personal padlocks if hasps or similar hardware are present. Installation of such locking hardware requires the approval of the Department Director. Use of a personal lock is at the sole risk of the employee, including damage to the lock during an authorized search. The City Administrator or his designee must authorize such searches.

A-7. Amendment of Policies. These policies may be amended from time to time in the same manner by which they were adopted. The City may modify or discontinue any policy contained herein.

ARTICLE B: POSITION CLASSIFICATIONS

- B-1. Objectives and Purpose.** Position classification is a system of identifying and describing different kinds of work in the organization in order to permit efficiency in employment practices and compensation. Each City position shall, on the basis of the duties, responsibilities, skills, experience, education and training required of the position, be allocated to an appropriate class, which may include either a single position, or two or more positions.
- B-2. Job Descriptions.** The City Administrator (or designee) shall create and maintain a concise job description for each position, including a descriptive title, classification of exempt or non-exempt under Fair Labor Standards Act (FLSA),) a description of the essential and marginal functions (tasks) of the position, and statement of the minimum qualifications, and physical and working conditions for filling such positions. Such descriptions shall be approved by the Governing Body, be kept on file in the office of the City Clerk, and be open for inspection by any interested party during regular office hours.
- B-3. Pay Range Plan.** The Governing Body shall adopt a pay plan with minimum and maximum amounts of pay for each class of positions. The pay ranges assigned to each class of positions shall be reviewed and revised annually by the Governing Body.
- B-4. Maintenance of the Classification Plan.** It shall be the duty of each department head to report to the City Administrator any and all organization changes that will significantly alter or affect changes in existing positions or proposed positions. The Governing Body shall approve all new or revised job descriptions and pay ranges for such positions.

ARTICLE C: RECRUITMENT, PROMOTION, OTHER

C-1. Policy. The City maintains standard definitions of employment status and classifies employees for purposes of personnel administration and related payroll transactions. These definitions apply to all City employees.

C-2. Definitions – Article C & D.

- (a) *Full-time Employee* is one employed to work a normal week of at least 32 hours on a regular and continuing basis. The workweek shall begin on Sunday at 12:00 a.m. and end on Saturday at 11:59 p.m. except as otherwise provided in Section E-1.
- (b) *Part-time Employee* is one employed to work less than 32 hours per week on a regular and continuing basis.
- (c) *Seasonal Employee* is one employed to work on a regular and/or recurring basis during a specific season or portion of a year.
- (d) *Volunteer* is a non-paid individual in the position he or she holds. When acting as a volunteer an individual is not an employee regardless of other City employment. The exception to this is the fire department; fire department volunteers are paid by the number of calls that they respond to.
- (e) *Workweek* begins Sunday at 12:00 a.m. and ends at Saturday 11:59 p.m. for all employees except sworn police. Work week for police begins Sunday at 12:00 a.m. and ends 14 days later at Saturday 11:59 p.m.

C-3. Recruitment. It shall be the policy of the City to provide an equal opportunity to all qualified persons to enter City employment on the basis of demonstrated merit and fitness determined by the process of selection without regard to race, color, sex, disability, religion, age, national origin, or ancestry, marital status, veteran status, genetic identification or any other characteristic protected by law. In order to ensure such practice, all positions to be filled must be advertised according to Section C-7 of this Policy.

C-4. Veterans Preference in Hiring, Promotion, Retention. Per K.S.A. 73-201 – 73-204, any veteran who applies for employment, promotion or retention, if the veteran is of good reputation, and can competently perform the duties of the position, the City shall consider preference for the veteran. This means where two people are equally qualified for the position, retention or promotion, the City will provide preference to the veteran. If a veteran is not hired, the City shall notify the veteran by certified mail or personal service. Such notice also shall advise the veteran of any administrative appeal available.

Veteran Definition for Preference --

- (a) Any person who entered the armed forces before October 15, 1976, and separated from the armed forces under honorable conditions, if such person served: (i) On active duty during any war (the official dates for war service are April 6, 1917 through July 2,

- 1921, and December 7, 1941 through April 28, 1952); (ii) during the period April 28, 1952 through July 1, 1955; (iii) in any campaign or expedition for which a campaign badge or service medal has been authorized; or (iv) for more than 180 consecutive days since January 31, 1955, but before October 15, 1976, excluding an initial period of active duty for training under the "six-month" reserve or national guard program;
- (b) any person who entered the armed forces on or after October 15, 1976, and separated from the armed forces under honorable conditions, if such person was awarded a service medal or campaign badge;
 - (c) any person who separated from the armed forces under honorable conditions and has a disability certified by the United States department of veterans affairs as being service connected, has been issued the purple heart by the United States government or has been released from active service with a service-connected disability;
 - (d) the spouse of a veteran who has a 100% service connected disability as determined by the United States department of veteran affairs;
 - (e) the unremarried spouse of a veteran who died while, and as a result of, serving in armed forces; and
 - (f) the spouse of a prisoner of war, as defined by K.S.A. 75-4364, and amendments thereto.

Notwithstanding the foregoing, the term "veteran" shall not apply to any person who retired from the active military with the pay grade of 04 or above unless the person retired due to wounds received in combat or is a disabled veteran.

- C-5. Qualifications for Employment.** All applicants for any position with the City shall meet the minimum qualifications established for that position. Each applicant shall complete a job application form. A medical examination or other testing, including drug/alcohol testing, may be required only after a conditional offer of employment has been made, provided that such exams or testing are required of all such applicants who are offered employment in similar positions or position classifications. The offer of employment is contingent upon the applicant passing required tests. Background investigation/record check checks may be conducted as a part of the application process (per the applicant consent). Any records checked by an outside third party for employment or credit histories are done in accordance with the Fair Credit Reporting Act (FCRA). Where qualifications require licensure or certifications (such as driver's license), applicants must provide proof of valid licensure or certification.
- C-6. Promotion.** It is the policy of the City to fill vacancies for supervisory, skilled and upper-level positions from within the ranks of present employees whenever possible. All employees seeking promotion shall be expected to meet the minimum qualifications for the class to which they seek promotion. A medical examination or other testing, including drug/alcohol testing, may be required only after a conditional offer of promotion has been made, provided that such exams or testing are required of all such employees who are offered promotions in similar positions or position classifications. The offer of promotion is contingent upon the applicant passing any required tests, when deemed necessary by, and to the satisfaction of, the City Administrator.

- C-7. Demotion.** Employees receiving involuntary demotions for disciplinary reasons or unsatisfactory performance will receive a minimum pay decrease of five percent (5%), or more, as is necessary to bring the employee within the range of the new position. The individual's performance evaluation date will change to correspond to the date of the demotion.

Employees taking a voluntary demotion will receive a minimum pay decrease of five percent (5%), or more, as is necessary to bring the employee within the range of the new position. The employee may be considered for a pro-rated performance increase at the next regular review date based upon the level of performance and the time (calculated based on a period of time rounded up to the next pay period) served in the demoted position during that evaluation period. In the case of a voluntary demotion, the employee's performance evaluation date is changed to correspond with the date of the transfer to the lower-graded position.

From time to time, the City may have organizational reasons to implement a non-disciplinary or non-performance related demotions. For purposes of calculating pay changes, consideration will be given to the specific circumstances related to the demotion.

- C-8. Lateral Transfer.** When an employee transfers to another position in the same pay grade, his performance since the last performance evaluation will be evaluated. If warranted by the evaluation, a pro-rated performance increase will be granted based upon the level of performance and the time served in the previous position during that evaluation period. This increase will be based upon the employee's pay rate immediately prior to the transfer.

Thereafter, the performance evaluation date will change to correspond with the date of the lateral transfer.

- C-9. Re-classification.** 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 change in pay grade, the employee may receive a pay increase or decrease as set forth below:

If the position is placed in a higher pay grade, the individual occupying the current position may be promoted to the new position if he is qualified for the re-classified position and has performed satisfactorily in his previous position. The employee's change of status will be treated as a promotion as outlined above. If the position is placed in a lower pay grade, an employee's rate of pay will only be decreased if/when it exceeds the maximum of the new pay range. The rate of pay will remain at the maximum of the range until the range changes. The employee occupying the current position will be considered for a performance increase at the time of the reclassification and his performance evaluation date will change to correspond to the reclassification. If it is determined through a position evaluation process that the duties and responsibilities of the position have changed to a significantly different position, but that position is in the same pay grade, the employee will receive a lateral transfer to the new position if he is

qualified for the position and has performed satisfactorily in his previous position. Reclassifications will be implemented in accordance with the City position evaluation procedure. If the changes of a reclassification affect other positions, they may be reclassified as well.

- C-10 Re-grades.** When it is determined that a position should be re-graded due to market conditions, the individual occupying a position that is re-graded may or may not receive a pay increase depending on the difference in current pay and the pay recommended. The performance evaluation date will not change. The pay plan recognizes that market factors may affect compensation levels. Pay ranges will be reviewed annually to determine if any adjustment is warranted. If an adjustment is made to the pay range(s), an employee whose pay is less than the newly established range minimum for his position shall be brought to the range minimum in the first pay period in which the new pay range is effective. Depending on budget authority and other considerations, the pay of other employees in the revised pay grade may also be adjusted. The employee will be considered for a performance increase on his regular performance evaluation date. Re-grades will be implemented in accordance with the City position evaluation procedure.
- C-11. Temporary Increase.** The City Administrator may authorize a temporary increase in pay for an employee who is assigned to fill a position that is at a higher pay grade than his own for a specific period of time; during an extended absence of the incumbent; or if the separation or change of status of the incumbent has created a position vacancy. An employee who becomes eligible for a performance increase in a year that he has worked with a temporary increase shall continue to be eligible for their normal performance increase. Once the situation changes where a temporary increase is no longer warranted, the employee's rate of pay will go back to what it normally would be without the temporary increase.
- C-12 Effective Date.** All pay adjustments will become effective on the first day of the payroll period that the change of status is effective.
- C-13. Right to Work Verification.** All employees initially hired after November 7, 1986 for any position with the City shall complete an employment eligibility verification statement in compliance with the federal Immigration Reform and Control Act of 1986 and e-verify.
- C-14. Advertisement of Job Openings.** When a job is to be filled by means other than promotion of an existing City employee, the position shall be advertised to the general public, and elsewhere as deemed necessary.
- (a) Positions for City employment shall be posted in plain and conspicuous view of the general public for a minimum of three days.
 - (b) An advertising period of at least two weeks will be allowed for each job opening (unless of an urgent nature), and shall include at least one advertisement in the official City newspaper or on the City's website.

- (c) In an emergency situation, the City Administrator may fill any position on a temporary basis during the advertising period.

C-15. Nepotism. Nepotism is the showing of favoritism toward a relative. The practice of nepotism in the City's personnel matters is prohibited.

- (a) Relatives of local elected officials and the City Administrator.

- 1) No person related to the Mayor, any member of the City Council or City Administrator within the first or second degree by affinity (marriage) or within the first, second, or third degree by consanguinity (blood) shall be appointed to any office, position, or other service of the City.
- 2) This prohibition shall not apply to officers or employees who have been employed by the City continuously for a period of 12 months prior to the election of their relative as Mayor, City Council member, or appointment of their relative as City Administrator.

- (b) Relatives of city employees.

- 1) No regular employee may be related within the first or second degree by affinity (marriage) or consanguinity (blood) to any department head.
- 2) Any relationships already established from the date this policy takes effect will be grandfathered, but must adhere to the following guidelines:
 - a. No employee may directly or indirectly supervise or be supervised by a member of his or her family within the second degree of affinity (marriage) or consanguinity (blood).

- (c) Consanguinity (blood) kinship includes the following relatives of the City employee/official:

- 1. First Degree (including step relatives): Spouse, Father, Mother, Brother, Sister, Daughter, Son.
- 2. Second Degree: Uncle, Aunt, First Cousin, Niece, Nephew, Grandfather, Grandmother, Granddaughter, Grandson.
- 3. Third Degree: Great Uncle, Great Aunt, Second Cousin, Great Niece, Great Nephew, Great Grandfather, Great Grandmother, Great Granddaughter, Great Grandson.

- (d) Affinity (marriage) kinship includes all relationships mentioned above as applied to the spouse of a City employee/official.

C-16. Training Period. Upon employment, each new employee in a full time position shall undergo a training period of six (6) months. At the end of the third month of employment, an evaluation of the employee by the department head shall be completed to determine whether employment of the employee will continue. A copy of this evaluation of the employee will be given to the employee, a copy may remain with the department head in a secure location, and the evaluation itself will be kept on file in the City Clerk's office with personnel records in a secure location.

Employees who are promoted, demoted, receive a lateral transfer, reclassification, regrade, receive a temporary increase, may be placed in a training period for up to six (6) months.

ARTICLE D: COMPENSATION

D-1. Pay Plan.

- (a) The salary of each employee of the City, except those appointed officers whose salary is specifically set either by resolution or contract, shall, at least annually, be set at an amount within the pay range of the position class the employee is assigned. An employee's continued employment at the salary rate within the class assigned to him or her shall be contingent upon the provisions outlined in Section D-3.
- (b) Employees working on a part-time basis shall receive that portion of the salary assigned to their position to be determined by the actual time they work. The hourly wage for persons employed on a monthly salary basis is computed as follows: Monthly wage times 12 divided by (hours worked per week x 52) equals wage per hour for full-time employees.
- (c) A condition of any appointment above the minimum rate will depend upon the department's budgeted wage line item, the employee's documented experience and/or documented education, or documented certifications that make the employee's training time in the job minimal. If the applicant clearly exceeds the minimum requirements for the position as set out in the official position description and clearly meets all of the preferred requirements for the position as set out in the official position description, then the following may be considered.
- Two years of additional education and/or job-related experience – 0-5% above the range minimum.
 - Three years of additional education and/or job-related experience – 5% to 7.5% above the range minimum.
 - Four years of additional education and/or job-related experience – 7.5% to 10% above the range minimum.

Appointment may be made below the minimum rate for the position if the person does not have the qualifications for the position. In those cases the appointment may be made at 10 percent below the minimum. When the person attains the qualifications outlined in the position, then the rate of pay will be adjusted to the minimum.

- (d) Appointment of qualified employees shall be at the range minimum if conditions of (c) above are not met. No employee shall be above the range maximum for their position. If an employee is above the range maximum (except as provided for in a demotion), the employee's rate of pay shall remain frozen above the range maximum until the range changes.

D-2. Pay Increases.

- (a) *Generally.* Pay increases may not be routine or automatic and are subject to approval by the Governing Body.
- (b) *Cost of Living.* Annual cost-of-living pay increases may be given as approved by the Governing Body.
- (c) *Merit Adjustments.* Subject to the approval of the Governing Body, the City Administrator may award a pay increase to an employee based on an annual performance evaluation submitted by the employee's immediate supervisor. All pay adjustments will occur on the employee's anniversary date of hire, or as otherwise outlined in this policy. Merit reviews are due from the supervisor to the City Clerk 30 days in advance of the employee's anniversary dates, and at the latest 30 days after. If merit review is not conducted during this time period, the City Administrator will conduct the merit review.
- (d) *Longevity Pay.*
Effective January 1, 2017 each employee will receive their longevity pay as a one-time salary increase thus terminating the Longevity program.

- 1) All full-time employees as of the date of this manual adoption shall be eligible for longevity pay after three years of employment, according to the following schedule. Any full-time employees hired after the date of this manual adoption shall not be eligible for longevity adjustments.

3 - 4 Years	\$50
5 - 6 Years	\$100
7 - 8 Years	\$160
9 - 12 Years	\$260
13 - 15 Years	\$320
16 - 20 Years	\$400
21 - 24 Years	\$450
25 + Years	\$500

- 2) Lump-sum payments of longevity pay will be made once per year, based on each employee's completed year of service as of November 5 and for employee where their performance for the prior review cycle was acceptable. Payment shall coincide with the first regular pay period after November 5. Such payments are subject to all payroll taxes and are not automatic. Payments are subject to performance and are discretionary. Payments are subject to budget and financial conditions of the City.
- (e) *New Positions.* The City Administrator shall establish all new employee positions for the City. The Governing Body shall, at the time a position is established, set a range with a range minimum and range maximum for that position. The City

Administrator shall prepare a job description for each such position established by the Governing Body along with a range recommendation.

- (f) The City Administrator has the ultimate authority to hire, promote, demote, lateral transfer, reclassify, regrade, provide temporary pay adjustment, suspend, or terminate any City employees.

D-3. Performance Evaluations.

- (a) Employee performance evaluations will be considered in determining salary increases and decreases within the limits established in the pay plan, as a factor in promotions, as a factor in determining the order of any reductions in force, and as a means of identifying employees who should be promoted or transferred, or who, because of their low or unacceptable performance, should be demoted or dismissed.
- (b) An evaluation of the performance of each Full-time and Part-time employee based on his or her duties and responsibilities shall be prepared by the employee's department head at least annually to coincide as nearly as practicable with the employee's anniversary date of City employment. The evaluation shall be in writing on forms approved by the City Administrator. The employee's supervisor shall evaluate, at least quarterly, any employee who has received a less-than-satisfactory performance rating. Departments may conduct evaluations of performance more than annually.
- (c) Evaluations shall, upon review by the supervisor and after the employee has had an opportunity to respond, be included in the employee's personnel file.

D-4. Pay on Termination.

- (a) An employee who terminates employment from the City shall receive his or her final paycheck on the first regularly scheduled payday following his or her termination.
- (b) All terminated employees will be compensated for any compensatory time balances at their final rate of pay.

D-5. Overtime Work.

- (a) Compensation for authorized overtime work shall be at the rate of one and one-half times the employee's regular rate of pay. The City allows the use of compensatory time for non-exempt employees and employees may choose whether they wish to use compensatory time or be paid for overtime. Employees may not accumulate more than 60 hours in compensatory time off, compensatory time has to be used within 90 days of earning or the employee will receive compensation for the time at the end of the 90-day period.

- (b) No person employed in an administrative, executive or professional, computer, or otherwise exempt status under FLSA (Federal Fair Labor Standards Act), shall be eligible for overtime compensation or compensatory time. These positions are defined as “FLSA – Exempt”.
- (c) All “FLSA – Non-Exempt” employees shall be eligible to receive overtime compensation for all hours worked in excess of the normal City workweek (as defined in E-1), except for full-time police officers and fire fighters.
 - 1) Full-time police officers shall be eligible to receive overtime compensation only for hours worked that exceed 84 hours per 14-day work period.
- (d) A non-exempt employee who is required to work outside of his or her normal working hours will receive either overtime pay or compensatory time as provided below.
 - 1) An employee must work 40 hours per work week (except police) in order to be paid at the overtime rate for hours worked in excess of the normal work hours.
 - 2) For purposes of this section:
 - a) Annual Leave taken during a workweek shall count as hours worked.
 - b) Funeral/Bereavement Leave taken during a workweek shall count as hours worked.
 - c) Compensatory Time Off taken during a workweek shall count as hours worked.
 - d) Civil Leave With Pay, as defined in Section E-9 of this policy, taken during a workweek shall count as hours worked.
 - e) Civil Leave Without Pay, as defined in Section E-9 of this policy, shall not count as hours worked.
 - f) Personal Leave, as defined in Section E-10 of this policy, shall count as hours worked only if scheduled with the employee’s department head in advance upon proper request, as defined in Section E-13 of this policy.
 - g) Sick Leave shall not count as hours worked.
 - h) Paid Holidays during a workweek shall count as hours worked for all employees other than public safety employees. Paid Holidays

during a 14-day work period shall not count as hours worked for public safety employees.

- (e) All overtime work must have prior authorization by the employee's department head and the department shall have finances and budget to cover the expenditures. If not, the City Administrator has to authorize overtime work. The department head shall maintain records of any overtime authorized and worked. No overtime will be worked unless the employee's department head or the City Administrator have previously authorized such overtime work. Failure to follow this policy may result in disciplinary action.
- (f) The City's policy is to pay all of its employees properly. If an employee believes a paycheck is incorrect in any way, that improper deductions have been taken from the paycheck, or that this pay policy has been violated in any way, he or she should notify the City Administrator immediately. The City will promptly investigate any such concerns or complaints about pay, and will promptly correct any improper or incorrect paycheck

D-6. On-Call Policy. One individual from each utility (Water, Wastewater, Electric) department will be on call from Monday at 12:01 a.m. to Sunday at 12:00 midnight. Employees are not deemed to be on-call except outside of normal business hours.

- (a) Response to emergencies. Individuals assigned to on-call duty will carry a wireless phone (for business purposes only) with them at all times when on call. Normal response time to emergencies shall be 30 minutes or less, and under no circumstances shall response time be longer than one hour.
- (b) Fitness for Duty. The designated employee shall keep fit and able to respond at all times when on call.
- (c) Assignment of on-call status. This on-call policy will rotate through each of the utility departments from week to week. The director of each utility shall schedule the rotation, and shall also evaluate the effectiveness of this program on a regular basis.
- (d) Compensation for being on-call. An individual who is on-call from Monday through Sunday will get the following Friday off (counted as hours worked). If the Director of Electric Utility or the Director of Public Works determines that it is necessary for the employee to work his or her scheduled Friday off, he or she shall be paid at the overtime rate for the Friday, plus get the normal eight hours of pay for that day. A day other than Friday may be given off if approved by the Department Head prior to the usual Friday.

D-7. Call-out Policy. Any employee who is "called-out" (after hours, on holidays, from scheduled time off, etc.) for City business is awarded two hours minimum compensatory time (defined in section D-5) regardless of how much time is required to address the issue

or problem. If more than two hours are required to address the issue or problem, compensation for any time worked beyond those two hours on that same call is based on actual time worked in a workweek. Any time above 40 hours worked in a workweek is eligible for time and a half. The Call-out policy does not apply to hours worked after hours, on holidays, or on weekends that are part of a regular work schedule. Travel time while responding to the call-out policy is not counted as hours worked.

D-8. Pay periods, Paydays, and Method of Payment. The City shall pay all employees bi-weekly. The City shall pay all employees on alternate Fridays for work performed for the previous two-week period (the period that ended on the preceding Saturday). All newly hired City employees are required to enroll in the Direct Deposit program whereby funds are electronically deposited into a banking account of the employee's choice.

D-9. Wage Garnishments. It is the policy of City to enforce all wage garnishments as may be required by state and federal law. The administration of this policy is the responsibility of the Clerk's office. This policy applies to all employees. Wage garnishment orders are processed immediately by the payroll system in accordance with federal and state guidelines. Employees are notified when a federal wage garnishment order has been received. In order for an employee to stop a payroll deduction for wage garnishments, a release of the wage garnishment must be presented to the Clerk.

An employee may receive a copy of the wage garnishment order by contacting the Clerk. If an employee has a wage garnishment in effect with another employer prior to employment at City, the employee must present the wage garnishment order to the Clerk.

D-10. Documentation of Hours Worked. All City employees using a timecard or electronic timesheet to report hours worked for each pay period must sign his or her timecard or timesheet to indicate that the document accurately reflects the hours he or she worked during the pay period. Each supervisor shall see to it that such documentation and acknowledgment occurs. Each supervisor shall also sign the timecard or timesheet verifying accurate recording of time.

D-11. References. The City provides references on current and former City employees in accordance with K.S.A. 44-119a to provide the following information: dates of employment, pay level, job description and duties; and wage history. The City may respond in writing to a written request from a prospective new employer by providing the following information about a current or former employee -- written employee evaluations conducted before the employee's separation from the employer (employee must be given a copy of the evaluation on request); and information regarding whether the employee was voluntarily or involuntarily released from service and the reasons for the separation.

D-12. Access to Files. The City Clerk maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, record of training, documentation of performance evaluation, salary increases, and other employment records. Personnel files are the property of the City, and access to the

information they contain is restricted. Generally, only Department Heads, City Administrator, and legal counsel who have a legitimate reason to review information in a file are allowed to do so. The Clerk is the custodian of the employee records. Employees who wish to review their own file should contact the Clerk. With reasonable advance notice, employees may review their own personnel files in the Clerk's office and in the presence of an individual authorized to maintain the files. Medical records are separated from all other records and are locked in a secure area. Records for I-9's, Workers Compensation, Family Medical Leave requests, Drug and Alcohol testing, social security numbers, are considered sensitive and separately locked and stored away from normal personnel records. Records retention and distribution also follow the Health Insurance Patient Portability Act and any other federal or state laws.

ARTICLE E: ATTENDANCE AND LEAVE

E-1. Hours of Work.

- (a) *General Employees.* The normal workweek for general employees, which includes all employees other than police officers or fire fighters, shall be 40 hours, consisting of five eight-hour days per seven-day period commencing at 12:00 a.m. on Sunday and ending at 11:59 p.m. on the following Saturday.
 - 1) *Public Safety Employees.* Because of the nature of their work, full-time public safety employees may have different work schedules than general employees. The normal work period for police officers shall be 84 hours per fourteen-day pay period.
 - 2) *Alternate Scheduling.* From time to time, it may be desirable for a department head to adjust the number and length of workdays. Upon approval of the City Administrator, it shall be allowable for department heads to set up alternate work schedules that do not exceed the normal hours per week standard (for example, consisting of four ten-hour days per seven-day period).
- (b) *Normal Work Hours.* No employee shall be permitted or required to work in excess of their normal workweek except when so directed by the employee's department head or the City Administrator.
- (c) *Office Hours.* The normal office hours for City Hall and Police Department customer service points shall be 8:00 a.m. to 5:00 p.m., Monday through Friday. Normal office hours for the utility department shall be 7:00 a.m. to 4:00 p.m., Monday through Friday.
- (d) *Breaks.* Employees shall receive up to one hour unpaid meal break per day, and may receive one paid 15-minute rest break for each four hours worked per day. Employees may not travel elsewhere to take their paid break, but will take the break at the work site. Employees are relieved of duty completely for unpaid meal breaks and may leave the work site. This policy does not prohibit employees from eating at their desk or in City vehicles during work hours as long as they are not interrupting work performance. Lactating mothers shall receive an additional 20 minute break for every 4 (four) hours of work for the purposes expressing breast milk for up to one year after the child's birth. The City will designate a room for this purpose. A small refrigerator reserved for the specific storage of breast milk is available. Items must be labeled with the name and date. Any nonconforming products stored in the refrigerator may be disposed of. The employees assumes all responsibility for the safety of the milk. Breaks of more than 20 minutes in length will be paid using vacation or personal leave or unpaid at the employee's choosing.

- (e) *Flex Time.* Employees may request work hours that differ from the City's normal business hours in order to accommodate specific quality of life issues as long as the City's business needs are being met. Schedules must be recommended by the employee's supervisor and approved by the City Administrator. The City Administrator may discontinue or alter any approved flex-time schedules at any time in order to meet the business needs of the City.
- (f) *Inclement Weather.* City offices will remain open during periods of inclement weather, including snow, ice, rain or other weather-related emergency. Upon determination of the City Administrator, office hours may be expanded or otherwise altered in order to provide service to the public during periods of inclement weather. Employees are expected to be at work during inclement weather. Employees not able to report for duty at their scheduled times due to weather concerns will be deemed to have used Annual Leave for the work missed.
- (g) *Travel Time.* In some situations, the City may pay for time spent traveling to a special event (such as a conference, meeting or training session). The City will pay for travel time in accordance with applicable rules outlined in the federal Fair Labor Standards Act (FLSA). In order for travel time to be compensated, the travel must be job related and approved to ensure it meets all City and federal guidelines. Travel time requests must be completed and pre-approved by the City Administrator.
- (h) *Notice of Attendance.* Employees or their representative are expected to provide the employee's supervisor notice at least 2 hours in advance of their regularly schedule hours if they are to be absent from work. This may be waived in an emergency.

E-2. Holidays.

- (a) The following days shall be paid holidays for City employees each year. From time to time, and for special occasions, the Governing Body may designate other days as special holidays on a one-time basis. If an employee works a scheduled shift that falls on a holiday, then section E-2(c) applies in lieu of receiving a paid holiday.
 - 1) New Year's Day, January 1
 - 2) Martin Luther King Day, 3rd Monday in January
 - 3) Memorial Day, last Monday in May
 - 4) Independence Day, July 4
 - 5) Labor Day, first Monday in September
 - 6) Veteran's Day, November 11
 - 7) Thanksgiving Day, fourth Thursday in November
 - 8) Thanksgiving Friday, the Friday after Thanksgiving Day
 - 9) Christmas Eve, December 24
 - 10) Christmas Day, December 25

- (b) When New Year's Day, Independence Day, Veteran's Day, Christmas Eve, or Christmas Day falls on a Saturday or Sunday, the preceding Friday or following Monday may be declared a holiday by the City Administrator.
- (c) Full-Time Employees (other than public safety employees) required to work on a City-observed holiday shall be granted 8 hours of holiday pay, and shall also receive overtime pay for any hours actually worked that day. Public safety employees required to work on a City-observed holiday shall receive overtime pay for all hours worked that day, and they shall also receive an equal number of hours of accrued vacation time to the hours actually worked that day in lieu of receiving a paid holiday.
- (d) Part-time employees shall be paid only for City-observed holidays that fall on days for which they would have otherwise been scheduled to work. The amount of such pay shall be equal to the wages they would have earned for the number of hours they would have been scheduled to work on that day. Seasonal and temporary employees shall not receive paid holidays.
- (e) To be eligible to receive pay for a City-observed holiday, an employee must not have been absent without previously approved leave either on the workday before the holiday is observed or the workday after the holiday is observed.

E-3. Annual Leave (Vacation). Annual leave (vacation) is a benefit given to full-time employees to be used on an annual basis for relaxation, rest, and in the pursuit of special interests. Calculating anniversary dates for annual leave (vacation) shall begin with the date of employment under the conditions hereinafter stated. An employee who works fewer than 12 days in any month shall not accrue annual leave/vacation credit for such month of service. This restriction of 12 days shall not apply where the employee has worked fewer than 12 days due to authorized annual leave (vacation) or sick leave, or FMLA (Family Medical Leave), if applicable. Leave is accrued at the end of each pay period based on the schedule below, prorated based on 2,080 hours in a standard work year.

- (a) *Full-time employees.* Full-time employees are entitled to paid annual leave time according to the following schedule. No paid annual leave time may be taken or used during the first twelve (12) months of employment without their department head's approval.

Years of Continuous Employment on the stated employment anniversary:

at the One to Five Year anniversary	80 Hours (10 working days)
at the Six to 10 Year anniversary	120 Hours (15 working days)
at the 11 + Year anniversary	160 Hours (20 working days)

- (b) *Other employees.* Part-time employees who work at least 20 hours per week shall earn annual leave credit at the rate of four hours for each month of employment to a maximum of 80 Hours (10 working days). Part-time employees who work less

than 20 hours per week shall not earn annual leave. Seasonal and temporary employees shall not earn annual leave.

- (c) *Scheduling.* The dates for the use or taking of annual leave shall be scheduled in consultation with the employee's supervisor and department head. In cases where the requested vacation schedules of two or more employees would adversely affect the efficient operation of the City, annual leave shall be granted on the basis of seniority of City employment.
- (d) *Holiday During Annual Leave.* City holidays that occur during the taking of an employee's authorized annual leave will not be counted as a day of vacation.
- (e) *Minimum Hours.* Employees may use annual leave in units of not less than four hours. Shorter increments may be allowed upon the approval of an employee's supervisor.
- (f) *Termination.* Upon termination, an employee shall be compensated for all earned but unused annual leave at their final rate of pay, subject to the maximum hours of accumulation authorized in the schedule in Section E-3(a). Terminating part-time employees are subject to the maximum as set forth in Section E-3(b).
- (g) *Annual Carry-over.* Full-time employees shall be allowed to accumulate annual leave for a maximum annual carry-over of 240 hours (equivalent to 30 working days) from one year to the next, based upon the employee's anniversary date. Any annual leave in excess of the 240 hours will be eliminated at the employee's anniversary date of City employment, and will not be compensated in the case of termination of employment.

E-4. Sick Leave. Full-time employees and part-time employees who are employed to work at least 20 hours or more per week shall be entitled to sick leave with pay for absences resulting from illness, injuries, accidents, physical incapacity, occurring either on or off the job, and medical or dental appointments, for the employee, spouse or dependent, or to attend to a domestic violence issue as protected under Kansas law. No employee shall be permitted to use sick leave for any period spent on unauthorized leave. The provisions of the Family and Medical Leave Act may apply in some circumstances; please refer to section E-11.

- (a) *Amount of Sick Leave.* Full-time employees shall earn eight hours of sick leave for each month of service. Part-time employees who are employed to work not less than 20 hours per week shall receive four hours of sick leave for each month of employment.
- (b) *Accumulation of Sick Leave.* No employee may accrue more than 720 hours (90 working days) of sick leave. Any amount of sick leave earned but unused in excess of 720 hours as of the employee's anniversary date of City employment shall be eliminated.

- (c) *Computing Sick Leave.* Any absence for a fraction or part of a day, which is chargeable to leave, shall be charged in increments of not less than one hour.
- (d) *Doctor's Certificate.* For sick leave in excess of three workdays, a department head or the City Administrator may require a signed statement from a health care provider verifying the employee's inability to perform his or her assigned duties because of illness.
- (e) *Notification.* To be eligible for paid sick leave an employee, or his or her representative, shall notify his or her immediate supervisor and give the reason for the absence no later than two hours after the beginning of the first workday for which sick leave is taken.
- (f) *Abuse of Sick Leave.* An employee who improperly claims sick leave shall be subject to disciplinary action, including loss of pay or dismissal. Sick leave hours may not be used for purposes other than the purposes outlined in this section, or as outlined in Family Medical Leave.
- (g) *Intended Use.* Sick leave is intended for use by the employee in cases of illness, injury, accidents, physical incapacity, or medical/dental appointments of the employee, the employee's spouse, or the employee's children.
- (h) *Sick leave upon termination or retirement.* An employee who voluntarily terminates employment in good standing or retires from City service shall be paid a percentage of the value of accumulated sick leave at his or her final rate of pay. Employees who voluntarily terminate employment in good standing shall be paid 10% of their accumulated and unused sick leave. Employees retiring from City service shall be paid 20% of their accumulated and unused sick leave. An employee who is involuntarily terminated for any reason is not eligible to be paid for any accumulated sick leave.

E-5. Maternity/Paternity/Adoption Leave.

- (a) An employee who becomes pregnant (or whose spouse becomes pregnant), or who is adopting a child, may claim and receive maternity/paternity leave in the same manner as provided for under sick leave or for other temporary disability; provided, however, that the employee shall use any accrued annual leave (vacation or personal) first. An employee may also take leave without pay in the same manner as any other employee on leave without pay status. Maternity/Paternity/Adoption leave with or without pay, following termination of pregnancy, shall not exceed twelve weeks.
- (b) If medical complications related to pregnancy or adoption arise, an employee may remain on maternity/paternity/adoption leave until released by the employee's physician.

- (c) The provisions of the Family and Medical Leave Act may apply in some circumstances.

E-6. Funeral/Bereavement Leave.

- (a) In the case of the death of a member of the employee's immediate family including step family (to include only the spouse, children, mother, father, brother, sister, grandparents, or grandchildren of the employee or the employee's spouse), full-time and part-time employees shall be granted funeral leave not to exceed three consecutive working days.
- (b) Upon request, the City Administrator may grant up to one day funeral leave to an employee serving as a pall bearer or otherwise attending a funeral other than that of the employee's immediate family as described in Section E-6(a).

E-7. Injury Leave.

- (a) All injuries occurring on the job shall be reported as soon as possible to the employee's immediate supervisor.
- (b) Any employee injured on the job shall be eligible to receive injury leave with pay during the seven-day waiting period for workers' compensation claims.
- (c) When an employee receives compensation under the workers' compensation act, the pay he or she receives from the City shall be the difference between his or her regular rate of pay and the amount he or she receives from workers' compensation.

E-8. Military Leave. The City of Baldwin City recognizes and adheres to all applicable state and federal laws regarding leave for uniformed service to the State of Kansas as well as the United States of America.

- (a) Any employee who requires time off for uniformed service is to immediately notify his or her supervisor and the City Administrator, both of whom will provide a detailed explanation to the employee of his or her reemployment rights under K.S.A. 48-517 (governing members of the Kansas National Guard, Kansas Air National Guard, and the Kansas State Guard that are 'called or ordered to duty', or another Kansas military force) and 38 U.S.C. 4301 *et seq.* the Uniformed Services Employment and Reemployment Rights Act (USERRA) covering persons performing duty, voluntarily and/or involuntarily in the U.S. Army, Navy, Marine Corps, Air Force, Coast Guard, Army National Guard, Air National Guard, and Public Health Service commissioned corps.
- (b) Eligibility. Any employee who is granted military leave is on a temporary leave of absence. The leave period is for the leave period plus 72 hours after either release from duty, or recovery from disease or injury resulting from the military duty.

- (c) Restoration. An employee returning from military leave shall be entitled to restoration of his or her former position or a position of like pay and responsibility, provided he or she makes application for reinstatement after his or her release from military duty in compliance with USERRA. The former employee must be physically and mentally capable of performing the duties of the position involved.
- (d) Annual and Sick Leave. Upon restoration to City service, all unused vacation and sick leave credits accumulated prior to the military leave shall be restored unless the employee had been paid for unused annual leave at the time of his or her induction or enlistment.
- (e) Military Training. Any employee who is a member of any reserve component of the United States Armed Forces or the National Guard shall be granted military leave, without pay, for a short tour of active duty or field training encampment.
- (f) Vacation leave with pay may be taken jointly with such military training leave.

E-9. Civil Leave.

- (a) Civil Leave with Pay. An employee shall be given necessary time off with pay:
 - 1) When performing jury duty;
 - 2) When appearing in court as a witness in answer to a subpoena or as an expert witness when acting in an official capacity in connection with the City;
 - 3) When performing emergency civilian duty in connection with national defense; or
 - 4) When performing mutual aid duty in connection with emergencies.
 - 5) For the purpose of voting when the polls are not open at least two hours before or after the employee's scheduled hours of work.
- (b) Civil Leave Without Pay. If an employee is involved in a personal lawsuit either as a plaintiff or as defendant in an action not related to his or her duties with the City, the employee may take leave without pay unless he or she elects to utilize any accumulated annual leave.

E-10. Other Leave.

- (a) Meetings/Seminars. Any employee may be granted leave with pay to attend meetings, seminars and conventions related to the employee's work for the City when such attendance is authorized by the City Administrator.

- (b) Educational Leave. An employee, upon written request, may be granted leave without pay for a period up to one year to further his or her education or seek specialized training, upon recommendation of the department head and approval by the City Administrator.
- (c) Leave of Absence. An employee, upon written request, may be granted a leave of absence without pay for a period of up to 30 calendar days subject to the approval of the City Administrator.
- (d) Compensatory Time. Compensatory time off that is accrued by an employee for overtime worked shall be taken in accordance with provisions set forth previously in these regulations.
- (e) Personal Leave. Employees shall be granted two days of personal leave per year to be charged against accrued sick leave. Personal leave days shall be at the choosing of the employee and may be used to attend to personal matters or any other need whether or not set forth elsewhere in these regulations.

E-11. Family and Medical Leave. The City of Baldwin City shall comply with the Family and Medical Leave Act (FMLA), if applicable, under Federal law.

E-12. Jury Leave. Any employee subpoenaed to appear in court as a witness in a City case or selected for jury duty shall receive a paid leave of absence for the time spent in such endeavor. Jury fees will be retained by the employee. This will not apply to any employee who is voluntarily serving as an expert witness and is being paid for that service by a third party (in those cases, the employee would need to use paid time off in order to be compensated by the City for those hours).

E-13. Request for Leave. Except as provided in Section E-4(e) as to sick leave, and Section E-11 as to family leave, all leave must be authorized in writing by the employee's department head or the City Administrator prior to leave time being taken. A copy of each leave record, including records of sick leave taken, signed by the employee and department head, shall be maintained in the payroll files only as sick leave. Any other information regarding use of sick leave will be maintained in the City Clerk's files separate and secured from other employee files in accordance with the Americans with Disabilities Act as Amended (ADAA).

E-14. Credits for Paid Leave. An employee, while on paid sick leave, annual leave or other leave with pay, or Family and Medical Leave, shall continue to earn credit for sick leave and vacation leave, but no leave credit shall be earned by any employee while on leave without pay.

E-15. Shared Sick Leave. An employee who lacks sufficient earned leave to cover a period of absence due to a temporary medical disability, including pregnancy, may be granted leave without pay, as described herein. However, with the approval of the City Administrator, any City employee may transfer up to 120 hours (15 working days) of his or her own

accrued sick leave to any other employee, as long as the donating employee's accrued sick leave does not drop below 96 hours due to the donation. Sick leave will only be transferred as it is needed for the processing of payroll. All donors' and recipients' names shall be kept confidential. All requests for shared leave shall be made through the City Administrator.

ARTICLE F: OTHER EMPLOYEE BENEFITS

- F-1. Retirement – OASDI Benefits.** All eligible employees of the City are under the federal OASDI social security system, and receive the benefits thereof in accordance with federal laws and guidelines. The cost of this benefit is paid equally by the City and the employee, with the employee contribution subject to payroll deduction.
- F-2. Retirement – KPERS, KP&F Benefits.** All eligible employees of the City are members of the Kansas Public Employees Retirement System (KPERS) or Kansas Police and Fire (KP&F) and receive the benefits thereof in accordance with state laws and guidelines. Under current law, KPERS/KP&F members contribute a percent of salary, by payroll deduction. The employer's share is determined by KPERS/KP&F, and varies annually.
- F-3. Workers' Compensation Benefits.** All employees of the City receive the benefits of the Kansas Workers' Compensation Act, in accordance with such law and guidelines. The cost of this benefit is paid entirely by the employer.
- F-4. KPERS/KP&F Death and Disability Benefits.** All employees who are contributing members of KPERS are eligible for the insured death and disability benefits provided by KPERS/KP&F, which is supplemental to the regular KPERS/KP&F benefits and is equal to 150% of the current salary. The cost of this benefit is paid entirely by the employer. This insured death and disability benefit begins on the first day of employment, whether or not the employee is a contributing member of KPERS/KP&F. This benefit may be a taxable event to the employee.
- F-5. Unemployment Compensation.** All employees receive the benefits of the Kansas Employment Security (unemployment compensation) Act, in accordance with such law and guidelines. The cost of this benefit is paid entirely by the employer.
- F-6. Life Insurance.** In addition to the death benefits provided under OASDI and KPERS/KP&F, the City makes available to each employee the option of purchasing group life insurance, administered by KPERS/KP&F, on a payroll deduction basis. The cost of this additional life insurance is paid by the employee and varies with the options selected by the employee. Additional life insurance coverages may be available through the City's cafeteria plan. These benefits may be a taxable event to the employee.
- F-7. Retirement Program and Deferred Compensation.** A Retirement Program and/or a deferred compensation program for retirement may be offered as employee benefits by the City of Baldwin City.
- (a) The City of Baldwin City may initiate and contribute to a retirement benefit program for the benefit of each employee. The amount of the City's contribution to such program may change from year to year, and such contributions may be discontinued at any time by the Governing Body if such action is in the best interest of the City. Each employee may supplement the City's contribution with his or her own contributions to said account. The employee is eligible at 6 month anniversary

of employment. The employees interest in the City's contribution account will vest 20% per year and will be fully vested after 5 years of employment.

F-8. Health Care Program.

- (a) All permanent full-time employees shall be eligible for the City's group health insurance program. A permanent part-time employee who becomes a full-time employee shall be eligible for group health care insurance as of the date of change in employment status.
- (b) The City's paid participation in the group health care insurance plan shall be the amount designated annually by the governing body. The City reserves the right to change the amount of such contribution at any time.
- (c) When an individual employee is required to contribute a portion of the cost related to participation in the City's health care program, the amount of such contribution shall be via payroll deduction.
- (d) All costs for the health care insurance shall be paid by the employee during any period the employee:
 - 1) is on leave without pay (except unpaid Family Medical Leave);
 - 2) is on suspension without pay;
 - 3) is on unauthorized leave; or
 - 4) is participating in any unlawful work stoppage.
- (e) No employee shall be entitled to cash payment in lieu of health care insurance coverage.
- (f) The City complies with those provisions of the federal Consolidated Omnibus Reconciliation Act of 1986 (COBRA) relating to the extension of group health care plan coverage upon termination of City employment. Qualifying events that trigger COBRA coverage include termination of the employee's employment for any reason other than gross misconduct, or reduction in the number of hours of employment. The following are qualifying events for the spouse and dependent child of a covered employee if they cause the spouse or dependent child to lose coverage – termination of the covered employee's employment for any reason other than gross misconduct; reduction in the hours worked by the covered employee; covered employee becomes entitled to Medicare; divorce or legal separation of the spouse from the covered employee; or death of the covered employee. In addition to the above, the following is a qualifying event for a dependent child of a covered employee if it causes the child to lose coverage – loss of dependent child status under the plan rules. Under the Patient Protection and Affordable Care Act, plans that offer coverage to children on their parents' plan must make the coverage available until the adult child reaches the age of 26. COBRA coverage lasts 18 or 36 months depending on the coverage.

- (g) The City makes coverage under the group health care program available to certain retired former employees and their dependents, under the following guidelines:
- 1) The retiring employee must have been employed by the City for not less than ten (10) consecutive years.
 - 2) The retiring employee must be willing to pay the monthly premiums set forth in the City's group health care plan, plus an additional two percent to go toward the City's administrative costs.
 - 3) The retiring employee must submit a written application and request to the City Clerk no later than thirty days after the retirement of the employee.
 - 4) Coverage under the City's group health care benefits plan shall not be available upon the following:
 - a) the retired employee attaining the age of 65 or Medicare eligible;
 - b) the retired employee failing to make required premium payments on a timely basis; or
 - c) the retired employee becoming covered or eligible to be covered under a plan of another employer.

F-9. Employee Assistance Program. Employees may need professional help when coping with a number of problems. Examples of problems that could be helped are: chemical dependency, abuse, family, marital, personal and work-related problems. Frequently these personal problems have a direct effect on job performance. The City supports the employee who wants to deal with these problems by offering help via the Employee Assistance Program (EAP). Information on the current EAP shall be made available through the City Clerk's office.

F-10. Uniform and Dress Policy. It is the policy of the City of Baldwin City that City employees be easily identified as such, and that said employees present themselves in a professional manner at all times. Therefore, the City will make the following provisions regarding employee uniforms and other apparel:

- (a) *Law Enforcement Personnel.* Law enforcement employees shall wear department-issued uniforms and equipment at all times, in accordance with the guidelines of the department, unless directed otherwise for the conduct of their duties. Uniform purchases, replacements, and cleanings will be funded by the City according to approved departmental guidelines.
- (b) *Public Works & Utilities Personnel.*

- 1) The City shall purchase five shirts (combination of collared shirts and tee-shirts, as appropriate for the employee's specific duties) for each newly hired employee. Thereafter, employees shall receive three new shirts per year. Such shirts shall have sleeves and shall clearly identify the employee as a representative of the City by virtue of script or City logo. Employees shall wear department-issued shirts at all times while on duty. Additional shirts, as well as jackets, caps, and other items, may be made available from time to time (or as necessary to meet these guidelines) for purchase at the employee's expense, which may be paid via payroll deduction.
 - 2) Pants, trousers, shorts, jackets, caps, or other apparel shall be of type and condition suitable for proper representation of the City and performance of duties, at the discretion of the City Administrator.
- (c) *Administrative Personnel.* Administrative personnel (including clerical staff, office personnel, building inspectors, and code enforcement personnel) shall dress in appropriate business/casual attire at all times so as to represent the City in a professional manner, at the discretion of the City Administrator. In general, each individual is expected to be groomed and dressed in a manner that is conducive to the business environment and will not be offensive.
- (d) Since dress is a matter of individual taste, no strict guidelines are set forth. However, in keeping with the requirement that all personnel maintain a clean and neat appearance, the following general guidelines are hereby established:
- 1) Spiked, chopped-off, or hair dyed in unnatural colors is not permitted.
 - 2) Ripped clothing, ripped jeans, t-shirts, flip-flops, tube tops, halter tops, non-authorized caps, torn clothing, beach attire, or similar casual attire is not permitted. Shorts are not permitted for administrative personnel.
 - 3) Attire bearing the advertisement, trademark or logo of alcohol or tobacco products is not permitted.
- (e) *Violation.* Employees who may be in violation of the personal dress policy will be counseled as to the proper attire for his or her department and may be sent home to change clothes. The type of corrective action will be dependent upon the employee's personal appearance and any history of noncompliance with City policy.

F-11. Education Benefits. The City of Baldwin City recognizes the value of post-secondary education for its employees, and as such, has adopted the following provisions:

- (a) *Salary Benefits.* An employee of the City may qualify for additional salary benefits if he or she holds (or earns while employed) an Associates, Bachelors, Masters, or other graduate degree from an accredited institution. In order to qualify, the

employee must hold a position that does not itself require a specific degree according to the adopted job description for that position. If a job description does require a specific degree, the employee may still qualify for additional salary benefits if he or she holds a degree that is higher than the degree required for his or her position. Additional salary benefits for educational attainment are to be included with regular payroll, are subject to all taxes and withholdings, and are awarded according to the following schedule:

- 1) A verified Associates Degree is worth an additional \$50 per month.
- 2) A verified Bachelors Degree is worth an additional \$100 per month.
- 3) A verified Masters Degree, or other graduate degree, is worth an additional \$150 per month.

Effective January 1, 2017 employees that are entitled to receive education pay will have that amount added to their salary as a one-time increase, after which time this program will be terminated.

- (b) *Tuition Reimbursement.* An employee of the City enrolled in college-level classes that relate to their City employment may seek reimbursement for up to 50% of the actual cost of tuition for said coursework, provided they maintain at least a “C” average in said coursework. This is a reimbursement program, and no funds will be dispersed in advance or prior to documentation of actual tuition costs (after any grants or scholarships are applied) accompanied with the student’s grade report. The decision as to whether a particular course “relates” to the employee’s employment with the City shall be at the discretion of the City Administrator.

F-12. *De Minimis* Benefits. An employer can exclude the value of a *de minimis* benefit it provides to an employee from the employee’s wages. A *de minimis* benefit is any property or service the employer provides to an employee that has so little value (taking into account how frequently the employer provides similar benefits to its employees) that accounting for it would be unreasonable or administratively impractical. Cash, no matter how little, is not excludable as a *de minimis* benefit, except for occasional meal money or transportation fare. Examples of *de minimis* benefits include occasional use of telephones, copying or facsimile machines, food or beverages, seasonal gifts (other than cash) of low market value, occasional parties or picnics offered to employees and their guests, and other similar items.

ARTICLE G: VOLUNTARY SEPARATION

- G-1. Resignation.** An employee who terminates his or her employment voluntarily shall be terminated in good standing, providing the employee gives a minimum of two weeks written notice to his or her immediate supervisor or department head. Under appropriate circumstances, a shorter period of notice may be approved by the City Administrator.

ARTICLE H: HARASSMENT AND SEXUAL HARASSMENT

H-1. Definitions.

- (a) Harassment is defined as, “ The subjecting of an employee(s) or applicant, by another employee(s), customer, or vendor, to unsolicited and unwelcome overtures or conduct, either verbal or physical, so as to create an intimidating, hostile, or offensive working environment based on race, color, sex, disability, religion, age, national origin or ancestry, marital status, veteran status, genetic identification, victim of domestic violence or sexual assault, or any other characteristic protected by law.
- (b) Additionally, sexual harassment is further defined as, “ -- The threat or insinuation by one employee, group of employees, customer, or vendor, either explicitly or implicitly, that his or her refusal to submit to sexual advances will adversely affect his or her employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development (quid pro quo).

H-2. General Policy. It is the policy of the City of Baldwin City to maintain a work environment free of intimidation, insult, and harassment based upon race, color, sex, disability, religion, age, national origin or ancestry, marital status, veteran status, genetic identification, victim of domestic violence or sexual assault, or any other characteristic protected by law. To insure that this policy is strictly adhered to, the City will not tolerate the harassment of any of its employees, and will take immediate disciplinary action if such behavior should occur.

- (a) No employee, whether supervisory or non-supervisory, may harass or sexually harass another employee.
- (b) Harassment includes but is not limited to:
 - 1) Unwelcome comments based on a protected characteristic;
 - 2) Abusive and/or vulgar language of a harassing nature based on a protected characteristic;
 - 3) Suggestive jokes or comments based on a protected characteristic; or
 - 4) Displaying of graphic or suggestive pictures, photographs, cartoons, etc. based on a protected characteristic.
- (c) Sexual harassment includes but is not limited to:
 - 1) Unwelcome touching, propositions, and/or advances;
 - 2) Abusive and/or vulgar language of a sexual nature;

- 3) Suggestive jokes or comments about an employee's body or clothing; or
 - 4) Displaying of sexually graphic or suggestive pictures, photographs, cartoons, etc.
- (d) Any employee who believes that they are the victim of harassment based on a protected characteristic or sexual harassment shall immediately report the incident(s) to any level of supervision, as described herein.
- (e) All complaints involving claims of harassment based on a protected characteristic or sexual harassment shall be promptly and confidentially (as practical) investigated, as described herein. The employee filing the complaint shall be advised of the results of the investigation.

H-3. Complaint Procedure.

- (a) Any employee who feels that he or she is being subjected to harassment or sexual harassment shall immediately contact his or her department head. If the complaint involves the actions of his or her department head, the employee shall contact one of the persons listed below with whom the employee feels most comfortable. Complaints may be made orally or in writing to:
- 1) The employee's immediate supervisor;
 - 2) The employee's department head;
 - 3) Other supervisory personnel;
 - 4) The City Administrator;
 - 5) The Mayor.
- (b) The employee should be prepared to provide the following information:
- 1) Employee's name, department, and position title;
 - 2) The name of the person or persons committing the harassment or sexual harassment;
 - 3) The date(s) and approximate time(s) of the harassment or sexual harassment;
 - 4) The specific nature of the harassment or sexual harassment, how long it has gone on, and any employment action (demotion, failure to promote,

dismissal, refusal to hire, transfer, etc.) that may have been taken against him or her as a result of the harassment or sexual harassment;

- 5) Witness to the harassment or sexual harassment, if any;
 - 6) Whether he or she has previously reported such harassment or sexual harassment and if so, when and to whom;
- (c) After receiving a harassment or sexual harassment complaint, the recipient of the complaint shall assist the employee filing the complaint and documenting the incident in writing, and the employee shall then affix his or her signature attesting to the accuracy and truthfulness of the complaint. All information disclosed in the complaint procedure will be held in strictest confidence and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter.

H-4. Review of Complaint.

- (a) It shall be the responsibility of the City Administrator to coordinate the investigation of harassment or sexual harassment complaints. The City Administrator may delegate the investigation to an appropriate City employee. If the City Administrator is the subject of the complaint, an independent individual shall coordinate the investigation of the complaint. The following procedures shall apply to the receipt, review, and handling of such complaints:
- 1) The person to whom the complaint is made shall immediately present it to the City Administrator;
 - 2) The City Administrator shall promptly conduct an investigation into the alleged incident, either in person or by appointment of a disinterested investigator;
 - 3) The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator by the person complaining of harassment or sexual harassment, witnesses interviewed during the investigation, the person against whom the complaint of harassment or sexual harassment was made, and any other person contacted by the investigator in connection with the investigation;
 - 4) The investigator shall notify the employee accused of the harassment or sexual harassment as promptly as possible of the complaint and the severity of the allegations (immediate notification is not necessary if such notification would jeopardize the investigation);
 - 5) The employee accused of the harassment or sexual harassment shall be given appropriate opportunity to refute the allegation and present information and/or witnesses on his or her behalf.

- (b) Based upon the investigation report, the City Administrator shall determine whether the conduct of the person against whom a complaint of harassment or sexual harassment has been made constitutes harassment or sexual harassment. In making that determination, the City Administrator shall consider the record as a whole and at the totality of circumstances, including the nature of the conduct in question, and the context in which the conduct, if any, occurred. The determination of whether harassment or sexual harassment occurred will be made on a case-by-case basis.
- (c) If the City Administrator determines that the complaints of harassment or sexual harassment are founded, he or she shall take immediate and appropriate disciplinary action against the employee guilty of harassment or sexual harassment.
- (d) The disciplinary action shall be consistent with the nature and severity of the offense, whether a supervisory relationship exists, and any other factors the City Administrator believes relate to fair and effective administration of this policy, including the effect of the offense on employee morale, public perception of the offense, and the light in which it casts the City. The disciplinary action may include demotion, suspension, dismissal, warning, and/or reprimand. A determination of the level of disciplinary action shall be made on a case-by-case basis.
- (e) If the City Administrator determines that the complaint of harassment or sexual harassment is unfounded, he or she shall notify the employee accused of harassment or sexual harassment of the determination. Action shall be made on a case-by-case basis.
- (f) The employee making the complaint shall be notified of the results of the investigation and the discipline, if any, to be administered.
- (g) If the City Administrator determines after reviewing the investigation report that the employee intentionally falsified the complaint, the City Administrator shall take immediate and appropriate disciplinary action against said employee.

H-5. Appeal of the Decision.

- (a) Within ten working days of the postmark of the written notification to the employee of the City Administrator's decision, the complainant or respondent may make a written request for a final review of the record by the Governing Body. The written request must be sealed, and shall be delivered to the City Administrator, the Mayor, or any member of the Governing Body for forwarding to the Mayor and the entire Governing Body.
- (b) The Governing Body members, in response to a timely appeal, will either:

- 1) Review the record and provide a final decision within five working days of the receipt of the appeal; or
 - 2) Schedule an executive session with the appealing party to hear his or her appeal within ten days following the receipt of the appeal.
- (c) The meeting date can be scheduled on any date convenient to all parties, with mutual consent (including beyond the ten day period).
 - (d) A final decision will be made by the Governing Body.
 - (e) Copies of the decision shall be sent to the complainant and respondent by certified mail, return receipt requested, and a copy will be given to the City Administrator.

H-6. Record of Complaint. All records, except those affected by the Kansas Open Records Act, concerning a harassment or sexual harassment complaint shall be confidential and kept in a separate locked file. Access shall be granted only with the City Administrator's approval and to parties who have a direct and relevant need to know.

ARTICLE I: EMPLOYEE RULES

I-1. Political Activity. It is the right of every employee to register and vote on all political issues. Employees are permitted to join political organizations, civic associations or groups, and to become involved in political activities subject to the restrictions of this article.

- (a) As private citizens, employees may participate in all political activities, including holding public office, except where holding an appointive or elective office is incompatible with the employee's City employment.
- (b) Any employee desiring to become a candidate for City elective office shall either take leave of absence without pay or resign prior to filing for such office. Should an employee on leave of absence without pay be unsuccessful in seeking elective office, he or she shall be returned to employment on the same terms and conditions as any other employee who has taken leave of absence without pay. An employee is considered to be a candidate for elective office once all statutory requirements have been met to qualify as a candidate.
- (c) Political activity must not interfere with job attendance or performance, City equipment or property. Employees are not permitted to solicit or handle political contributions in City elections. They are not permitted to wear or display political badges, buttons or signs on their person or on City property during on-duty hours.
- (d) No supervisor or other person in authority shall solicit any City employee for contributions of money or labor for any candidate for elective office, or otherwise compel, or attempt to compel, any employee to support a candidate for elective office or to engage in any political activity.
- (e) The purpose of this policy is to prevent and avoid the appearance of impropriety on the part of any City employee. City employees are neither appointed to, nor retained in, the City's service on the basis of their political affiliations or activities.

I-2. Outside Employment.

- (a) Outside employment constitutes a City employee holding one or more additional jobs outside of their full-time employment. Outside employment by a full-time employee is permitted only when such outside employment:
 - 1) Is considered secondary to service with the City;
 - 2) Does not interfere with the performance of duties for the City; and
 - 3) No legal, financial or ethical conflict of interest results from such dual employment.

- (b) An employee must obtain approval in writing from his or her department head prior to accepting outside employment or any change in the nature of such outside employment. A request to perform continuous outside employment must be renewed annually by the employee and re-authorized by the department head.

I-3. Use of Official Badge, Uniform or Credentials.

- (a) Officials or employees who wear a badge, uniform or other official insignia, or who bear credentials as evidence of their authority, shall not permit such badge, uniform or insignia to be used or worn by any other person, or to otherwise leave their possession without approval of their Department Head.
- (b) Under no circumstances shall official badges, uniforms, insignias or credentials be used for personal gain, except as authorized and specifically approved by the Governing Body.

I-4. Residency. It is the policy of the City of Baldwin City to employ its residents whenever possible. However, the City recognizes that employment of persons outside its geographic boundaries is sometimes necessary and desirable. Except where residency within the City is required by state law or agreement, employees may reside outside the City as long as they are able to respond to the City in a timely manner in case of emergency.

I-5. Telecommunications Policy. The City's telephone, wireless telephone, e-mail, computers, Internet, and voice mail systems are City property. These systems are in place in order to facilitate employees' abilities to efficiently and productively do their jobs. To that end, these systems are solely for City purposes. Limited personal use is permitted; however, abuse (as determined by the City Administrator) of these systems for personal use is prohibited.

- (a) *Telephones.* The City's telephones are for conducting necessary business. Long distance calls in any department may be made by authorized personnel and only for official City business. Exceptions to this require supervisory approval, and may be subject to reimbursement to the City. Personal telephone calls of employees are permitted; however, if used to the point of interference with the performance of an employee's job duties, may result in corrective action.
- (b) *Voice Mail.* The City's voice mail system is for improved customer service. It is each employee's responsibility to use this system appropriately, keeping in mind that effective communication via telephone is an integral part of establishing and maintaining quality customer service.
- (c) *Wireless Phones/Devices.* City-issued wireless phones and/or pagers are to be utilized for business purposes. Limited personal use is acceptable, but excessive personal use may be reason for disciplinary action. Use of such devices while driving, whether city-owned or personally owned, is prohibited in the interest of the safety of the employee and the community. Designated employees may use

their personal cell phone in lieu of a City provided phone and will be reimbursed monthly for the cost. The amount of such reimbursement will be determined by the City Administrator. Use of a personal cell phone will be at the discretion of the employee.

- (d) *Internet & Electronic Mail.* The City uses email and the Internet to conduct business in a quick and efficient manner. As a benefit, the City allows employees to send and receive limited personal messages and have access to the Internet. Every employee with access to email and the Internet is responsible for seeing that the system is used properly and in accordance with the following policies.
- 1) The email/Internet system is part of the business equipment and technology platform and is to only be used for City purposes. Personal use is allowed on a limited basis, but personal business shall be limited to lunch or non-production times and must be in compliance with the rest of this policy.
 - 2) Information and messages that are sent or received are to be disclosed only to authorized individuals.
 - 3) There is absolutely no personal privacy in any matter or message created, received, or sent from the City's email/Internet system. The City, in its discretion, reserves the right to monitor and to access any matter created, received, or sent from the email/Internet system. This means that the City may intercept, monitor, copy, review, and download any communications or files employees create or maintain on City-owned systems, which includes computers, computer networks, e-mail systems, voicemail systems, cell phones, tablets, laptops, or any other type of data storage system.
 - 4) Employees are required to use discretion when using the Internet or email. Sending materials of a sensitive nature or materials that constitute "confidential information" is prohibited unless the information is properly encrypted to prevent interception by third parties.
 - 5) Employees are urged to consider the context of email messages to the extent that such messages are susceptible to misinterpretation as vulgar or offensive in any way by any reader. Employees must also consider that email systems are accessible to the public, and matters of a confidential or sensitive nature may be easily compromised.
 - 6) Employees shall not download programs or files that are received via e-mail or available on the Internet unless authorized by a department head or unless it is an update or upgrade to a current subscription. Such actions may subject the City's property to viruses or other detrimental effects, and may be illegal due to the possibility of license infringement.

- 7) Employee email/Internet access must have a password to access the different systems. Each employee is responsible for messages that are sent from his or her account. Employees must not share email/Internet passwords with anyone. Email accounts can be accessed by the network administrator at any time for verification that information being created, received, or sent is for good business reasons, to check that personal Internet/email is not being sent during working hours as outlined in (d) 1 above, and that information contained with personal messages does not compromise, libel, or slander the City and/or its employees in any way.
- 8) All email/Internet usage (personal and business) must follow the City policy banning solicitation and distribution. Chain letters, pyramid schemes, and other solicitations are strictly prohibited. Employees found to be in violation of this policy may be terminated immediately.
- 9) No email/Internet usage (personal or business) that constitutes intimidating, hostile, or offensive material on the basis of race, color, sex, disability, religion, age, national origin or ancestry, marital status, veteran status, genetic identification, victim of domestic violence or sexual assault or any other characteristic protected by law should be created, sent, accessed, or received. The City's policy against harassment applies fully to the email/Internet system, and any violation of that policy is grounds for discipline up to and including termination.
- 10) The email/Internet system is not a secure one-way communication tool, and information sent over it may be intercepted and read by unauthorized individuals. Employees must take every precaution to protect confidential information about the City, City employee's personal information such as social security numbers, and our citizens.
- 11) Employees may not use the email/Internet system to send or access copies of documents that are in violation of copyright laws.
- 12) Email messages are considered "records." Email records are comparable to other City records and must be kept according to the minimum retention period identified for each particular record. Generally, if applicable law calls for retention, the email should be printed to hard copy and filed. System backups will include email messages, but those back-ups will not necessarily be for the purpose of storing and retaining email records.
- 13) Employees who become aware of misuse of the email/Internet system shall promptly report such misuse to their supervisor, Department Director, or the City Administrator.

(e) *Social Media Policy.* The overall purpose of the City of Baldwin Social Media Policy is to enhance the use of online technology while providing safeguards to the risks of

social media. The City recognizes that Social Media has become a popular form of communication and values the benefits that can be realized through effective use. Through the use of Social Media, the City can better disseminate information about the City's mission, meetings, activities and current issues.

1) Definitions for Social Media Policy

Comments: Includes without limitation, any content, information, articles, pictures, videos or any other form of communicative content posted through Social Media. May also be referred to as "Posts" or "Postings."

City Social Media Accounts: Authorized Social Media accounts created to represent the City of Baldwin, Kansas or any departments of the City.

External Use: The activities of employees on Social Media accounts not created or controlled by the City of Baldwin.

Internal Use: The use of or interaction with Social Media accounts created or controlled by the City of Baldwin.

Social Media: Content created by individuals, using accessible publishing technologies, through and on the Internet. Examples of social media include Facebook, blogs, YouTube, Instagram, Pinterest, Google Plus, Twitter, LinkedIn and Vine.

2) Internal Use Purposes

This policy establishes guidelines for City employees relating to the establishment and use of Social Media as a means of conveying information about the City of Baldwin to the public. The City of Baldwin has an overriding interest and expectation in determining the content communicated on behalf of the City through Social Media.

3) General

a. The establishment or use of City Social Media Accounts are subject to approval by the City Administrator. All City Social Media Accounts shall be administered by authorized users designated by their department heads. All City Social Media Accounts shall be co-administered by the Public Information Officer of the City of Baldwin.

b. City Social Media Accounts should make clear that they are maintained by the City of Baldwin and are subject to the City of Baldwin Social Media Policy.

- c. If and when an employee uses Social Media to communicate on behalf of the City of Baldwin, they should clearly identify themselves as an employee of the City of Baldwin.
- d. If and when a non-exempt employee uses Social Media to communicate on behalf of the City of Baldwin, it will be considered time worked and should be done during regular work hours.
- e. All City policies, rules, regulations and standards of conduct apply to employees that engage in social networking activities while conducting City business. The use of a City e-mail address or account constitutes conducting City business.
- f. Wherever possible, City Social Media Accounts should link back to the official City of Baldwin website for forms, documents, online services and other information necessary to conduct business with the City of Baldwin.
- g. The Public Information Officer will monitor content on City Social Media Accounts to ensure adherence to both the City's Social Media Policy and the interest and goals of the City of Baldwin.
- h. The City reserves the right to restrict or remove any content that is deemed in violation of this Social Media Policy or any applicable law. Any content removed based on these guidelines must be retained by the Public Information Officer for a reasonable period of time, including the time, date and identity of the poster, when available.
- i. The City of Baldwin's website at www.baldwincity.org will remain the City's primary and predominant internet presence.
- J. All City Social Media Accounts shall adhere to applicable federal, state and local laws, regulations and policies.
- k. Employees shall follow all copyright laws, public records laws, retention laws, fair use and financial disclosure laws and any other laws that might apply to the City.
- l. City Social Media Accounts are subject to the Kansas Open Records Act. Any content maintained in a Social Media format that is related to City business, including a list of subscribers, posted communication, and communication submitted for posting, may be a public record subject to public disclosure.
- m. This Social Media Policy may be revised at any time.

n. These guidelines must be displayed to users or made available by hyperlink.

4) Comment Policy

a. As a public entity the City must abide by certain standards to serve all its constituents in a civil and unbiased manner.

b. Comments containing any of the following inappropriate forms of content shall not be permitted on City of Baldwin Social Media sites and are subject to removal by the Public Information Officer:

1. Profane, obscene, violent, or pornographic content;
2. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, or national origin;
3. Defamatory attacks;
4. Threats to any person or organization;
5. Solicitation of commerce, including but not limited to advertising of any business or product for sale;
6. Conduct in violation of any federal, state or local law;
7. Encouragement of illegal activity;
8. Information that may tend to compromise the safety or security of the public or public systems; or
9. Content that violates a legal ownership interest, such as a copyright.

c. A comment posted by a member of the public on any City of Baldwin Social Media site is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, the City of Baldwin, nor do such comments necessarily reflect the opinions or policies of the City of Baldwin.

d. The City of Baldwin reserves the right to deny access to City of Baldwin Social Media sites to any individual who violates the City of Baldwin's Social Media Policy.

e. All comments posted to any City of Baldwin Facebook site are bound by Facebook's Statement of Rights and Responsibilities, located at www.facebook.com/terms.php, and the City of Baldwin reserves the right to report any violation of Facebook's Statement of Right and Responsibilities to Facebook with the intent of Facebook taking appropriate and reasonable responsive action.

f. This Comment Policy must be displayed to users or made available by hyperlink.

5) External Use

EMPLOYEE GUIDANCE FOR PARTICIPATING IN SOCIAL NETWORKING

The City of Baldwin understands that Social Media has become a common form of communication. Employees that choose to utilize Social Media should adhere to the following policies:

a. Employees who participate in Social Media outlets are subject to the same standards for such communications as set forth in the City of Baldwin Personnel Manual.

b. Minimal personal computer usage is allowed during the work day, including participating in non-work-related Social Media outlets. However, at no time should these activities impact productivity or cause performance issues.

c. Confidential or proprietary information or similar information of third parties who have shared such information with the City of Baldwin should never be shared on Social Media outlets.

d. Any employee posting a Comment on Social Media relating to City business shall make it clear that they are not speaking on behalf of the City of Baldwin but speaking in their capacity as a private citizen. In these instances, the employee shall use a disclaimer such as: "The postings on this site are my own and do not necessarily represent the City's positions or opinions." It should be noted however that a disclaimer will not prevent an employee from being disciplined if their communication has the effect of violating any City policy.

e. If a user identifies themselves as a City employee, the employee shall ensure that their profile and related content is consistent with City of Baldwin's performance and conduct standards regarding how to present themselves to colleagues, citizens and other stakeholders.

f. While the City of Baldwin encourages its employees to enjoy and make good use of their off-duty time, City employees may be subject to discipline if their activities have the effect of disrupting the functioning or efficiency of the workplace. Activities which are considered disruptive include, but are not limited to: harassing, demeaning, or creating a hostile working environment for any other employee; disrupting the smooth and orderly flow of work within the City; disrupting working relationships, or any action that detrimentally affects the reputation of the City.

- (f) *Passwords.* Password protection is vital to protecting the security and integrity of the City's overall computer network, email, telephone system and all other communications systems, including cell phones. It is not permissible for City employees to share passwords with anyone. It is not permissible for City employees to log on to any system using another employee's username or password, or allow other employees to sign on to any system with his or her username or password. Likewise, it is not permissible to access another individual's or organization's systems, materials, information, or files without permission. Questions regarding passwords and password protection should be directed to the Information Technology Coordinator.
- (g) Employee communications and use of City telephones, wireless telephones, email, computers, Internet, and voice mail systems will be held to the same standard as all other business communications, including compliance with anti-discrimination and anti-harassment policies. It is expected that employees will use good judgment in the use of the City's systems. Management shall be notified of unsolicited, offensive materials or materials intended to damage computer systems that may be received or distributed by any employee on any of these systems.
- (h) Employee consent and compliance with telephone, wireless telephone, email, computer, Internet, and voicemail policies is a term and condition of employment. Failure to abide by these rules or to consent to any interception, monitoring, copying, reviewing, and downloading of any communications or files is grounds for discipline, up to and including termination.

I-6. Use of City Vehicles and Equipment.

- (a) City-owned vehicles and equipment are to be used for official business only. Only employees, except with approval of the City Administrator or Department Head, shall ride in City-owned vehicles. Employees required to retain vehicles overnight shall not use such vehicles for activities that are not authorized by the City Administrator.
- (b) A Department Head shall have the authority to approve an on-call employee overnight use of a City vehicle even though the employee may live beyond the City limits. This approval shall be granted where the Department Head finds this use to

be advantageous to the City, and it is likely such employee could be called out for duty after normal working hours.

- (c) All employees authorized to drive a City vehicle shall have a valid, current Kansas driver's license. The status of an employee who has a driver's license restriction imposed upon him shall be subject to review by the City Administrator.
- (d) For employees whose positions require a commercial driver's license (CDL) as a condition of employment, the City will pay for the difference in price between a CDL and a regular license the first year. Future renewals will be the responsibility of the employee.
- (e) Employees operating City vehicles are expected to fully observe all traffic laws, and violation thereof may result in disciplinary action. The Employee is solely liable for any fines incurred from traffic violations received while operating a City vehicle.
- (f) All employees operating City vehicles equipped with seat belt restraints shall utilize such restraints while in a City vehicle.
- (g) Smoking is prohibited in all City-owned vehicles.
- (h) Personal Use. Personal use of City vehicles is always taxable (for example, commuting to and from work). Department Heads not on call may opt to use their assigned City vehicle for commuting to and from work.
 - 1) If Department Heads assigned a vehicle choose to use it for commuting, they will be subject to benefits tax for such use. The amount to be taxed will be based on policy that may change annually. Amounts are available from the City Clerk. Vacation days and holidays will be backed out of the total in order to reflect actual days worked. This benefit will be assessed with the final pay period of the year.
 - 2) The use of an assigned City vehicle is limited to City business and the abovementioned commutes only (these commutes may include *de minimis* stops for personal errands). It does not imply any other personal uses. The City reserves the right to revoke this benefit at any time.
- (i) City policy for accidents involving City-owned vehicles shall be that the employee involved shall immediately notify his supervisor of the accident, who in turn shall immediately notify his Department Head. Any accident involving a City-owned vehicle will be investigated by an appropriate law enforcement agency and handled in such a way as to prevent the appearance of favoritism or other impropriety.

I-7. Solicitations. Except for fundraising efforts for charitable purposes, solicitation – either directly financial or during public elections – by and of City employees while on duty or

on City property for reasons connected with duty is expressly forbidden. The proper authorities may be contacted to remove individuals or groups who violate this policy from City property.

I-8. Gifts.

- (a) It shall be misconduct for a City employee to take for their personal use from any person any fee, gift or token valuable in the course of their work or in conjunction with it when such gift or other valuable is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons.
- (b) It shall be misconduct for a City employee to accept any bribe, gift, token, moneys or other things of value intended as an inducement to perform or refrain from performing any official act.
- (c) It shall be misconduct for a City employee to engage in any action of extortion or other means of obtaining money or other things of value through their position in the service of the City.

I-9. Organizational Code of Conduct.

- (a) The City and its employees must, at all times, comply with all applicable laws and regulations. The City will not condone the activities of employees who achieve results through violation of the law or unethical business dealings. This includes any payments for illegal acts, indirect contributions, rebates and bribery. The City of Baldwin City does not permit any activity that fails to stand the closest possible public scrutiny.
- (b) All business conduct should be well above the minimum standards required by law. Accordingly, employees must ensure that their actions cannot be interpreted as being, in any way, in contravention of the laws and regulations governing the City's operations. Employees uncertain about the application or interpretation of any legal requirements should refer the matter to their supervisor, who, if necessary, should seek the advice of the legal department.
- (c) Employees shall support the maintenance of a positive and constructive work place environment for all City employees, as well as for citizens and businesses dealing with the City. Employees are expected to treat customers and co-workers with dignity and respect, and to follow City and departmental policies, procedures, and work rules, including safety regulations.
- (d) Employees charged with a felony offense shall be placed on suspension without pay until the matter is resolved.
- (e) Employees are expected to refrain from bringing visitors, pets, children to the workplace, or allowing visitors, pets, children to ride in City equipment. On rare

occasion an employee may bring their child to work if they are unable to make appropriate arrangements.

- (f) Visitors not associated with employees are expected to check in at the front counter of each office, and are not allowed in office areas behind front counters unless specifically authorized.

I-10. Use of Organizational Funds and Other Assets.

- (a) When an employee's position requires spending City funds or incurring any reimbursable personal expenses, that individual must use good judgment on the City's behalf to ensure that good value is received for each expenditure.
- (b) City funds and all other assets of the City are for City purposes only and not for personal benefit. This includes the personal use of organizational assets, such as computers, supplies, tools, or equipment.

I-11. Reporting Fraud, Theft, or Misuse of City Assets.

- (a) Employees who have access to City funds or assets in any form must follow the prescribed procedures for recording, handling, and protecting money and assets as detailed in any instructional or explanatory materials. The City of Baldwin City imposes strict standards to prevent fraud and dishonesty.
- (b) It is the duty of each employee who knows of any fraud, theft or misuse of City assets, including cash, supplies, equipment, tools, and services to report the same to the appropriate City officials. The report may be made orally or in writing. The "appropriate City officials" may include the employee's immediate supervisor or the employee's department head.
- (c) No person filing a report of fraud under this policy in good faith shall be subject to retribution or retaliation of any kind for filing such report.

ARTICLE J: WORKPLACE SAFETY

J-1. General Safety. All employees are required to wear appropriate safety equipment and follow appropriate safety precautions according to City and/or departmental policy at all times. Failure to comply with safety policies may result in disciplinary action.

- (a) The City shall provide adequate safety equipment to employees to use while performing their jobs. Likewise, employees are required to use such safety equipment provided.
- (b) Any employee who feels that adequate safety equipment is not being provided or used effectively shall notify his or her supervisor, department head, or the City Administrator immediately.

J-2. Workplace Violence. The City of Baldwin City has a zero-tolerance policy for violence. If an employee engages in any violence in the workplace, or threatens violence in the workplace, the employee shall be terminated immediately for cause. No talk of violence or joking about violence will be tolerated.

- (a) “Violence” includes physically harming another, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, and threatening or talking of engaging in those activities.
- (b) It is the intent of this policy to ensure that no one associated with the City, including employees and citizens, ever feels threatened by any employee’s actions or conduct. This intent notwithstanding, it is understood that law enforcement officers may be required to deviate from this policy where necessary. Regardless, officers must conduct their duties in accordance with established laws and department guidelines.
- (c) It is the policy of the City that employees are not allowed to carry weapons in the performance of their duties on or off City property with the exception of sworn officers who are certified to carry weapons for the City of Baldwin and except as provided in (d) below.
- (d) City employees shall be prohibited from the open carry of handguns in any City building. The City acknowledges employee’s right to carry concealed handguns while in their personal vehicle and city-owned vehicles. Carrying a concealed handgun is not within the scope of employment for any position. Any injury that an employee might incur by carrying a concealed handgun is not covered under worker’s compensation. Employees may not leave a handgun unattended or in plain view. Employees cannot store firearms in City vehicles. Employees shall abide by all laws related to conceal carry, such as not entering any building, private or public, prohibiting conceal carry. The City is not responsible for any lost or damaged weapons. If employees choose to carry a handgun in City vehicles, the employee will need to provide a locker or locking device for safe keeping.

- J-3. Substance Abuse Policy.** The City of Baldwin City has a responsibility to its employees and citizens to take reasonable steps to assure safety in the workplace and in the services it provides. To this end, the City reaffirms its policy that the following are strictly prohibited:
- (a) Reporting for work under the influence of intoxicants, including alcohol, illegal drugs, or controlled substances; and
 - (b) The use, possession, sale or distribution of such intoxicants, illegal drugs, controlled substances, or related paraphernalia, in any manner during work hours, or while engaged in City business, on City property, or in City vehicles. Further prohibited is use of such drugs and/or alcohol on one's personal time to the extent that such use negatively impacts an employee's work performance.
- J-4. Mandatory Testing.** In the event of an accident involving a City employee where injury or property damage has occurred, the City Administrator may require that such employee(s) submit to mandatory examination by a physician, including testing for drugs and/or alcohol. The City Administrator may also request testing upon reasonable suspicion where there is a pattern of abnormal or erratic behavior, work accident, direct observation of drug or alcohol use, possession, or drug related paraphernalia, presence of physical symptoms including glassy or bloodshot eyes, alcohol odor, odor of drugs on the employee's body or clothing, slurred speech, poor coordination and/reflexes. Results of drug/alcohol tests are confidential and conducting at the City's expense.
- J-5. Vaccination Policy.** The City recognizes that certain vaccinations are required by law for employees working in public health and safety professions who have potential occupational exposure. Vaccinations for such identified infections (Hepatitis B, for example) will be funded by the City, and such procedures shall be set forth in the City's adopted Safety Manual. Vaccinations for other infections as may be determined necessary for employees in public health and safety positions may be paid for by the City on a case-by-case basis as determined by the City Administrator. Routine vaccination of employees for items not specifically related to their City employment or occupational exposure (influenza, for example) will not be funded by the City. Tetanus vaccinations will be funded only if recommended by a physician treating an employee in conjunction with a work-related injury.
- J-6. Protective Clothing, Equipment, and Uniforms.** In conjunction with the Uniform Policy outlined in Article F, it is the policy of the City of Baldwin City to provide certain protective work clothing and safety equipment and to cover the cost of replacement allowances for certain uniforms.
- (a) The City shall provide protective gear for all employees as necessary to perform their work safely. Such gear shall include safety glasses, gloves, reflective apparel, hard hats, rubber boots, rain gear, and other equipment as may be deemed necessary.

- (b) The City will allow \$100 per employee in the police, public works, parks inspections, and utility departments toward the purchase of department-approved work boots or safety shoes within thirty days from the first day of employment. Thereafter, the same allowance shall be made to each employee every other year. Employees in the Electric Distribution department shall be allowed a total of \$300 each toward the purchase of specialized safety footwear according to the same schedule. Such allowances shall be made via reimbursement of the employee based on actual receipts, or via direct invoice to the City.
- (c) The City Administrator may authorize expenditure for protective work clothing, safety equipment, and uniform replacement allowances within the guidelines of this policy and the current City budget.

J-7. Return to Work Policy. In order to minimize the effective cost of worker compensation injury claims, it is the policy of the City of Baldwin City to aggressively return employees to work from workers compensation injuries, within the restrictions provided by his or her physician. The responsibility of the physician is to determine what, if any, restrictions apply to employees who are injured. It is not the physician's responsibility to determine whether or not an injured employee is able to work.

- (a) Department heads, managers, and/or supervisors will be responsible for finding productive work for each injured employee. Assistance for this effort is available through the City's workers compensation insurance carrier, the Kansas Municipal Insurance Trust (KMIT) and its contracted representatives, Insurance Management Associates (IMA).
- (b) Temporary restricted duty work reassignment need not be confined to the department in which the employee is ordinarily employed.
- (c) Returning injured employees to work as soon as possible is of benefit to both the employee and the City. The City has identified or will identify and create alternative or modified work-duty tasks. Matching a worker's impaired physical capability from an injury to these tasks is intended to control accident cost, improve employee morale and productivity, and maintain the City's quality of service to its residence.

J-8. Smoking. The City does not allow smoking, vaping, chewing of tobacco in City buildings, facilities, or vehicles. Smoking is prohibited within 10 feet of any entrance to a City building or facility unless the area is designated public right of way. Smoking in restricted areas may result in disciplinary action. City employees are expected to be courteous and concerned about the needs of fellow employees and the public.

J-9. Emergency Preparedness Response and Safety Manual. The City's Emergency Preparedness Response and Safety Manual shall be maintained by the City Clerk and shall be available upon request.

ARTICLE K: TRAVEL

- K-1. Travel Policy.** In an effort to provide a fair and equitable policy pertaining to travel by employees necessary for the conduct of their particular assignments, the City of Baldwin City establishes the following policy and procedure for work-related travel by employees.
- K-2. Defined.** Travel shall be defined as any out-of-town trip(s) taken for the ultimate benefit of the City, as may be determined the City Administrator.
- K-3. Authorization for Travel.**
- (a) Business travel occurring on a single workday and not requiring overnight stay shall be approved by a department head.
 - (b) Any overnight business travel shall be approved in advance by the appropriate department head and the City Administrator. Estimated costs shall include transportation, lodging, meals, and event registration (if applicable) with Department Head approval.
- K-4. Expenses.**
- (a) **Transportation Expenses.** The City will pay or reimburse travel expenses for the employee only, based on the most economical mode of transportation and the most common route consistent with the purposes of the trip. Transportation tickets should be purchased far enough in advance to take advantage of any discounted rates available. Tickets for air travel shall be for coach class or any other discounted class in the interest of economy. If travel by common carrier is most economical, and the employee chooses to drive a personal vehicle with approval of the City Administrator (as provided in this Article), travel reimbursement shall be limited to the amount the travel ticket would have cost.
 - (b) **Lodging Expenses.** Lodging expenses shall be identified in full prior to the trip whenever possible. Otherwise, the City will reimburse actual lodging expenses based on the original itemized receipt from the lodging provider.
 - (c) **Subsistence Expenses.** Meals and appropriate incidental expenses (shuttle, taxi, parking, tolls, etc.) shall be reimbursed based on actual expenses according to original receipts.
- K-5. Travel in City Vehicles.** The City of Baldwin City shall allow employees to utilize City vehicles for work-related travel when deemed the most economical or practical mode of transportation.
- (a) Scheduling of vehicles shall be performed by the appropriate department head.

- (b) When a city-owned vehicle is unavailable for travel, the employee's personal vehicle may be used with approval of the City Administrator. The rate of per-mile reimbursement shall be the effective rate as determined by the Internal Revenue Service at the time of travel.

ARTICLE L: DISCIPLINE

- L-1. Authority to Discipline.** Department heads are responsible for the conduct and effective performance of all employees under their jurisdiction and shall have the authority and the responsibility to discipline employees for violations of the City's personnel policies, operational policies, and any departmental guidelines, subject to review of the City Administrator.
- L-2. General Policy.** First, recognizing the at-will nature of City employment, the purpose of a discipline policy is to ensure high standards of performance and efficiency, to maintain good working relationships among employees, and to provide the citizens of the City with the highest possible level of courteous and professional public service. Discipline in the City organization is most commonly "self" discipline. It is the duty of employees to make a conscientious effort to work and behave in accordance with the values, service standards, policies and guidelines of the City and the department in which they work. Each employee is expected to be self-disciplined, to work hard at being the best at what he or she does, and to help the City provide a high level of public service. When an employee does not exercise adequate self-discipline or is not successful in meeting the requirements of his or her job, it may be necessary for his or her department head or supervisor to consider disciplinary actions to correct the problem. An employee is subject to disciplinary action if:
- (a) The employee violates these personnel policies and guidelines, or any other written guidelines or procedures applicable to the department in which the employee works;
 - (b) The employee's conduct reflects discredit to the City or hinders the effectiveness or efficiency of City operations.
 - (c) The employee has performed an act of misconduct, or has failed to perform an act, resulting in misconduct.
- L-3. Disciplinary Actions.** Recognizing the at-will nature of employment with the City of Baldwin City, the following types of disciplinary action are officially recognized by the City Administrator. This is not a progressive list. Any action may be carried out at any time depending on the circumstances, including termination:
- (a) *Verbal Warning.* A verbal warning is an oral reprimand given to an employee by his or her supervisor or department head. A record of the warning shall be recorded in the employee's file.
 - (b) *Reprimand.* A reprimand is a written censure to an employee by his or her supervisor or department head, a copy of which shall be recorded in the employee's personnel file.
 - (c) *Probation.* Probation is a trial period of specific length of time during which an employee is required to fulfill a set of conditions, improve work performance, or to

improve on the job behavior. Failure to meet the probationary requirements may result in additional disciplinary actions. The use of a probationary period in no way creates a property right in the employee's job. Probation, as used in this context, is a disciplinary action for employees. It is not a "training period" for new hires.

- (d) *Salary Reduction.* A salary reduction is the lowering of an employee's rate of pay within the pay range to which the employee's position is assigned.
- (e) *Demotion.* A demotion is the placement of an employee into a position that is in a lower pay range and/or carries less responsibility.
- (f) *Suspension.* A suspension is the removal of an employee from service, with or without pay, for a specific period of time.
- (g) *Termination.* Termination is the removal of an employee from City employment. Termination can be carried out for any reason that is not a discriminatory reason due to the fact that the City of Baldwin City is an at-will employer.
- (h) Some or all of these disciplinary actions may be omitted from the discipline process, depending on the circumstances.

L-4. Procedure for Disciplinary Action. Whenever misconduct or issues with an employee's performance exist that in the judgment of the employee's supervisor or department head justifies the application of disciplinary action other than a verbal warning, the supervisor or department head shall:

- (a) Document the misconduct or performance issues in writing.
- (b) Determine the appropriate disciplinary action to correct the problem, subject to approval by the City Administrator.
- (c) Meet with the employee to review the problem and the proposed disciplinary action. The meeting should be private and include only the employee, supervisor, department head or other persons requested to be present by the department head.
- (d) The employee shall be given the opportunity to refute the facts or argue against the proposed disciplinary action. The employee may submit comments in writing to be attached to the record of the disciplinary action.
- (e) The City Administrator shall make a final decision as to the disciplinary action.
- (f) Notify the employee of the action in writing, except for verbal warnings. A copy of the documentation of misconduct and a note as to the form of disciplinary action taken shall be provided to the City Administrator for insertion in the employee's personnel file.

- (g) At the time a disciplinary action commences, the employee's supervisor or department head shall notify the employee in writing of his or her right to file a grievance under the City's grievance procedure.
- (h) All disciplinary action in writing must be signed by the department head and the employee.

L-5. Notice to Employees on Discipline and Termination. As stated in A-1(e) and throughout these policies, all employees are considered at-will employees. Termination may be carried out with or without cause. Upon termination employees are requested to conduct an exit interview with the City Clerk.

ARTICLE M: GRIEVANCES

M-1. General Policy. Any employee who has a complaint or grievance (except for termination), may present a request to resolve or address their job, working conditions, salary, relationship between employees and co-workers, supervisor, or department head, the application of equal employment opportunity policies, or as an appeal of any disciplinary action (except termination) taken pursuant to these policies.

- (a) Each employee and supervisor shall make a sincere attempt to resolve any grievance before it becomes necessary to resort to the grievance procedure.
- (b) Employees that have been terminated have no right to a grievance proceeding.

M-2. Grievance Procedure. The following grievance procedure is established:

- (a) The employee shall initially file any complaint with his or her department head within fourteen (14) calendar days of the complaint occurrence. The department head shall provide an answer to the employee in writing within fourteen (14) calendar days of the department head's receipt of such grievance.
- (b) If the complaint cannot be satisfied by the department head, the employee may forward his or her written complaint or grievance to the City Administrator within fourteen (14) calendar days of receipt of the department head response, specifying the nature of the complaint or grievance, provided he or she has informed the department head of his or her intention to do so, and request a meeting thereon with the City Administrator to discuss the complaint. The decision of the City Administrator shall be binding and final and subject to no further appeal. The decision of the City Administrator shall be provided within 14 calendar days.
- (c) The City Administrator shall have the discretion to refer any complaint to the Employee Assistance Program ("EAP"). The City Administrator has discretion to extend the timeline for the grievance procedure as reasonable except for the initial filing of the grievance by the employee.

RESOLUTION NO. 2016-16

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF BALDWIN CITY MODIFYING THE UTILITY FUND BALANCE AND RESERVE POLICY.

WHEREAS, fund balance measures the net financial resources available to finance expenditures of future periods; and

WHEREAS, rating agencies examine fund balance when considering the overall economic health and credit quality of the City; and

WHEREAS, maintaining an adequate amount of reserves to protect the City's ability to provide reliable electric, water, and sewer service during period of cost uncertainties, reductions in sales due to weather or a sluggish economy, volatile energy prices, and rising capital improvement costs while maintaining stable rates; and

WHEREAS, it is important for utilities to maintain the financial flexibility to smooth rate increases and stagger rate adjustments for customers of the utility.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Baldwin City, Kansas, that:

Section 1. The City adopts the Modified Utility Fund Balance and Reserve Policy as attached.

ADOPTED AND APPROVED by the Governing Body of the City of Baldwin City, Kansas on August 15, 2016.

APPROVED:

Marilyn Pearse, Mayor

ATTEST:

Laura Hartman, City Clerk

CITY OF BALDWIN CITY, KS

Utility Fund Balance and Reserve Policy

Fund balance measures the net financial resources available to finance expenditures of future periods. Rating agencies examine fund balance when considering the overall economic health and credit quality of the City. Maintaining an adequate amount of reserves protect the City's ability to provide reliable electric, water and sewer service during periods of cost uncertainties, reductions in sales due to weather or a sluggish economy, volatile energy prices, and rising capital improvement costs while maintaining stable rates. It is important for utilities to maintain the financial flexibility to smooth rate increases and stagger rate adjustments for customers of the utility.

This policy shall address the minimum cash reserve requirements for the City's non-franchised enterprise funds which include electric, water, sewer, and refuse. The City may hold more money than the established minimum cash guidelines based on an assessment of uncertainties and other financial policies such as:

- Financial risk facing the systems
- Rate setting policies
- Variability in costs
- Debt policies
- Future capital improvements needed

The adequacy of the guidelines may be reviewed internally each year, and if appropriate, revised guidelines may be adopted. The cash reserve calculation shall be updated every year as part of the budget process. Any changes in expenses, debt and capital improvements will impact the cash reserve minimum.

Methodology:

The methodology used to calculate minimum cash reserves for each system is based on certain assumptions related to direct costs, other operating expenditures, capital improvements, and large unexpected emergency expenditures. The goal of this fund balance policy is to ensure the following reserve thresholds are met:

- 25% of annual operating budget for the subsequent year in unreserved, unencumbered fund balance.
- 100% of the two subsequent year's budgeted/estimated debt service transfers. (The debt service transfer for the first subsequent year will be budgeted as part of the annual budget. The second subsequent year will be estimated based on debt service requirements less transfers from other funds.)
- 100% of the two subsequent years estimated capital improvement expenditures.

It is the goal of the City's utility to maintain at least 25% of its annual operating costs in unreserved, unencumbered fund balance. The ability of each utility to pay the debt service on all debt type obligations being critical, the debt service of the utility for the

next two years will also be set aside. In addition, this reserve policy also is intended to protect the approved capital improvement expenses by including a provision that the next two years of budgeted capital improvement expenditures also be set aside unless those improvements are meant to be paid by bond proceeds. For example, if the utility's annual operating expenses are \$2,000,000, debt service is scheduled at \$250,000 per year for the next two years and the last approved budget contains a total of \$100,000 in the capital improvement budget in the next two budget years, the goal of this policy is to maintain cash reserves in the amount of \$1,100,000 which would meet the operating threshold of 25% of the annual operating expenses, budgeted debt service for two years and two years of capital improvement expenses.

The above methodology attempts to quantify the minimum amount of cash the City should keep in reserve for each utility. The above minimum cash reserve calculation considers the utility's requirement "in total" and is not intended to represent the amount or limit for events occurring in each individual category.

Other Policy Matters:

- a. If certain events occur that results in any utility's cash reserves falling below the above minimum cash reserve levels, the City shall take action to restore the cash reserves to the minimum levels over not more than the subsequent five years. These action may include a number of options, including:
 1. Rate Adjustments
 2. Cost Reductions
 3. Issuance of bonds to fund capital improvement programs
 4. Modification of the assumptions used to determine the cash reserve levels
- b. The City shall maintain Debt Service Reserves for any utility according to the requirements as outlined in the bonding documents at any time that bonds are issued for capital projects and for which the debt service shall be paid from the revenues of the utility.
- c. Any unreserved Fund Balance in excess of the amounts set forth above shall be available for transfer. The actual amount of transfer shall be annually recommended by the Finance Director with the approval of the City Administrator. Due diligence shall be taken to leave sufficient funds available to cover anticipated expenditures at the beginning of the following year. It shall be the goal of City staff to maintain the threshold reserves as stated above. If that is not possible, the City Administrator shall make such recommendations to return the reserves to the stated levels as soon as possible.
- d. Funding which has been transferred into the utility system Reserve Funds shall be available for use in acquisition of equipment and capital projects as outlined in the five year Capital Improvement Plan. Funds may also be made available for use during unanticipated emergencies and disasters. In accordance with the State of Kansas' cash basis law, all reserve funds will be budgeted in such a way as to allow the reserve funds to be accessed with full budget authority by the State.

- e. Outside assistance from engineers or other professionals may occasionally be required in order to set future utility rates. These rates will be brought to City Council for approval via ordinance. However, the fund balance thresholds set by this policy shall be incorporated into any proposed rate structure put forth by the City Administrator or outside consultants.

Adopted by the Governing Body of the City of _____ on _____, 2016.

Memo

To: Honorable Mayor and Council
From: Brad Smith, Finance Director

Date: August 15, 2016
Re: Wholesale Water Rates

The Utility Committee met again this week for a final review of the proposed changes to our Wholesale Water Rates. While this primarily affects Wellsville, we also sell water to Edgerton and Rural Water District No. 4.

After lengthy negotiations with Wellsville, we have finally arrived at a method of calculating the wholesale water rate that is close to being acceptable to both parties. That method would include in the wholesale cost the following items:

- Direct raw water costs for acquisition of water. Currently that would include the costs from the City of Lawrence and the Kansas Water Office.
- Fifteen percent of the Water Fund Distribution Department costs.
- Fifteen percent of the Water Fund Administration Department excluding the transfers to the General Fund for Admin Fees and In Lieu of Franchise Fees.

The above calculation would result in a rate increase of \$1.09 per thousand gallons over the current Wholesale Rate.

The only point of disagreement at this time is that the Administrative Department costs include the Debt Service on the Water Towers. Wellsville initially didn't believe that should be included. Their latest proposal was to include only 50% of that amount. The effect on the calculation is estimate to be approximately \$0.06 (6 cents) per thousand gallons or approximately \$3,000 annually.

It should also be noted that this negotiation has been going on for approximately two years during which time there has been no increase other than the pass through of rate increases by the City of Lawrence. It is the recommendation of the Utility Committee that the proposed rate increase should be implemented retroactively to the wholesale customers beginning with utility bills in January, 2016. This would result in a retroactive adjustment to the City of Wellsville of approximately \$33,000.

If the Council indicates that we should move forward with the method proposed by the undersigned, there would need to be an ordinance presented at the next Council meeting to ratify the above rates.

Respectively submitted,

Bradford Smith
Finance Director

