

CITY OF WESTWOOD, KANSAS

RESOLUTION NO. 114-2022

A RESOLUTION OF THE CITY OF WESTWOOD, KANSAS, ADOPTING AN AMENDED EMPLOYEE HANDBOOK.

WHEREAS, the Governing Body of the City of Westwood is charged with approving and adopting policies and procedures for appointed officers and employees;

WHEREAS, since the last amendment to the Employee Handbook, certain employee benefits and enhancements to compensation are recommended by City staff; and

WHEREAS, Exhibit A attached herein reflects all amendments to the Employee Handbook.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD, KANSAS:

Section 1. The City Council does hereby adopt an amended Employee Handbook attached hereto as Exhibit A and incorporated herein by reference in its entirety.

Section 2. The administrative officers of the City shall develop such further administrative procedures and take such actions to implement this Resolution as may be reasonably necessary.

Section 3. This Resolution shall take effect upon its approval by the Governing Body.

ADOPTED this 10th day of November, 2022, by majority vote of the Governing Body.



David E. Waters, Mayor

ATTEST:



Leslie Herring, City Clerk

APPROVED AS TO FORM:



Ryan B. Denk, City Attorney

City of Westwood Employee Handbook



Adopted September 9, 2021

Amended November 10, 2022

EMPLOYEE HANDBOOK

The Employee Handbook (“Handbook”) of the City of Westwood, Kansas (the “City”) is intended to serve as the platform for the development of an effective employee relations program which is consistent with federal, state and local laws, to provide guidance to employees working to achieve personal and organizational objectives, and to be applied with fairness to all employees and without discrimination on the basis of any legally protected status.

The Handbook is intended for use by City employees as a general guide to their employment with the City. If any conflict between this Handbook and federal law, state law, and/or the Municipal Code of Westwood (the “Code”) exists, the applicable legal standards or the Code will control.

Employment with the City is “at will.” This means employment is for no definite time period and may be terminated at any time by the City or by an employee, with or without cause. Further, no Department Manager or other employee of the City has the authority to enter into an agreement for employment for any specified period of time or to make any agreement contrary to the policies approved by the Governing Body. Only the Governing Body has the authority to make such an agreement if it is in a writing signed by an authorized designee of the Governing Body and the employee.

Nothing in this Handbook is to be construed as creating a contract, an expectation of continued employment, or a protected property interest in an employee’s position. The terms and provisions of this Handbook may be changed, altered, amended or deleted at any time, with or without notice, in the sole discretion of the Governing Body, as circumstances warrant.



TABLE OF CONTENTS

POLICY NUMBER	TITLE
	<u>GENERAL PROVISIONS</u>
1.1	Application of Personnel Policies
1.2	Employment Relationship
1.3	Procedural Changes
1.4	General Definitions
1.5	Definitions of Employment Status
1.6	Personnel Records and Privacy
1.7	Residency Requirements
1.8	Hours of Work and Paydays
1.9	Outside Employment
1.10	Use of Vehicles for City Business
1.11	Performance Management
1.12	Promotional Increases
1.13	Introductory Period Increases
1.14	Bonus Pay
1.15	Medical Examinations
1.16	Departmental Work Rules
	<u>EQUAL OPPORTUNITY/RECRUITMENT & SELECTION</u>
2.1	Equal Employment Opportunity
2.2	Sexual Harassment
2.3	Prohibition of Other Unlawful Harassment
	<u>RECRUITMENT AND SELECTION</u>
3.1	Recruitment and Selection
3.2	Nepotism
3.3	Job Offers
3.4	Initial Start Date and Orientation
3.5	Employee Reference Checks
3.6	Onboarding and Introductory Period
	<u>COMPENSATION PRACTICES</u>
4.1	Wage/Salary Program Administration
4.2	Exempt/Non-Exempt Status
4.3	Overtime
4.4	Call Back Compensation
4.5	Expense Reimbursement
4.6	Travel Policy
	<u>EMPLOYEE BENEFITS AND SERVICES</u>
5.1	Vacation
5.2	Holidays
5.3	Personal Time
5.4	Medical leave



- 5.5 Workers Compensation
- 5.6 Bereavement Leave
- 5.7 Civil Leave
- 5.8 Family and Medical Leave
- 5.9 Military Leave
- 5.10 Administrative Leave
- 5.11 Insurance
- 5.12 Interim Benefits
- 5.13 Uniforms
- 5.14 Employee Assistance Program
- 5.15 Time in Service Award

STANDARDS OF CONDUCT AND EMPLOYEE DISCIPLINE

- 6.1 Employee Conduct
- 6.2 Drug and Alcohol Policy
- 6.3 Punctuality and Attendance
- 6.4 Appeal Procedure
- 6.5 Smoking and Use of Tobacco Products
- 6.6 Carrying of Weapons
- 6.7 Workplace Safety and Security
- 6.8 Information Technology Use
- 6.9 Personal Appearance

SEPARATION

- 7.1 Employee Separation
- 7.2 Retirement
- 7.3 Exit Interviews
- 7.4 Pay on Termination
- 7.5 Pay Records

MISCELLANEOUS

- 8.1 Political Activity
- 8.2 Boards and Commissions

APPENDICES

- A City of Westwood Drug and Alcohol Testing Policy
- B FMCSA Clearinghouse Policy Addendum



GENERAL PROVISIONS

1.1 APPLICATION OF PERSONNEL POLICIES

The personnel policies contained in this Handbook apply uniformly to all persons employed by the City, except as specifically stated herein.

1.2 EMPLOYMENT RELATIONSHIP

All employment by and with the City is employment-at-will, subject to termination at anytime, with or without cause. No person shall be considered to have tenured employment with the City or any expectation of continued employment. The procedures and guidelines established by these policies shall not constitute nor be considered as an employment contract. Nothing herein shall be construed as creating a protected property interest in employment with the City.

1.3 PROCEDURAL CHANGES

The City Council may implement procedural changes at their discretion, when in the best interests of the City.

1.4 GENERAL DEFINITIONS

Alcohol or alcoholic beverage: Any beverage that has any alcoholic content.

Conference days: The day the conference begins, the day the conference ends and any days in between on which conference activities occur.

Department Manager: An employee who is in the position of City Administrator, Chief of Police, Public Works Director, or the designee of such positions.

Domestic partner: An individual to whom the employee has made an affirmative commitment similar to the nature of marriage, but in which the employee and his or her “partner” have not entered into a legally binding marriage.

Drug: Any substance other than alcohol capable of altering the mood, perception, pain level, or judgment of the individual consuming it.

Employee(s): A person appointed or hired for a position to perform work for the City whether on a seasonal, full-time, part time basis or appointed basis. The term employee refers to both male and female employees.

Immediate family member: An individual defined as a parent, child, spouse, domestic partner, brother, sister, grandparent, in-law, or any blood relative residing in the employee’s home.

Illegal Drug and/or Prohibited, Controlled Substances: Any drug or controlled substance for which the sale, possession, distribution, or consumption is illegal under federal or state law



(including, but not limited to, K.S.A. 65-4101 et seq., as it may be amended from time to time)
This includes, but is not limited to, inhalants and other agents not intended for consumption.

Inhalants: Items as defined by state statute.

Medical reserve leave: Paid medical leave accumulated in excess of the cap established by this Policy. This leave may only be used for a serious health condition of the employee and is not eligible for payout upon separation from the City.

Metropolitan area: The Kansas City metropolitan area served by the Mid-America Regional Council (MARC).

Retirement: The cessation of employment after an employee qualifies for and takes an age and service-based retirement with either KPERS or KP&F after such employee's accrual of such age and years of service entitling the employee to a full pension benefit. This term shall not include early retirement or taking of disability leave under KPERS or KP&F.

Supervisor(s): An employee's Department Manager, the Department Manager's designee or direct supervisor.

Travel days: For per diem calculation purposes when traveling by air, travel time is defined as beginning one hour prior to departure and one hour after returning to KCI.

Working day: A day on which the employee is scheduled to work or on which the City Clerk's Office is open to the public.

Workplace Accident: Any accident resulting in injury to self, and/or involvement in an accident which results in injury of another individual and/or property damage.

1.5 DEFINITIONS OF EMPLOYMENT STATUS

The City will maintain standard definitions of employment status and will classify employees for purposes of personnel administration and related payroll transactions in accordance with the following definitions.

Appointed – certain positions within the City appointed by the Mayor with consent of the Governing Body as required by ordinance – some appointed positions are full-time employees and others are “officers” as defined by City Code.

Commissioned – employees who have been granted the right to carry a firearm as part of his/her job duties.

Elected – individuals who are chosen by the citizens of Westwood to serve as members of the Governing Body or who are appointed to fill a vacancy. Elected individuals are not employees of the City.

Full-time (regular status) – employees regularly scheduled on an annual basis to work thirty (30) hours in a work week. This status is achieved by the successful completion of the introductory period as acknowledged by the Department Manager.



Full-time introductory - following initial employment each employee shall complete a six-month introductory period, except for Police Officers whose introductory period is twelve months. The City may extend the introductory period for a new employee at its discretion.

Part-time – employees regularly scheduled on an annual basis to work less than thirty (30) hours per week.

Seasonal – employees hired to meet seasonal work demands in positions scheduled for a period of time less than one budget year with the anticipated date of termination known prior to commencement of employment; employees in this category cannot work for the City more than 999 hours during a calendar year.

Temporary – employees who are: (1) hired to perform intermittent tasks; or (2) performing duties that are created as a result of a project or program of limited duration.

1.6 PERSONNEL RECORDS AND PRIVACY

All requests for information, whether in person, by phone, or in writing, about current or former employees, regardless of the nature of the request, must be referred to the City Administrator for a response. The only exception to this provision is in the Police Department when a signed official waiver is presented to the department from another duly authorized law enforcement agency conducting a background check. This exception applies to any current or former employee of the Police Department. No other employee may provide information about a current or former employee unless authorized by the City Administrator, Mayor or their designee. If an employee violates this policy, he/she will be subject to discipline, up to and including termination.

Personnel Files

Access to personnel files is restricted to the City Administrator, who acts as records custodian, or authorized employees or agents of the City on a “need to know” basis. The City Administrator is the official records custodian for the City and maintains the official personnel files of all employees. Any documents relating to personnel including but not limited to: hiring, employee performance, work history, background checks, compensation, medical records (including drug and alcohol screenings), and documents pertaining to employee investigations and disciplinary actions shall be maintained by the City Administrator in a secure location. All employee medical records, including all disability-related inquiries, shall be maintained in a separate, secure file and may only be viewed or accessed by the City Administrator, City Clerk, and supervisory employees with a business need to know. Background checks and investigatory materials shall be maintained in separate files from an employee’s personnel file, and shall be maintained by the City Administrator or the City Clerk as designee; only the City Administrator or the City Clerk as designee and supervisory employees with a business need to know may access background checks and investigatory files.

Requests for Personnel Information from Governmental Agencies Conducting Investigations

The City may release personnel records to governmental agencies when such information is requested in the course of that agency’s investigatory functions (for example, law enforcement agencies conducting criminal investigations, the EEOC or KHRC conducting investigations of complaints of discrimination, or information requested as part of the discovery process in a judicial proceeding).



Internal Requests for Personnel Information

Outside of the City Administrator or the City Administrator's designee, only the Department Managers shall have access to personnel information; Department Managers shall only have access to the personnel files of those employees who report to them, exceptions may be granted by the City Administrator or their designee if it is determined that the requesting party has a legitimate need to have access to the information. The requesting person must specifically identify the information to which access is requested and must provide detailed reasons for requesting access to the information.

Employee's Inspection of Their File

Upon request to the City Administrator or designee, an employee may inspect certain documents in his/her personnel file at reasonable times during office hours. Such inspection must occur in the personnel records area in the presence of the City Administrator or designee and the file may not be subject to duplication.

1.7 RESIDENCY REQUIREMENTS

All full-time City employees are to live and remain living within a 45-mile radius from this place of work. The Mayor may grant exceptions to the residency requirements for exceptional circumstances, upon the recommendation of the Department Manager. This residency requirement will take place no later than one (1) year after their date of hire.

1.8 HOURS OF WORK AND PAYDAYS

Schedules for each department, including lunch period length and timing, are determined by the Department's Manager. Employees are compensated on a bi-weekly basis. For purposes of this policy, "work period" is defined as seven (7) consecutive days starting at Monday 7:00 AM to the following Monday at 7:00 AM.

1.9 OUTSIDE EMPLOYMENT

Full-time employees must notify their Department Manager of any outside employment. The employees' City job responsibilities will take precedence over conflicts with any outside employment responsibilities and the employee's job performance should not be negatively impacted by the outside employment, as determined by the Department Manager.

1.10 USE OF VEHICLES FOR CITY BUSINESS

Any employee who will operate City-owned vehicles or privately-owned vehicles for City business will comply with the following provisions. Failure to comply with these provisions may result in a suspension or delay of driving privileges as described in this policy and/or other disciplinary action.

City-Owned Vehicle

Any employee operating a City-owned vehicle to conduct official City business must:

- Be authorized by his/her Department Manager to operate such vehicle;
- Maintain a valid vehicle operator's license;
- Operate the vehicle only as authorized for City business;
- Comply with all applicable traffic laws, rules, and regulations;
- Shall maintain a class B CDL and be enrolled in the City's random drug testing pool in order to



- operate vehicles rated at 26,000 pounds or more;
- Exercise due care and diligence in operating the vehicle;
- Not knowingly permit any unauthorized person to operate the City-owned vehicle;
- Not operate the vehicle when under the influence of alcohol, any controlled substance, or any prescribed or other medication not recommended for use while driving;
- Not smoke or utilize any product made or derived from tobacco, or which otherwise contains nicotine, including but not limited to cigarettes, cigars, pipe tobacco, vaporized smoking products (E-Cigarettes) in any City motor vehicle.
- Promptly notify their supervisor of any maintenance or other problem with the vehicle;
- Promptly notify their supervisor when the vehicle is involved in an accident; and
- Immediately notify their supervisor should his or her vehicle operator's license become expired, suspended, revoked, or cancelled.
- Immediately notify their supervisor should the employee be charged with DUI, DWI, Reckless Driving, or any other serious violation.
- Refrain from the use of cellular or mobile devices.
- Refrain from any activity which may distract the driver.

Personal Vehicle

Any employee operating a privately-owned vehicle for City business must:

- Be authorized by the City Administrator or the employee's Department Manager to operate such vehicle for City business;
- Maintain a valid vehicle operator's license;
- Comply with all laws, rules, and regulations;
- Exercise due care and diligence in operating the vehicle;
- Carry liability insurance for the vehicle as required by law;
- Not operate the vehicle while conducting City business when under the influence of alcohol, any controlled substance, or any prescribed or other medication not recommended for use while driving;
- Promptly notify their supervisor when the vehicle is involved in an accident while being used for official City business; and
- Immediately notify their supervisor should the employee's vehicle operator's license become expired, suspended, revoked, or cancelled, or if the employee is notified of the pending suspension or revocation of their license upon notice and hearing.
- Immediately notify his or her supervisor should the employee be charged with DUI, DWI, Reckless Driving or any other serious traffic violation.

Conviction of any of the following driving violations shall result in a suspension or revocation of driving privileges:

- One (1) conviction (or diversion or suspended imposition of sentence) for driving while under the influence of alcohol or controlled substances or substantially similar violation, regardless of the jurisdiction.; or
- Conviction of three (3) or more moving violations within the past two (2) years.
- Status of a valid driver's license will be verified annually by the City, however employees are expected to inform their Department Manager if any of the above violations occur.



Driving privileges may be reinstated if the employee successfully completes a driver training program approved by the Department Manager and upon full reinstatement of the employee's driver's license or operator's license by the employee's state of residence.

Penalty Provisions

Failure to obtain or maintain the Department Manager's authorization or the employee's ability to operate a vehicle for City business may result in disciplinary action, up to and including termination.

An employee whose authorization to operate a City-owned vehicle or privately owned vehicle for City business has been suspended or revoked by the City may appeal such suspension or revocation pursuant to the City's Appeal Procedure in Section 5.8 of this Handbook.

1.11 PERFORMANCE MANAGEMENT

The employee performance management process is intended to accomplish the following objectives:

- to provide employees with full and accurate information concerning their performance;
- to identify performance elements in which employees do well and those elements which require improvement;
- to set performance goals; and
- to establish plans to correct performance shortcomings.

All full-time and part-time employees will receive an official performance review from their Department Manager on an annual basis, typically by November 1st. Such performance reviews are subject to review by the Mayor. The Mayor shall complete performance reviews for Department Managers. For newly-hired employees, reviews may occur more frequently. If possible, reviews will be held at a prearranged time in a private location free from interruptions. Approvals of performance reviews are required by the employee's immediate supervisor, and Department Manager. Department Managers should review job descriptions on a regular basis to ensure they reflect the current needs of the organization. When updates to job descriptions are made, those changes should be made in conversation with the employee in that job and then provided to the City Administrator for retention.

1.12 PROMOTIONAL INCREASES

Promotions are defined as the indefinite movement of an employee to a position with a definite increase in responsibility and authority, a clear-cut change in duties, and a change to a higher salary level. Promotions may occur at any time during the year, without regard to the employee's normal salary review date. Upon the effective date of the promotion, a regular full-time employee is eligible for a promotion pay increase of not less than 5%. In determining the amount of the promotional increase:

- Identify the level at which employee is currently being paid.
- Assume satisfactory performance.
- Promotional increases should not normally take an employee beyond the salary range midpoint.
- If that amount would leave the employee below minimum, recommend an amount that, if possible, would bring the employee to the minimum.

1.13 INTRODUCTORY PERIOD INCREASES

New full-time employees who successfully complete their "introductory" period will be considered regular employees and shall be eligible for a pay increase, based on performance.



1.14 BONUS PAY

Bonus Pay is defined as a monetary reward given to employees whose performance justifies recognition. The employee may receive a lump-sum salary adjustment for a one-time special contribution to the organization or as a reward for continued high performance when the employee is at the range maximum and ineligible for further salary increases.

1.15 MEDICAL EXAMINATIONS

The City Administrator, on their own or on recommendation by an employee's Department Manager, at the City's cost, may require an employee to undergo a medical, psychiatric or psychological examination by professionals designated by the City if the requirement for the examination is job-related and consistent with business necessity and if the City has a reasonable belief that: (1) the employee's ability to perform the essential functions of the job may be impaired by a medical condition; or (2) an employee may pose a direct threat (i.e., significant risk of substantial harm to the health and safety of self or others) due to a medical condition.. An employee may also be required to report to a physician designated by the City , at the City's cost, for confirmation of a diagnosis made by other physicians in accordance with Federal law. In the event of a work-related injury that is covered by the Workers' Compensation Act, employees may be required to report to a medical evaluation pursuant to the provisions of the Workers' Compensation Act.

The City may require conditional post-offer medical examinations consistent with job requirements and business necessity.

1.16 DEPARTMENTAL WORK RULES

Each Department may issue its own separate administrative policies and work rules, so long as they do not conflict with applicable law, City Code, or this Employee Handbook. For questions about such work rules, employees should contact their Department Manager.



EQUAL EMPLOYMENT OPPORTUNITY/DISCRIMINATION/HARASSMENT

2.1 EQUAL EMPLOYMENT OPPORTUNITY

As an equal opportunity employer, the City is committed to an employment environment free from all forms of unlawful discrimination and harassment. It is the policy of the City to make employment decisions on the basis of merit and to prohibit discrimination on the basis of race, color, religion, sex or gender, age, national origin or ancestry, veteran status, disability, sexual orientation, gender identity, genetic information, or any other class or characteristic prohibited by applicable law.

The City is committed to complying with all applicable laws in providing equal employment opportunities. This commitment applies to all persons involved in the operations of the City and prohibits unlawful discrimination by all employees.

If an employee believes that they have been subjected to any form of unlawful discrimination or harassment, they must contact their Department Manager or the City Administrator. Department Managers must immediately report all incidents of suspected or reported harassment to the City Administrator. If the suspected or reported harassment involves the City Administrator, Department Managers must immediately report such incidents to the Mayor. Each Department Manager is responsible for promoting and maintaining a work environment free of prohibited discrimination and harassment. Any Department Manager who is aware of a violation of this policy by employees or other persons and who fails to initiate immediate and suitable corrective action will be subject to disciplinary action up to and including discharge from employment. Any reported incident will be investigated. Complaints and actions taken to resolve unlawful harassment will be handled as confidentially as possible, given the employer's obligation to investigate and act upon reports of such harassment. Violation of this policy may result in discipline up to and including discharge from employment. Employees may bring good faith complaints, ask questions, and raise concerns under this policy without fear of reprisal or retaliation.

The City will immediately undertake a thorough and objective investigation. If the City determines that unlawful discrimination or harassment has occurred, the City will take effective remedial action commensurate with the severity of the offense and appropriate actions to deter any future discrimination or harassment. The City will not retaliate against employees for filing a complaint or who participate in the investigation of a complaint and will not permit retaliation by management or any co-workers.

The City will provide reasonable accommodation to qualified employees or applicants for employment with a disability. The City will also engage qualified employees or applicants in an interactive process to identify reasonable and sufficient accommodations of a known or reported disability.

Questions regarding this policy should be directed to the City Administrator.

2.2 SEXUAL HARASSMENT

Sexual harassment in the work environment, by management, employees, or other persons including vendors, salespersons, clients and visitors of the Organization is a prohibited form of discrimination and will not be tolerated.



The law defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and all other verbal or physical conduct of a sexual nature, either by a person of the same sex or of the opposite sex, when:

- a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions including, but not limited to, hiring, promotion, transfer, compensation, termination, layoff, training, demotion, education, and social programs; or
- c) The conduct has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment. Examples of behaviors that can lead to sexual harassment include, but are not limited to:
 - Touching that is not necessary or welcome;
 - Physical assault or sexual abuse;
 - Sexual flirtation or advances that are not welcome;
 - Demands, requests, or direct or indirect pressure for sex, sexual activity or dates;
 - Jokes, remarks, language, statements, printed materials, emails, cartoons or posters that are offensive, sexual and are unwelcome;
 - Physically interfering with someone doing their job or blocking their movement;
 - Explicit or degrading remarks about someone's appearance or their body;
 - Making sexual gestures or suggestive facial expressions.

This policy protects all individuals working at the Organization. It covers employees of any gender and prohibits sexual harassment between persons of the same sex/gender as well as between persons of the different sexes/genders.

If an employee feels they are being subjected to sexual harassment by Managers, Supervisors, employees or other persons they deal with at work, employees should follow the same reporting procedure outlined above in Section 2.1.

The Organization may take such disciplinary action it deems necessary and appropriate, which may include warnings, paid or unpaid suspensions, transfers, and discharge from employment to address sexual harassment or other inappropriate conduct and prevent its recurrence.

2.3 PROHIBITION OF OTHER UNLAWFUL HARASSMENT

The City also prohibits unlawful harassment in the work environment on the basis of any characteristic protected by local, state and federal anti-discrimination laws. Unlawful harassment (except for sexual harassment which is defined above) is defined as verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of any characteristics protected by law, including but not limited to race, color, religion, gender, national origin, age, veteran's status, genetic information, sexual orientation, gender identity, or disability, or that of his or her relatives, friends, or associates, that:



- i) Has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- ii) Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- iii) Otherwise adversely affects an individual's employment opportunities.

Unlawful harassment can occur in many different forms. It can be physical, verbal, visual or in writing. While it is not easy to define, some examples of the types of behavior that can be considered unlawful harassment may include, but are not limited to, the following statements, behaviors, or documents:

- Epithets, slurs, or negative stereotyping that relate to race, color, religion, gender, national origin, ancestry, marital/familial status, age, veteran's status, sexual orientation, gender identity, or disability;
- Threatening, intimidating, or hostile acts that relate to race, color, religion, gender, national origin, age, veteran's status, sexual orientation, gender identity, or disability;
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age, veteran's status, sexual orientation, gender identity, or disability, including emails, material that is placed on walls, bulletin boards, or elsewhere on the employer's premises, or circulated in the workplace.

If an employee feels they are being subjected to any type of unlawful harassment by Managers, Supervisors, employees or other persons they deal with at work, employees should follow the same reporting procedure outlined above in Section 2.1.



RECRUITMENT AND SELECTION

3.1 RECRUITMENT AND SELECTION

This policy applies to the recruitment and selection of employees for all full-time, regular positions.

It is the policy of the City to maintain a recruitment and selection program designed to identify the most qualified individual for the position, without regard to membership in a protected class, giving consideration to individuals already employed by the City. The City supports the practice of promoting from within when appropriate. It also believes that employees have the primary responsibility for their own career development. To support these philosophies, all position vacancies are generally posted internally and externally.

Upon receipt of an offer of employment for a different position, employees may be required to complete appropriate medical evaluations and drug testing to determine if they are able to perform the essential functions of the new positions with or without reasonable accommodation. Individuals who can perform the essential functions of the new position with or without reasonable accommodations will be transferred to the new position.

The City will comply with any applicable veteran's or disabled veteran's preference as required by law.

3.2 NEPOTISM

To promote consistency and equity in the treatment of all employees, to prevent breaches in confidentiality and to prevent the perception of favoritism, employees' immediate family members cannot work for the same department within the City for any non-seasonal position. Immediate family members of any employee may be employed in seasonal positions.

No immediate family member may supervise another immediate family member or attain a position in which such supervision will be required. If this were to happen, the affected employees must choose which one of them will resign from employment with the City. If one of the employees does not submit a resignation within five (5) working days after the immediate family member becomes a supervisor, the employee with the least amount of service with the City will be required to resign.

If an employee has the ability to affect the terms and conditions of employment of another employee's employment with the City, and marries such employee or there is a domestic partner designation between such employees, the City may require the employees to transfer to another position, consider alternate employment, or change managerial structure for the employees, if possible.

If such alternate employment arrangements are not possible, the affected employees must choose which one of them will resign from employment with the City. If one of the employees does not submit a resignation within five (5) working days after the marriage or domestic partner designation, the employee with the least amount of service with the City will be required to resign.



3.3 JOB OFFERS

Department Heads are responsible for recruitment and selection of employees within their departments. Once a candidate is identified for employment, the Department Manager should notify the City Administrator who will produce a conditional offer on behalf of the City. The Department Manager should be responsible for coordinating any post-offer conditions.

3.4 INITIAL START DATE AND ORIENTATION

On or before an employee's start date, the employee will complete required paperwork and an initial orientation with the City Clerk's Office. The new employee's supervisor is responsible for providing a department and organizational orientation for the new employee.

The employee's supervisor will complete a new-hire checklist with new employees and review department policies and procedures.

3.5 EMPLOYEE REFERENCE CHECKS AND VERIFICATION OF EMPLOYMENT

Under no circumstances should any employee, other than Department Managers, the City Administrator, or the City Clerk as designee, release any information about any current or former employee. All inquiries regarding any current or former employee must be referred to the Department Manager or City Administrator's Office provided it will be limited to verification of employment dates, final title or position, and job location, with additional information provided at the discretion of Department Managers or City Administrator.

3.6 ONBOARDING AND INTRODUCTORY PERIOD

No person will be employed by the City until the necessary paperwork has been completed, the handbook has been reviewed in its entirety, and until the signed handbook receipt page has been submitted to the City Clerk's Office.

Total annual or monthly compensation figures provided to an employee are informational only and do not create an obligation of the City to the employee.

Each employee who begins employment with, or changes positions or job classifications within, the City will begin an introductory period. This introductory period is an initial opportunity for evaluating the new employee in the position and will be for a length of six (6) months (one (1) year for sworn police officers), but may be extended by the City at its discretion.

During the introductory period and thereafter, an employee must demonstrate good quality work, a willingness to learn, the ability to perform the essential functions of the position with or without reasonable accommodation, and a cooperative attitude.

Upon satisfactory completion of the introductory period, the employee is expected to continue demonstrating good quality work, a willingness to learn, cooperative attitude, and the ability to perform the essential functions of the position with or without a reasonable accommodation. All employees of the City are expected to maintain the highest standards of performance.



COMPENSATION PRACTICES

4.1 WAGE/SALARY PROGRAM ADMINISTRATION

It is the policy of the City to pay wages and salaries which are competitive and give recognition to individual effort and contribution to the community. Each position in the City has been placed in a classification which establishes the value of the position in relation to other positions in the City. Each position in the City has been assigned a wage/salary range as noted in ordinance. Within this framework, an employee's wage/salary is related to demonstrated performance.

Merit wage/salary increases, if granted, are based on job performance and competence. An employee who has reached the upper limit of his/her pay range will not receive a salary/rate increase, but may receive a merit award, depending upon job performance for the year.

Market and cost of living increases will be approved during the annual budget adoption process by the Governing Body upon recommendation of the City Administrator . The Governing Body may authorize additional across the board increases upon consultation with the City Administrator and based on budget availability. The salary schedule should be reviewed annually by the City Administrator to determine the extent to which market adjustments are needed to ensure that pay grades correspond to general market conditions. The adjustment should be based on factors including an increase in the cost of living (based on the Consumer Price Index), the rate by which comparable organizations are adjusting their salary schedules (which benchmarking cities should be established through consistent practice), and the City's ability to pay.

Below Range – Should an employee fall below the minimum of the range assigned for their position level, increases may be recommended by the Department Manager each six (6) months, including requesting additional dollars during the normal performance review increase. This should continue until such time as the employee is within range.

Exceed Range - For employees paid at or above the maximum of the range assigned for their position level, a lump-sum salary adjustment may be provided based upon performance. The amount provided would normally be equivalent to the percentages received by employees within the range.

Once the Governing Body has adopted the budget, the City Administrator shall retain discretion in distributing the funding allocated to personnel lines.

4.2 EXEMPT/NON-EXEMPT STATUS

All positions in the City will be classified as either exempt or non-exempt in accordance with applicable laws, including, but not limited to the Fair Labor Standards Act (FLSA). Exempt or non-exempt status will be detailed in the job description for each position.



4.3 OVERTIME

Employees classified as exempt, due to the nature of the work they perform, are not eligible for overtime compensation. Non-exempt employees are eligible for overtime compensation as outlined below. For purposes of this policy, "work period" is defined as seven (7) consecutive days starting at Monday 7:00 AM to the following Monday at 7:00 AM. The City's overtime pay policy for non-exempt employees includes the following principal elements:

- Non-Exempt Commissioned and Non-Commissioned Full-Time Employees
 - overtime is paid for any hours worked in excess of forty (40) during a work.
 - overtime is paid at one-and-a-half (1 ½) times an employee's regular rate.
 - overtime is paid out at the conclusion of the pay period.

Vacation, official City holidays, Medical leave, Bereavement leave, and Personal leave are considered "hours worked" for overtime calculation purposes. Disability leave, Civil leave, and Administrative leave are not considered "hours worked" for overtime calculation purposes. Overtime worked by non-exempt employees must be authorized in advance by the employee's supervisor unless special exception is granted by the Department Manager. Department Managers should make every effort to minimize overtime worked.

4.4 CALL BACK COMPENSATION

If a non-exempt employee is called back to work outside of regularly scheduled hours and without advance notice, he or she will be compensated for a minimum of two (2) hours of work or for the actual time worked if greater than two (2) hours. Time worked will begin when contact is made with the employee.

4.5 EXPENSE REIMBURSEMENT

Employees who incur out-of-pocket expenses while performing City business will be reimbursed if the following criteria are met:

- Eligible expenses must be a necessary function of City business.
- All eligible expenses must be supported with a valid receipt and explanation of the nature of the expense. Personal auto mileage must be reported with date, purpose and actual miles driven.
- An accounting of eligible expenses must be submitted and approved by the individual's supervisor before a reimbursement check will be issued.

Eligible Expenses Incurred within the Metropolitan Area

Reimbursable local expenses are mileage, parking and registration fees. Such expenses must be reported with receipts or valid explanation. Meals included in registration or program fees will be paid for by the City. Meals not included in registration or program fees are not eligible expenses unless City business or training time (1) exceeds five total hours, excluding travel time, and (2) occurs outside Westwood boundaries.



Eligible Expenses Incurred Outside the Metropolitan Area Without an Overnight Stay

All trips for City business out of the metropolitan area, but not requiring an overnight stay must be approved, in advance, by a supervisor if reimbursement is desired. The City will pay reasonable expenses for meals, transportation, parking, tolls and registration fees only if reported with a receipt or valid explanation.

Eligible Expenses Incurred Outside the Metropolitan Area Which Require an Overnight Stay

Expenses incurred by employees on City business outside of the metropolitan area that require an overnight stay are covered by the City's Travel Policy.

4.6 TRAVEL POLICY

The City expects that individuals traveling on official City business expend funds in a prudent and reasonable manner. Whenever possible, advance arrangements should be made for airline tickets, registrations and lodging so that the City can be billed for/pay the expenses directly. This policy and the procedures outlined herein apply to all City employees of the City of Westwood when travel requiring an overnight stay is necessary as part of official City business.

The appropriate Department Manager has the authority to approve requests for funds, reimbursements and overnight travel for their employees.

The City will pay for or reimburse employees for the following costs, in accordance with the procedures more fully set forth in this policy:

Meals and Incidentals (Per Diem)

The City will pay all non-exempt employees a per diem amount for meals and incidentals incurred on travel days and conference days when the conference sponsor does not provide full meals (i.e., sit down breakfast, lunch or dinner) as part of the conference cost. The total daily per diem amount is based on the M&IE (Meals and Incidental Expenses) breakdown provided by the General Services Administration (GSA). Cities not specifically listed on the GSA website will be considered a "standard destination" and receive the prevailing Federal per diem rate for such destinations. Any exceptions to this rule require prior approval by the Department Manager.

Lodging Expenses

The City will pay the cost or equivalent cost or less of a standard room at the suggested conference hotel(s). Expenses for in-room entertainment fees and other personal expenses are not eligible for reimbursement and will be paid by the employee. When traveling on official business not related to a conference, lodging choices should be based upon economy and accessibility to destination or purpose of travel. Expenses incurred by any guests of an employee are the full responsibility of the employee.

Conference Registration

When practical, arrangements should be made far enough in advance to take advantage of any special pricing opportunities and so that the City can pay the fees for conference registrations directly to the sponsoring organization. The City will pay for the cost of basic conference registration and fees for additional pre-sessions and post sessions that are clearly a function of the conference and do not qualify as entertainment.



Travel Costs

No specific mode of transportation is mandatory; however, employees are expected to use the most economical means available with reasonable consideration given to the time and distance involved. The City will not reimburse for any mileage that exceeds the actual round trip mileage. It is the employee's responsibility to obtain competitive pricing to ensure comparative rates.

- Air Travel
 - The City will pay the costs of coach airfare for travel on City business. Based on the totality of the circumstances such travel must be the most cost-efficient, direct flight to and from the conference location based upon the conference and travel days scheduled for the travel.
- Driving
 - Employees may choose to drive to and from a conference outside the metropolitan area. However, in no event will the City reimburse amounts incurred due to driving (mileage, hotel and meals) which exceed the costs that would have been incurred for air travel and associated costs, including covering costs associated with additional travel time due to electing driving over air travel. Further, in such instances, employees will be responsible for any tickets or citations issued to her/him during the trip.
 - City Vehicle Use. Employees are encouraged to use a City vehicle in lieu of a personal vehicle whenever a City vehicle is available. When a City vehicle is used, the employee will be reimbursed for any expenses for gas that are not charged directly to the City.
 - Personal Vehicle Use. If an employee is allowed to use their personal vehicle, a mileage allowance at the prevailing IRS rate may be authorized for mileage amounts calculated based upon standard mileage charts or other sources. No other allowance for additional passengers, repairs or vehicle maintenance will be allowed. The costs of tolls will be reimbursed by the City if receipts are provided.
 - Employees using their own vehicles must accept personal liability for any damage or injury occurring as a result of that use.

Miscellaneous Items and Restrictions

The City will pay directly to the employee the projected costs for transportation to and from KCI airport using City Hall as the starting and ending point. Other associated costs, such as parking, will be reimbursed with actual receipts. Employees are also entitled to be reimbursed for transportation expenses incurred upon arrival and departure of the destination City on a travel day or conference day for necessary travel. Reimbursement can also be requested for taxi fares to and from a restaurant for meals. A receipt must be submitted for such reimbursement.

Employees who travel will not be reimbursed for personal phone calls.

If City employees travel early or stay later for personal reasons not related to City business, either prior to or after approved conference, all lodging and excess travel costs beyond that necessary to attend the City business must be paid by the employee. No per diem rates will be granted for days other than conference days, travel days, and days approved for conducting official City business.

Employees who wish to personally pay for the cost of items covered by this policy that are incurred as a result of overnight travel may do so. Reimbursement will only occur after completion, submittal and approval of a travel authorization form.



Consideration must be given to the most economical location for conferences or seminars that are offered in various cities.

Charges for baggage not included in the initial airfare are reimbursable if baggage is used for official business.

Purchases of services such as internet/Wi-Fi and office supplies are reimbursable when required for official business while in travel status.

The costs of alcoholic beverages will not be reimbursed by the City.

Unforeseen Delays

If travel is extended due to unforeseen circumstances such as flight delays, the City will pay for any additional costs incurred. The employee may charge these additional costs to their purchasing card as long as the costs are allowable costs per the City's purchasing card policy. If a purchasing card charge is determined to not qualify as allowable cost, the employee will be expected to reimburse the City.

Cancellation

In the event an employee is unable to complete travel after arrangements have been made they should try to find another City employee to attend. If no alternate attendee can be found, the employee should make every effort to cancel and have refunded any funds committed to their accommodations (hotel, conference registrations, and airfare less cancellation fees) as soon as possible. If cancellation is not possible, the employee may be responsible for reimbursing the City for any forfeited fees; ownership of the ticket or reservation, if available, will be transferred to the individual.

Procedures for Approval and Payment

A Department Manager will approve travel authorization for employees in their department. The Department Manager or their designee will be responsible for ensuring that the travel is reasonably necessary to meet the various needs of the organization.

- Employees seeking post-travel reimbursement for authorized travel expenses must submit receipts of the expense and a memo detailing the reason for the expense and the amount sought for reimbursement. The Department Manager or designee will determine the validity of the expense and then submit a purchase order for reimbursement.

In the case of the City Administrator, the Mayor will be responsible for approving travel expenses.



EMPLOYEE BENEFITS, SERVICES AND TYPES OF LEAVE

5.1 VACATION

Full-time employees earn and accrue vacation leave in any pay period in which the employee is compensated for at least thirty (30) hours of regular time. Part-time employees are not eligible to earn vacation leave. A full-time employee's vacation leave accrual is based on the employee's length of continuous employment, as follows:

Vacation leave shall be earned and accrued from the most recent date of hire for continuous employment under the conditions herein stated. Each vacation category represents from the beginning of the employment year until the anniversary date. (Example 0-5 years is from the first date of employment until the sixth year anniversary date). Vacation is calculated on the first two (2) pay periods of the calendar month. Employee vacation leave balances may not exceed 260 hours, regardless of length of service. Once an employee accrues 260 hours of vacation leave, no more vacation leave shall be accrued until the employee has less than 260 hours of vacation leave. Employees with vacation leave in excess of 260 hours upon the adoption date of this Handbook shall draw down their vacation banks to the following amounts on the identified dates:

January 1, 2022:	460 hours
January 1, 2023:	360 hours
January 1, 2024:	260 hours

Upon initial eligibility. During the first five (5) years of continuous service, full-time employees earn vacation leave at the rate of 12.00 hours per calendar month.

Upon the sixth (6th) year of service. After the completion of five (5) years of continuous service, full-time employees earn vacation leave at the rate of 16.00 hours per calendar month.

Upon completion of fifteen (15) years of service. After fourteen (14) years of continuous service, full-time employees earn vacation leave at the rate of 20.00 hours per calendar month.

An employee may utilize any accumulated vacation leave benefit immediately after his or her date of hire. Vacation leave may be taken in a minimum of one (1) hour increments for non-exempt employees. Exempt employees are not subject to salary reductions. Exempt employees may use vacation leave in one (1) hour increments.

Vacation leave must be requested as far in advance as possible, but not to exceed 90 days, and can only be taken if approved by the Department Manager. Vacation leave requests may be denied due to inadequate notice or staffing requirements. If more than one employee in a department has requested vacation leave to be taken at the same time, and the requests cannot all be granted, the Department Manager will determine which employees will be allowed the time off based upon fair and impartial factors, including in order of consideration: staffing needs, date requested, and seniority.

If an employee has scheduled or is on vacation leave when an illness occurs, the employee may request that the leave be charged as medical leave rather than vacation leave. The Department Manager in his or



her sole discretion has the authority to change the leave classification for the period of the illness and/or recovery. Documentation from a health care provider may be required when an employee wishes to re-classify scheduled vacation leave to medical leave. That documentation should include:

- name of the employee; and
- name of the employee or immediate family member attended to; and
- date(s) the employee or immediate family member was hospitalized or under the health care provider's care; and
- signature of the health care provider.

Unused vacation leave will be paid to employees upon separation up to the accrual cap of 260 hours. Vacation leave may not be used after providing resignation notice, unless requested by the employee and approved by the Department Manager. If a City paid holiday falls during an employee's vacation, the employee will not be charged that day as vacation leave.

Vacation shall not be granted in excess of the number of hours accrued. Temporary and seasonal employees shall not earn vacation leave.

5.2 HOLIDAYS

Full-time and part-time employees are eligible for holiday pay for any holiday approved by the Governing Body. The following days are recognized as official City holidays:

- a. New Year's Day
- b. Martin Luther King, Jr., Day
- c. Memorial Day
- d. Juneteenth
- e. Independence Day
- f. Labor Day
- g. Thanksgiving Day
- h. Day after Thanksgiving
- i. Christmas Eve
- j. Christmas Day Holiday

When an official City holiday occurs on a Saturday it will be observed on the Friday preceding the actual holiday; if an official City holiday occurs on a Sunday (except for Christmas Eve), it will be observed on the Monday following the actual holiday.

If a non-exempt employee is required to work on an official City holiday, he/she will receive up to an additional eight (8) hours of holiday pay at his/her normal rate of pay for hours worked. If a non-exempt employee is scheduled to be off on an official City holiday, they will receive an additional eight (8) hours of holiday pay at his/her normal rate of pay. An exempt employee required to work on a designated holiday will be given another day off.

An employee who is terminated or who commences an unpaid leave of absence on the last scheduled workday preceding a holiday will not receive holiday pay. Holiday pay will not be paid for any employee who does not work on their regularly scheduled workday before or after a designated holiday due to an unexcused absence. An employee who wishes to observe a religious holiday not identified above may take



leave chargeable to floating holiday, accrued vacation, or personal leave with the approval of the Department Manager.

5.3 PERSONAL TIME

In addition to the designated holidays, each full time employee shall receive twenty-four (24) “personal time” paid hours to be taken each year. Employees hired in:

- the first quarter of the year will receive twenty-four (24) “personal time” hours;
- the second quarter of the year will receive eighteen (18) “personal time” hours;
- the third quarter of the year will receive twelve (12) “personal time” hours;
- the fourth quarter of the year will not receive any “personal time” until the start of the new year.

Personal time not utilized by December 31st will not roll over to the next calendar year, nor will it be paid out in any monetary amount to employees.

5.4 MEDICAL LEAVE

The City has a direct interest in the welfare and productivity of its employees. The intent of this policy is to provide eligible employees with a limited amount of medical leave for:

- the employee’s own illness, doctor’s visits or physical incapacity;
- an immediate family member’s illness, doctor’s visits or physical incapacity;
- to care for a newborn child, recently adopted child, or recently placed foster child; or
- enforced quarantine of the employee, in accordance with community health regulations;

Employees may take medical leave in one (1) hour increments.

An employee may utilize any accumulated medical leave benefit immediately after his or her date of hire. Full-time employees earn and accrue medical leave at the rate of 8.00 hours per month or 96 hours per year. Medical leave is calculated on the first two (2) pay periods of the calendar month. Employees may accrue up to 480 hours of medical leave.

After the accrual of 480 hours, all additional medical leave will be considered “medical reserve leave”. If an employee exhausts his or her paid medical leave, he or she may use accumulated medical reserve leave for a serious health condition of the employee, if any such leave exists and with the approval of their Department Manager. Discretion may be applied by the Department Manager depending on departmental capacity and ability of the department to ensure continuity of operations. Use of accumulated medical reserve leave is not automatically available to employees as it may conflict with elements of this policy. If no medical reserve leave exists, an employee must then use his or her available vacation leave.

Medical leave may not be used before it is earned or accrued. The amount of medical leave earned and accrued by an employee is not intended to establish a guideline for acceptable attendance. To be eligible for paid medical leave an employee must notify his or her immediate supervisor no later than



one (1) hour before their scheduled shift and police officers must notify their supervisor four (4) hours before their scheduled shift.

For an eligible employee to receive medical leave, the employee must notify the Department Manager as soon as practical of the illness and of the approximate length of absence required. Whenever possible, the employee should notify the Department Manager at least one (1) hour before the time set for beginning daily duties.

Upon retirement, employees will be compensated for fifty percent (50%) percent of their remaining balance, up to 480 hours of medical leave at the rate of pay in effect at the time of retirement. Medical reserve leave has no cash value at separation or retirement. Should an employee with more than five (5) years of service with the City cease employment with the City on a voluntary basis (other than retirement, which is provided in Section 7.2 of this Policy), he/she will receive fifteen percent (15%) of his/her remaining medical leave balance. Should an employee separate with less than five (5) years of service or be terminated involuntarily, he/she will not receive any compensation for his/her remaining medical leave balance.

False reporting of medical leave is not acceptable. False reporting or abuse of medical leave may subject the employee to disciplinary action, up to and including termination. Department Managers may require documentation from a health care provider at their discretion.

Documentation from a health care provider may be required when the use of medical leave extends beyond three (3) consecutive working days. That documentation should include:

- name of the employee and/or immediate family member being attended to;
- dates the employee or immediate family member was under the health care provider's care; and
- signature of the health care provider.

5.5 WORKERS COMPENSATION

It is imperative that any on the job injury or illness be reported to the employee's supervisor or Department Manager immediately, regardless of how minor the injury may seem. Prompt reporting ensures immediate treatment and to provide for proper administration of benefits and reports. The employee is protected by Worker's Compensation insurance while employed by the City, at no cost to the employee. Failure to timely notify the City of a workplace injury or illness may subject the employee to loss of benefits pursuant to the Workers' Compensation Act.

Any employee injured on the job shall be eligible to receive leave with pay during the seven (7) day waiting period for worker's compensation claims.

Employees unable to work because of illness or injury that arises out of and in their regular course of employment with the City may use vacation or medical leave to supplement Workers' Compensation benefits, but in no case will the total Workers' Compensation benefits and leave payments exceed an employee's normal salary. Absences due to work-related injuries or illnesses may be counted as FMLA leave.



5.6 BEREAVEMENT LEAVE

In order to provide full-time employees with paid time off from work in the event of the death of an immediate family member, an employee will be allowed the following time off:

- up to three (3) working days of bereavement leave in the event of the death of an immediate family member; and
- up to one (1) working day of bereavement leave to allow employees to attend the funeral of a fellow employee (subject to Department Manager approval).

Department Managers may grant extended bereavement leave through use of any available paid leave the employee has accrued.

Employees using bereavement leave must notify their immediate supervisor no later than one (1) hour before their scheduled shift and police officers must notify their supervisor four (4) hours before their scheduled shift, whenever practical.

For purposes of this policy, immediate family is defined as:

- Current spouse or domestic partner;
- Children or children of a current spouse or domestic partner;
- Parents or parents of a current spouse or domestic partner;
- Brother or sister;
- Half-brother or half-sister;
- Grandparents or grandparents of a current spouse or domestic partner;
- Grandchildren or grandchildren of a current spouse or domestic partner

The City recognizes that there are others who are important in employees' lives. As such, upon hire (or upon adoption of this policy for current employees), employees may provide the name and relation of up to three (3) additional individuals outside of the list enumerated by this policy. Such names shall be kept in the employee's personnel file and employee shall be granted bereavement leave in the event of the death of such named individual during the stint of employee's employment with the City.

Pay for Bereavement leave will not be made to employees attending a funeral or taking time off during periods when, for other reasons, they are not or would not have been at work such as Vacation leave, time without pay, holidays, leave of absence, weekends, and regularly scheduled days away from work.

5.7 CIVIL LEAVE

Civil leave allows employees to receive time away from work for jury duty or appearances in court, arbitration or an administrative proceeding. While on civil leave, any benefits for which the employee is eligible will accrue as though on regular duty. Civil leave will not be considered "hours worked" for overtime calculation purposes. An employee is not eligible for civil leave if he or she is a party to a court proceeding, arbitration or administrative proceedings unrelated to his or her work for the City.

An employee must provide notification of jury duty within five (5) working days of his/her receipt of notice to serve. An employee who serves on jury duty during his or her normal work hours will be paid their normal rate of pay for their regularly scheduled hours. If an employee is instructed to report to jury duty more than one (1) hour after the start of his/her normal work day, or is excused from jury duty more than one (1) hour before the end of his or her normal work day, he or she must notify his or her Department



Manager. The Department Manager will direct the employee whether to report to work for the time the employee is not serving jury duty.

An employee who serves on jury duty on a scheduled day(s) off or during non-work hours is not entitled to receive their regular compensation. Time spent on jury duty during non-work hours or days off does not count toward a non-exempt employee's "hours worked" for overtime purposes.

Employees are also expected to keep their Department Manager informed of the expected length of their jury duty service and to report to work immediately following being excused by the court. In the event that the employee is released from jury duty early in the day permitting a half day of work or more, the employee is expected to return to work.

An employee who is subpoenaed to serve as a witness in a criminal or civil proceeding outside his/her normal work duties during his or her normal work hours will be paid his or her normal rate of pay for such service. An employee who is subpoenaed to serve as a witness outside his/her normal work duties on a scheduled day off or during non-work hours is not entitled to receive his/her regular compensation nor is such time counted toward a non-exempt employee's "hours worked" for overtime purposes.

If an employee is required to provide testimony as a direct result of his or her employment with the City, he/she will be compensated at the normal rate of pay and such time will be counted toward a non-exempt employee's overtime threshold.

If an employee is involved in court in a personal case either as plaintiff, defendant, or witness in a case not resulting from duties with the City, leave without pay may be granted by the Department Manager unless the employee elects to utilize any available vacation leave or personal days.

5.8 FAMILY AND MEDICAL LEAVE

A family or medical leave of absence is defined as an approved, unpaid, job-protected leave available to eligible employees under certain circumstances for consecutive or intermittent periods of up to twelve (12) work weeks in twelve (12) consecutive months. The twelve (12) month period is determined based upon a rolling 12-month period measured backward from the date the employee uses his/her FMLA leave.

The City provides eligible employees with leave in compliance with the federal Family and Medical Leave Act of 1993 (FMLA), which provides for up to twelve (12) weeks of unpaid leave in a twelve month period for certain family or medical reasons.

The City calculates available FMLA leave on a "rolling" twelve (12)-month period measured backward from the date an employee uses FMLA leave.

Eligibility

If an employee wishes to take leave under the Family and Medical Leave Act of 1993 ("FMLA"), they must satisfy the following criteria in order to be eligible:

- They must have worked for the Organization for at least twelve (12) months;
- They must still be employed with the Organization at the commencement of the requested leave;
- They must have worked for the Organization for at least 1250 hours during the twelve (12) consecutive months immediately preceding the start of the leave period;
- They have a qualifying event for leave under the Act;
- They have not already exhausted the maximum leave as provided by the FMLA, and;



- In the case of a new FMLA request for military caregiver leave, the 12-month period for the 26 weeks leave is calculated from the first date leave is taken for such leave.
- In the case of a new FMLA request for non-military caregiver leave, the 12-month period for the 12 weeks leave (unless otherwise provided by State law) is calculated from the date your last FMLA leave ended.

Reasons for Leave

To qualify for FMLA leave under this policy, the eligible employee must be taking leave for (1) the birth of a child and in order to care for that child; (2) the placement of a child for adoption or foster care and to care for the newly placed child; (3) to care for a spouse, child or parent with a serious health condition; (4) the employee's own serious health condition, which makes the employee unable to perform the essential functions of the employee's job; (5) military qualifying exigency leave as described below; or (6) military caregiver leave as described below.

Leave for Serious Health Condition

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either:

- Inpatient care (i.e., an overnight stay) in a medical facility, including any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or
- Continuing treatment by a health care provider, which includes:
 - (1) A period of incapacity lasting more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes:
 - treatment two or more (2+) times by or under the supervision of a health care provider (i.e., in-person visits, the first within seven (7) days and both within thirty (30) days of the first day of incapacity); or
 - one treatment by a health care provider (i.e., an in-person visit within seven (7) days of the first day of incapacity) with a continuing regimen of treatment (e.g., prescription medication, physical therapy); or
 - (2) Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; or
 - (3) Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; or
 - (4) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
 - (5) Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three (3) days if not treated.

Military Exigency Leave for the Family of Servicemembers

For military qualifying exigency leave, a qualifying exigency is defined consistent with FMLA regulations issued by the U.S. Department of Labor. Typically, this leave is allowed when there is a qualifying exigency that arises from a spouse, son, daughter or parent of the employee being on active duty or being notified



of an impending call or order to activate duty in the Armed Forces, National Guard or Reserves in support of a contingency operation. Qualifying exigencies may include:

- Short-notice deployment activities;
- Military events and related activities;
- Childcare and school activities;
- Financial and legal arrangements;
- Counseling activities;
- Rest and recuperation activities; and/or
- Attending post-deployment reintegration briefings.
- Additional activities mutually agreed upon by you and the Organization.

Military Caregiver Leave to Care for a Servicemember

FMLA includes a special leave entitlement that permits eligible employees (those who are the spouse, son, daughter, parent or next of kin of a covered service member with a serious illness or injury) to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is:

- A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

In the event an employee takes leave to care for a service member, this time shall only be available during a single 12-month period, and when combined with other FMLA qualifying leave, may not exceed 26 weeks total during the single 12-month period. The single 12-month period begins on the first day an eligible employee starts their leave to care for the ill or injured service member.

Requesting FMLA Leave

All employees requesting leave under this policy must provide verbal notice with an explanation of the reason(s) for the needed leave to the Department Manager. Employees needing FMLA leave must follow usual and customary call-in procedures, absent unusual circumstances that prevent the employee from doing so. Where no unusual circumstances justify such a failure, FMLA designation for the absence may be denied or delayed. The City may require the employee to provide a written request for leave and the reasons for foreseeable FMLA leave.

The City may require an employee to take FMLA without the express request or consent of the employee if a qualifying event has occurred. The City reserves the right to designate leave as FMLA leave retroactively with appropriate notice to the employee.

An employee who foresees a need for FMLA leave more than thirty (30) days in advance must request it and notify the City of the date the leave will commence, if approved, and the expected duration of the leave at least thirty (30) days in advance. In cases where the need for leave is foreseeable, an employee's failure to provide such advance notice may result in denial or postponement of the leave and/or absence(s).



An employee for whom the need for FMLA leave is not foreseeable, must notify their supervisor at least thirty (30) days in advance of the need for leave or as soon as practicable. Upon written request by the City, the employee must explain why the thirty (30) days' notice was not practicable.

To initiate FMLA leave and its protections, employees must inform their Department Manager of their need for FMLA qualifying leave and the anticipated and duration of the leave, if known. Employees need not specifically request "FMLA leave" but rather need to explain the reasons for leave, which will allow the City to determine if the leave is FMLA qualified leave. Simply calling in as sick without providing reasons for the needed leave, will not be considered sufficient notice for FMLA leave under this policy.

Employees must respond to the City's questions to determine if absences might qualify for FMLA leave. When planning medical treatment, employees should consult with the City Administrator when giving notice and make reasonable efforts to schedule the leave so as not to unduly disrupt the Organization's operations. Failure to provide adequate notice may result in delay of approved leave.

While on Leave

While on leave, employees are requested to report periodically to the City regarding the status of the medical condition and their intent to return to work. Employees are not to take another job while on family/medical leave or any other approved/authorized leave of absence is grounds for immediate dismissal as permitted by the extent of the law.

FMLA Medical Certification

Using an approved form, employees must provide a written medical certification from a health care provider demonstrating the need for FMLA leave within fifteen (15) calendar days of the request. Failure to provide certification may result in a denial of continuation of leave. If the certification is insufficient or requires clarification, employees should provide the requested information within seven (7) calendar days.

Required Use of Paid Leave

If the employee has accrued paid time off (such as medical leave or vacation time), the employee must use that paid time simultaneously with FMLA leave at the time the FMLA leave commences. When the accrued paid time is exhausted, the remaining FMLA leave is unpaid leave.

Disability Leave for the birth of the child and for an employee's own serious health condition, including workers' compensation leave (to the extent that it qualifies) or short or long term disability, will be designated as FMLA leave and will run concurrently with FMLA leave.

Intermittent or Reduced Schedule Leave

An employee may seek intermittent leave or a reduced work schedule under the FMLA, provided the arrangement does not unduly disrupt operations. This leave may be used in a minimum of fifteen (15)-minute increments.

The City may temporarily transfer an eligible employee to an available alternative comparable position (without a reduction in pay or benefits) if the alternative position would better accommodate the intermittent or reduced schedule.



When leave is needed to care for an immediate family member or the employee's own illness, and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the City's operation.

Special Rules for Married City Employees

For FMLA leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, eligible spouses who are both employed by the City may only take a combined total of twelve (12) weeks of leave. For FMLA to care for a covered servicemember, an eligible husband and wife may only take a combined total of twenty-six (26) weeks of leave.

Benefits During FMLA Leave

While an employee is on leave, the City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

- The employee on FMLA leave is required to pay his/her portion of the group insurance premium(s). While utilizing paid time off during FMLA leave, the City will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid FMLA leave, the employee must make this payment, either in person or by mail.
- If the employee misses a payment and the City pays the premium on behalf of the employee, the City will require the employee to reimburse the City.
- If the employee contributes to any of the supplemental insurance plans, the City will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits, and if such a request is made, must pay their portion of the premiums. If the employee does not continue these payments, the City may discontinue coverage during the leave. If the employee misses a payment and the City pays the premium on behalf of the employee, the City will require the employee to reimburse the City.

Return to Work from FMLA Leave

An employee who takes leave under this policy will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. An employee returning from FMLA leave will be required to present certification from his/her health care provider that the employee is able to resume work. The City may deny restoration to employment until an employee submits the fitness-for-duty certificate.

Employer Notice Requirements

The employee will be notified by the City that:

- The requested leave may be counted against the employee's annual FMLA leave entitlement;
- The employee may be required to furnish medical certification of a serious health condition. If required, the employee must furnish certification within 15 days or the City may delay the commencement of the leave until the certification is submitted;
- The City will inform you if the medical certification(s) you provided are incomplete or insufficient and will provide you at least seven (7) calendar days to cure these deficiencies; the City will deny FMLA leave to employees who fail to timely cure deficiencies or otherwise fail to timely submit requested medical certification(s).
- With your permission, the City (through individuals other than an employee's direct supervisor) will contact your health care provider to authenticate and/or clarify completed and medical



certifications. In the event you choose to deny the City the authority to reach out to your health care provider to clarify and/or authenticate your certification(s), the City may deny FMLA leave if certifications are unclear; If the City has reason to doubt initial medical certifications provided by you, the City may require employees to obtain a second opinion at the City's expense. In the event that the initial and second health care providers opinions differ, the City may require employees to obtain a third, and final/binding opinion, from a healthcare provider designated and approved jointly by the City and the employee and this will be at the expense of the Organization.

- The employee will be eligible to continue his or her current level of benefits during leave. If the employee normally pays a portion of the premiums for his or her health and welfare benefits, these payments will continue during the period of FMLA leave. Arrangements for payment will be discussed with the employee prior to the leave. Generally, premiums will continue to be withheld from any pay due the employee while on FMLA leave. When paid time expires, the employee will be responsible for the balance of premiums due. The employee will have a minimum 30-day grace period in which to make premium payments after their return to work and should arrange to make payment to the City by contacting the City Administrator. If payment is not made timely, the employee's group health and welfare benefits may be cancelled provided the City notifies the employee in writing at least 15 days before the date that the coverage will lapse. If the employee does not return to work following FMLA leave for a reason other than the continuation, recurrence, or onset of a serious health condition which would entitle the employee to FMLA leave, or other circumstances beyond the employee's control, the employee may be required to reimburse the City for his or her share of insurance premiums paid on the employee's behalf during the leave;
- If the employee is a highly compensated "key employee" (highest paid 10% of employees at a worksite or within 75 miles of that worksite) restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to the City; the City will notify you if you qualify as a highly compensated key employee and if the City intends to deny reinstatement, and of your rights in such instances;
- The employee may be required to furnish recertification for a serious health condition at the request of the City; the City will notify you if re-certification is required and will provide you with at least 15 calendar days to provide the requested medical certification

5.9 MILITARY LEAVE

A military leave of absence will be granted to an employee to serve in the uniformed services of the United States in accordance with applicable law. Persons who perform and return from military service will retain certain rights with respect to reinstatement, seniority, layoffs, compensation and other benefits, as provided by applicable law. Employees who wish to serve in the military and take military leave should contact their Department Manager for more information.

5.10 ADMINISTRATIVE LEAVE

The Department Manager may institute an administrative leave with or without pay when:

- 1 An employee has been arrested for a serious crime and is imprisoned pending trial or released on bail pending trial; or
- 2 An employee has been charged with misconduct while on the job and the misconduct is being investigated or a disciplinary action is pending.



- 3 An employee has filed a complaint of misconduct and the misconduct is being investigated.
- 4 Reasonable suspicion that an employee is under the influence of drugs or alcohol;
- 5 An employee is endangering themselves, other employees, or members of the public; or
- 6 An employee is being grossly insubordinate and causing disruption of normal operations.

Employees may be granted administrative leave by a Department Manager for up to a maximum of thirty (30) days. Requests for additional administrative leave beyond thirty (30) days may only be granted by the Mayor. All normal benefits will continue during the administrative leave.

5.11 INSURANCE

All full-time employees (employees who regularly work thirty (30) hours per week or more) shall be eligible for City-sponsored insurance. Employee contribution rates will be maintained in the City Clerk's Office and will be made available to employees at orientation, during annual open enrollment, or upon request. Policy and plan designs are subject to change. Employees should contact the City Clerk's Office to obtain current information.

Funding availability and levels for employees as well as employees' dependents shall be established by the City Council through the annual budgeting process. The City cannot guarantee coverage nor benefits. The City specifically reserves the right to change or eliminate benefits when deemed necessary. Notwithstanding, the City recognizes the importance of providing competitive benefits to employees.

When an individual employee is required to contribute a portion of the cost of the health care premium due to the employee covering dependents, spouse or family members, the amount of such contribution will be collected via payroll deduction.

In the case of leave from City employment, all costs for individual or family insurance shall be paid by the employee during the period the employee is on extended unpaid leave, on unauthorized leave, or participating in any unlawful work stoppage.

Individual and family insurance coverage may be extended for a temporarily disabled employee drawing worker's compensation. The employee's share of the cost shall be deducted from any compensation due the employee in addition to worker's compensation payments. In the event no additional compensation is due, insurance may be extended at the option of the employer.

No employee shall be entitled to a cash payment of any kind in lieu of insurance coverage.

Insurance coverage shall cease per the group's contractual insurance agreement in place at the time of the employee's separation from employment.

5.12 INTERIM BENEFITS

The City will maintain the same level of coverage under the group health plan for the duration of an employee's FMLA leave.



The employee is responsible for payment of his/her portion of health insurance premiums during such leave just as if he/she were still on the City's payroll. Employees will receive advance notice of the costs, and a schedule for remitting these payments will be provided. If the payment is more than thirty (30) days overdue, the City's obligation to continue health-care coverage ceases. If health care coverage is discontinued because the employee has not made the required interim payments while on FMLA leave, upon the employee's return from FMLA leave, health benefits will be restored to the employee as if the leave had not been taken and the premium payment(s) had not been missed. The City will then recoup the missed payments through payroll deductions.

If the employee does not return from scheduled FMLA leave, except for circumstances beyond the employee's control, the City may consider the employee to have voluntarily resigned and recover all health premiums it paid on the employee's behalf during the FMLA leave. The City may require medical certification of any alleged, continued serious health condition.

5.13 UNIFORMS

Employees are furnished with uniforms and equipment when deemed necessary for completing the mission of the department as determined by the Department Manager. Uniforms are provided by the City. For commissioned employees, the City will provide cleaning of these uniforms on the schedule designated by the Department Manager.

5.14 EMPLOYEE ASSISTANCE PROGRAM

Employee Assistance Programs provide services designed to help employees and organizations meet life challenges and remain healthy, engaged, and productive. The City offers and encourages the use of an Employee Assistance Program for financial, psychological, and legal counseling on a confidential basis. Use of this benefit is strictly confidential and questions about the service should be directed to the City Administrator.

5.15 TIME IN SERVICE AWARD

Beginning January 1, 2023, the City will begin a pilot program providing monetary awards for specified length of service. The pilot program is planned to be three years in length, concluding on December 31, 2025, but it may be extended in the sole discretion of the City. Following the initial pilot period, the City may elect to continue offering the benefit, modify the benefit or cease offering the benefit at its discretion, similar to other benefits offered by the City.

For every three years of completed service, eligible employees may receive a Time in Service Award (in the amount of \$2,500.00 during the pilot period) at the conclusion of the payroll period in which their anniversary date occurs. Employees who are on disciplinary probation at the time of their anniversary may receive a reduced award or no award at the discretion of the City Administrator, in consultation with the Department Head.



STANDARDS OF CONDUCT AND EMPLOYEE DISCIPLINE

6.1 EMPLOYEE CONDUCT

It is important that everyone work together for the good of the City and its employees. The City believes that it is important that employees know and understand what is expected of them. As a result, the City has established Standards of Conduct for all employees. Violation of the City's policies and rules may warrant disciplinary action which may include verbal and written counseling, probation, suspension and/or termination. The City may, in its sole discretion, utilize whatever form of discipline is deemed appropriate under the circumstances, up to and including immediate termination. These disciplinary actions need not be taken in any particular order.

The City's policy regarding discipline in no way limits or alters the "at will" employment relationship, the "appointment process" or the City's right to change an employee's position, title, responsibilities or compensation at any time.

Individual departments within the City may also adopt standards of conduct applicable to employees within a given department.

The following list of employee actions resulting in discipline is illustrative only and not intended to include all types of conduct expected by the City:

1. misrepresenting any job qualification, personal data or other information reasonably necessary to determine ability or capability for job duties or failing to disclose information directly related to determining an employee's ability to perform the job;
2. excessive or unexcused absences from work or failure to attend meetings or scheduled events necessary to satisfactorily perform job functions;
3. direct or indirect insubordination to any supervisor or Department Manager. Insubordination includes, but is not limited to:
 - disobeying a direct command or order which is reasonable and which is communicated by someone with authority to issue the command or order;
 - resisting or defying the supervisor's authority;
 - using insolent or obscene language to challenge a supervisor's authority;
 - failing to follow instructions for performing job functions.
4. using any office or employment position for purposes beyond the reasonable scope of duties of that office or position or for any personal gain not directly related to employment by the City;
5. accepting any gifts, personal services or other remuneration of value to perform job duties, other than ordinary compensation, benefits and awards approved or sanctioned by policies of the Governing Body or by a recognized professional or occupational group or organization;



6. dereliction of job duties;
7. discriminating or harassing an employee or member of the public in violation of City policy or applicable law.
8. releasing or communicating information obtained through employment with the City which is considered confidential, which by law is protected information, or which is authorized for release only through a specific City procedure;
9. failing to adhere to or comply with established rules and regulations for the safety of employees or the public or endangering employees or the public by failing to exercise due care in the performance of job duties;
10. taking action contrary to established City policies or willfully misrepresenting City policies, programs, or issues to the public. Including, but not limited to; employee substance abuse policy and internet usage;
11. incompetence;
12. unprofessional conduct;
13. unauthorized use of City property for any purpose, removing, without permission, any City property from its designated place for personal or unauthorized use or using City property in a manner or for a purpose for which the property was not designed or intended;
14. failing to use appropriate care for City property or intentionally destroying or losing City property;;
15. failing to comply with City's personnel policies and departmental directives;
16. failing to exercise appropriate professional judgment;
17. failing to recognize, respect and comply with a supervisor's authority and/or disregarding the chain of command;
18. any violent, abusive or physical misbehavior;
19. any action of brutality or cruelty;
20. any act of dishonesty;
21. any act or conduct which violates established duties or rights of other employees or the public, including but not limited to rights of privacy or physical safety, sexual harassment, discrimination and/or defamation;
22. any unauthorized act or conduct which could expose the City to civil or criminal liability or any acts or conduct which could result in disrespect for City business operations; or



6.2 DRUG AND ALCOHOL POLICY

In the interest of public and employee safety, the City of Westwood will strive to provide a drug-free and alcohol-free working environment for its employees, and thereby enhance the ability of City employees to deliver safe and efficient service to the community. The safety of the public and City employees, as well as the ability of the City to deliver safe and efficient services to the community, is directly and adversely affected by the use or abuse of unauthorized, prohibited, illegal or controlled substances including alcohol, drugs, and other chemicals.

Employees are prohibited from engaging in any activity that violates the City's policy of maintaining a workforce and workplace free from unauthorized, prohibited, illegal or controlled substances. For instance, it is a violation of City policy for employees to work or to be on City assignment while under the influence of alcohol, illegal drugs or other unauthorized, prohibited, or controlled substances. Note: all references to "illegal drugs and/or unauthorized, prohibited controlled substances," as used in this policy, include "inhalants" as described by state statute.

The City strictly prohibits the consumption, use, manufacture, dispensing, possession, promotion, purchase, sale, transportation, concealment, transfer, or storage of illegal drugs, unauthorized, prohibited, controlled substances related paraphernalia while performing City work or on City assignment. Any illegal drugs and/or unauthorized, prohibited or controlled substances found by the City will be turned over to appropriate law enforcement agents for disposition.

Employees are expected to fully cooperate with City-mandated substance abuse testing programs and policies, and City-mandated searches of City property.

As a condition of employment, employees are required to notify their Department Manager in writing, within five (5) calendar days any conviction, including a plea of "nolo contendere" (no contest) or suspended imposition of sentence, for any violation of a criminal statute involving the manufacture, distribution, dispensation, possession or use of any controlled substance.

Any employee who violates this policy (including any employee who refuses testing or will not cooperate with City-mandated searches of City property) will be subject to disciplinary action up to and including termination from employment. In addition, employees who attempt to destroy, tamper with or adulterate drug test specimens or records will result be terminated.

All information obtained in the course of testing of employees will be kept by the City Administrator, separate from the employee's official personnel file. Disclosures, without employee consent, may occur when:

- a supervisor has a need to know the information;
- the disclosure is compelled by law;
- the information has been placed at issue in a dispute between the employer and employee;
- the information is to be used in administering an employee benefit plan; or
- the information is needed by medical personnel for the diagnosis or treatment of the employee.

Employees who work in positions that involve public safety, the safety of others, or the use of a commercial drivers license (CDL) for City purposes will be required to submit to controlled substance



testing at intervals determined by the Department Manager. Employees with positive test results may be disciplined up to and including termination.

Employees required to have a CDL for City purposes, are required to comply with the City's Drug and Alcohol Testing Policy appended to this Personnel Policy.

Reinstatements

Any person returning to work after a layoff, leave of absence, or any other type of employee payroll separation, seven (7) days or more, may be required to submit to controlled substance testing. Employees with positive test results will not be reinstated.

Reasonable Suspicion/Belief Testing

The following conditions may result in "for cause" controlled substance and/or alcohol testing:

- Reasonable good faith objective suspicion or belief that an employee may be using or abusing illegal drugs, unauthorized, prohibited, controlled substances, or may be under the influence of alcohol and/or inhalants. Circumstances which give rise to such a reasonable suspicion include, but are not limited to:
 - slurred or altered speech;
 - alcohol on breath;
 - inability to walk a straight line;
 - physical altercation;
 - erratic behavior;
 - behavior which is so unusual that it warrants summoning a supervisor or anyone else with authority;
 - possession or observed use of alcohol or drugs;
 - information obtained from a reliable source;
 - unusual or prolonged absences;
 - persistent tardiness;
 - admission of possession or use of drugs or alcohol by the employee;
 - erratic or impaired job performance; or
 - any other behavior or conditions that could reasonably indicate that an employee is using or abusing controlled substances or alcohol in connection with the workforce or workplace.
- Other instances in which information provided to the City strongly suggest a basis for the City to believe an employee is using or abusing controlled substances or alcohol in connection with the workforce or workplace
- Where an employee's job responsibility involves public safety or the safety of others

Post-Accident Testing

If you are involved in a work-related accident or sustain a work-related injury, you will be subject to drug and alcohol testing.

Consequences of Test Results

In the case of testing due to reasonable suspicion/belief, employees may be suspended without pay following the initial specimen collection. If the test results are negative, all other factors indicate that there was no controlled substance use or abuse, and there is no other work rule violation on the part of



the tested employee, the employee will be returned to work and paid for all regularly scheduled time not worked while on suspension.

Positive test results are grounds for immediate termination.

Testing Errors

In the event an employee believes a positive test is in error, the employee may elect, at his/her own expense to contest the results with the medical review officer of the designated testing contractor.

6.3 PUNCTUALITY AND ATTENDANCE

Employees are expected to be ready to start work at the time designated by their supervisor. If a situation makes it impossible for an employee to report for work as scheduled, they are expected to notify their supervisor of the tardiness or absence as soon as possible. The employee must communicate directly with their supervisor or, if the supervisor is not available, to the Department Manager.

Sufficient notice must be given to the City for any absence. Any absence for which the City has not been notified may be considered unexcused and may be subject to discipline up to and including discharge from employment.

Excessive absenteeism, tardiness, or repeated failure to properly notify the City of intended absences or tardiness will not be tolerated and will be cause for disciplinary action up to and including termination. Failure to report for work without notification for two (2) consecutive scheduled workdays may be considered a voluntary resignation.

6.4 APPEAL PROCEDURE

The purpose of this policy is to provide a process for an employee to discuss dissatisfaction with some aspect of their work and to receive careful consideration and a prompt determination. This policy does not apply to complaints of discrimination or harassment. Complaints of discrimination are governed by Policies 2.1 through 2.3.

An employee may make an appeal when he/she is dissatisfied with some aspect of his/her work including but not limited to:

- application of policies (except Policies 2.1 through 2.3);
- disciplinary procedures and actions;
- eligibility for or other decisions concerning benefits;
- performance evaluation/compensation; and/or
- suspension or demotion or termination.

The following items cannot be appealed:

- policy content; or
- work assignments.

The procedures for employees to pursue concerns through the chain of command is outlined below. Supervisors and higher authorities should see that all questions, complaints, and appeals receive prompt, impartial and systematic consideration to determine whether an adjustment is appropriate. Full-time –



regular status employees who have successfully completed the trial/probationary period will be entitled to use the City's Appeal procedures.

It is the employee's responsibility to file appropriate documents for appeal clearly detailing the issues involved in the situation.

Procedures for Appeals Involving Suspension, Demotion or Termination

These procedures apply to (1) non-commissioned full-time employees, and (2) commissioned police officers with a concern other than suspension, demotion or termination.

Procedure for Appeals Involving Termination for Appointed Employees

A majority of all members elect of the governing body may remove any appointed employee. For good cause, the mayor may suspend at any time any appointed officer. No officer or employee shall be removed for any reason until they have been given notice and afforded the opportunity for a hearing before the governing body.

Procedures for All Other Appeals

Step 1. If the employee is not satisfied with the decision of his/her immediate supervisor, they may appeal the decision to the Department Manager. The appeal must be in writing, specify the decision or concern being appealed and be filed with the Department Head within two (2) working days following the immediate supervisor's decision. The Department Head will hold a meeting within seven (7) working days after the employee's timely request for appeal is received (unless impossible due to absences). Staff members may attend the meeting when requested by the employee, supervisor or Department Head so long as they can offer information that is relevant to the decision, as determined by the Department Head. The Department Head will issue written findings, conclusions and/or recommendations to the employee within seven (7) working days after the meeting is concluded (unless impossible due to absences). The Department Head may extend the deadline for issuing written findings, conclusions and/or recommendations based on the totality of all information gathered if the conduct involved is criminal in nature or for good cause shown.

Step 2. If the concern has not been resolved to his/her satisfaction, the employee may appeal to the Mayor through their Department Head. Such appeals must be submitted within seven (7) working days after receiving the Department Head's decision. As soon as is practical of appeal, the Mayor will hold a meeting. Staff members may attend the meeting when requested by the employee, supervisor, Department Head or Mayor, so long as they can offer information that is relevant to the decision, as determined by the Mayor. The Mayor will issue a decision to the employee as soon as is practical after the conclusion of the hearing. The Mayor may extend the timeline for issuing written findings, conclusions and/or recommendations if the conduct involved is criminal in nature or for good cause shown.

6.5 SMOKING AND USE OF TOBACCO PRODUCTS

No employee may smoke or utilize any product made or derived from tobacco, or which otherwise contains nicotine, including but not limited to cigarettes, cigars, pipe tobacco, vaporized smoking products (E-Cigarettes) in any City building or City motor vehicle. This does not include or forbid the use of FDA-approved Nicotine Replacement Therapies such as nicotine gum or lozenges or transdermal nicotine patches. The use of such tobacco products are prohibited in public view and when interaction with the



public is likely. Any employee who is found to have violated any provisions of this policy will be subject to disciplinary action, up to and including termination. Reports of employees' violations of this policy should be made to a Department Manager. Smoking and tobacco use cessation training will be periodically available to employees at a minimal cost. Any employee who smokes or utilizes vaporized smoking products (E-Cigarettes) while working must limit themselves to normal break periods and it cannot be done in a manner which allows the smoke byproduct to infiltrate back into a city owned facility.

6.6 CARRYING OF WEAPONS

The City prohibits any employee from carrying a weapon while working for the City, except for, in accordance with Kansas State Law, legally-qualified civilian employees will be authorized to carry/possess a concealed handgun while engaged in their duties of employment with the following restrictions:

1. The handgun will be carried completely concealed, in a proper holster or similar product, with all safety features in place.
2. Other than certified law enforcement officers, employees may not carry a concealed firearm within the restricted area of the Police Department at any time. The Police Department is defined by the garage area, exterior pedestrian doors on the west and north sides of the building, the conference room door leading directly into the Police Department, both doors by the Court Clerk's desk, and the basement area.
3. Employees are permitted, while on City owned property, to store a handgun within their own vehicle provided it is stored outside of plain view and the vehicle is locked when the employee is not in the vehicle. The City is not responsible for the theft, damage, or other loss of a firearm.
4. Employees may not store a firearm in a vehicle owned by the City of Westwood when they are not in the vehicle, unless it is stored in a commercially approved lock box acquired at the employee's expense.
5. If an employee elects to lawfully conceal carry, the handgun cannot interfere or delay in the performance of their assigned duties or obstruct required safety equipment.
6. Employees who enter onto "private property" during the course of their duties are required to comply with any restrictions imposed by that property owner.
7. Employees will not leave firearms in plain view and/or unattended.
8. Other than certified law enforcement officers, it is outside the course and scope of employment for any City employee to use a weapon, brandish, point, or threaten with a handgun or any other weapon, any person in the workplace or while completing their duties.
9. Employees must abide by the posted signage and security measures with regard to the prohibition of concealed handguns in certain public buildings, in compliance with Kansas state law.

Violation of this policy may result in punitive disciplinary action including termination.

6.7 WORKPLACE SAFETY AND SECURITY

The City strives to make its working environment as safe as possible and to eliminate or reduce conditions that may result in injury. Employees are expected to carry out their job duties in a safe manner. Employees are required to utilize required safety equipment and gear for all job-related functions. Employees are



required to immediately report any workplace hazards or safety concerns to their supervisor or Department Manager. Additionally, any job-related injury or illness, regardless of severity, must be immediately reported to the employee's supervisor or Department Manager in order to provide prompt and trained evaluation and medical attention if necessary.

All employees are expected to help maintain the security of the workplace. Employees are required to report the presence of any suspicious persons to their supervisor or Department Manager immediately. Employees must be aware of the location of any keys, security passes and identification badge(s) assigned to them at all times. Employees may not lend these items to anyone who is not authorized to possess them. Similarly, any computer passwords, security codes, and other such information must not be disclosed to anyone who is not authorized to have that information.

General Safety Rules

These rules apply to all employees. In addition, Managers may institute rules specific to their operational responsibility in order to achieve safety:

- Never operate any machinery or equipment unless specifically authorized to do so by the supervisor responsible for that equipment;
- Do not use defective equipment or tools. Report defects immediately to your Manager;
- Obtain full instructions for operating any machine with which you are not familiar;
- Never begin any hazardous job unless you are completely familiar with the proper techniques and precautions which apply to the job. Check with your supervisor when in doubt;
- Make sure all guards and other safety attachments are properly installed and adjusted before operating any piece of equipment or beginning any hazardous job;
- Do not operate any piece of equipment at unsafe speeds or in excess of its rated capacity;
- Wear all protective clothing and equipment required for the job. Avoid clothing or other items that would offer poor protection or that might be caught in machinery;
- Never attempt to repair, adjust or lubricate a machine unless you have been authorized to do so. Never attempt to repair, adjust or lubricate a machine while it is in operation. Never attempt to repair or adjust electrical equipment unless the power switch has been properly turned off;
- Put all tools and equipment away when not in use;
- Do not attempt to lift any item which is too heavy or bulky to be handled by one person – ask for help;
- Keep all aisles, stairways and exits clear of debris and stored items;
- Do not place equipment or materials so as to block emergency exit routes, fire extinguisher, sprinkler controls, machine controls or electrical control panels;
- Stack all working materials neatly and make sure the stacks are stable;
- Keep your work area and all Organization facilities clean and neat;
- Do not run, participate in horseplay, or distract fellow workers.

6.8 INFORMATION TECHNOLOGY USE

The City strives to provide the information technology resources and equipment necessary to conduct City business efficiently and to serve the public interest. Information technology resources are to be used productively for the benefit of the City and in furtherance of City business. While the City recognizes there may be some occasional short-term personal usage of the City's information technology, it is the responsibility of employees to use common sense in their approach to the usage of these resources and to use them in an efficient, ethical, and lawful manner.



For purposes of this policy, “information technology resources” are defined as all communication and computing devices and systems including, but not limited to, computers, internet connections, intranets, networks, servers, routers, switches, pagers, cell phones, PDA’s, tablets, facsimile machines, printers, scanners, e-mail or other electronic communication devices, voice mail, storage systems, other devices, and any data transmitted to or from or stored or kept in any of the above.

All information technology resources purchased by the City and provided to employees for use in the course of their job duties, including all messages and data sent, received, or stored on such resources, are the property of the City. Users shall have no expectation of privacy in their use of the information technology resources. Passwords or access codes the City provides to any user to access the City’s information technology resources are granted solely for the purpose of ensuring and maintaining the security of the system and do not provide or create any personal right or expectation of privacy for any user. Users may not disclose to any third party any information technology resources passwords unless required or permitted by this policy or applicable law.

The City reserves the right to deem other uses of information technology resources as inappropriate and in violation of this policy where the use would violate this policy, other City policies, rules, or regulations, or would violate applicable federal, state, or local laws, rules, or regulations.

However, the City recognizes that random monitoring or intercepting of emails, as a normal course of business, without due cause or the consent of the sender or receiver of those emails, can reduce faith in that communication system. Therefore, that practice shall not be undertaken lightly and without the express permission of the Mayor and Council for a specific situation, during a specific timeframe that will not be open ended.

Further, those who are tasked with the safekeeping of information technology access, passwords, and intellectual properties associated to the information technology functions for the City must protect those resources.

6.9 PERSONAL APPEARANCE

Acceptable personal appearance is an ongoing requirement for employment with the City. It is important that all employees have a clean, neat, and appropriate appearance while on duty. Department Managers may require employees to wear a uniform or other appropriate attire where deemed necessary.



SEPARATION

7.1 EMPLOYEE SEPARATION

An employee who resigns should give at least ten (10) working days notice. Employees who resign without giving a minimum of ten (10) working days' notice shall not be eligible to receive pay for any accrued benefits other than unused vacation.

When a future date is established for separation, immediate removal from duties may occasionally be desirable to minimize the adverse effect on other employees or to allow the separated employee to seek new employment. In such cases, up to ten (10) days' pay may be provided in lieu of notice, in the City's sole discretion. The prior approval of the Department Manager, or in the event the employee is a Department Manager the Mayor, must be secured.

7.2 RETIREMENT

All employees of the City employed within covered positions as defined under the Kansas Public Employees Retirement System or the Kansas Police and Fire Employees Retirement System shall be enrolled as members and shall be subject to all laws and supplemental regulations governing such membership and retirement.

Upon retirement, employees are eligible for the following:

- Payment for earned but unused vacation in the amount of 100% of the value of unused vacation; and,
- Payment for earned but unused sick leave in the amount of 50% of the value of unused sick leave.

The total value of these benefits cannot exceed the maximum allowed by KPERS/KPF without additional expense to the employer or 15%, whichever is less, of the employee's gross earnings for the preceding year.

7.3 EXIT INTERVIEWS

Department Managers and/or the Mayor may conduct an exit interview of departing employees to determine and document the reasons employees leave the City.

7.4 PAY ON TERMINATION

An employee who terminates voluntarily or who is terminated for cause will receive their final paycheck on the first regularly scheduled payday following termination.

Employees discharged for cause or those who voluntarily terminate without giving a minimum of ten (10) working days' notice shall not be eligible to receive pay for any accrued benefits other than unused vacation.

7.5 PAY RECORDS

The City Clerk shall keep adequate records of all persons employed, their pay scale, time worked, accrued vacation and sick leave, floating holidays, accrued overtime and the time taken for each of the preceding. Such records shall be available at all reasonable times for inspection.



MISCELLANEOUS

8.1 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 section.

- a. As private citizens, employees may participate in all political activities, including holding public office, except for activities involving the election of candidates for any City office and where holding an appointed or elective public office is incompatible with the employee's City employment.
- b. Employees are not permitted to make public endorsements of a candidate for an elected City office or to make cash or non-cash contributions to such a candidate.
- c. Any employee desiring to become a candidate for City elective office shall first take leave of absence without pay or resign. Should the employee be successful, they will be required to resign their position with the City. Should the employee be unsuccessful in seeking such 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.
- d. 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.
- e. 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.
- f. The purpose of this policy is to 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 activities.



8.2 BOARDS AND COMMISSIONS

Employees are not permitted to be a member of councils, boards or commissions that are advisory or administrative to the City of Westwood, City of Westwood Hills, and City of Mission Woods so long as the City of Westwood provides contractual services to them.





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FMCSA CLEARINGHOUSE POLICY ADDENDUM

This FMCSA Clearinghouse Policy Addendum is incorporated into and made part of the original Drug and Alcohol Testing Policy from ComplianceOne. This addendum is effective January 1, 2020.

The Clearinghouse is a secure online database that will give employers, the Federal Motor Carrier Safety Administration (FMCSA), State Driver Licensing Agencies (SDLAs), and State law enforcement personnel real-time information about commercial driver's license (CDL) and commercial learner's permit (CLP) holders' drug and alcohol program violations.

The Clearinghouse will contain records of violations of drug and alcohol prohibitions in [49 CFR Part 382, Subpart B](#), including positive drug or alcohol test results and test refusals. When a driver completes the return-to-duty (RTD) process and follow-up testing plan, this information will also be recorded in the Clearinghouse.

The requirement that the following personal information collected and maintained under this part shall be reported to the FMCSA Clearinghouse:

- i. A verified positive, adulterated, or substituted drug test result;
- ii. An alcohol confirmation test with a concentration of 0.04 or higher;
- iii. A refusal to submit to any test required by subpart C of this part;
- iv. An employer's report of actual knowledge, as defined at Part 382.107:
 - A. On duty alcohol use pursuant to Part 382.205;
 - B. Pre-duty alcohol use pursuant to Part 382.207;
 - C. Alcohol use following an accident pursuant to Part 382.209; and
 - D. Controlled substance use pursuant to Part 382.213;
- v. A substance abuse professional (SAP as defined in Part 40.3 of this title) report of the successful completion of the return-to duty process;
- vi. A negative return-to-duty test; and
- vii. An employer's report of completion of follow-up testing.

Optional provision. The materials supplied to drivers may also include information on additional employer policies with respect to the use of alcohol or controlled substances, including any consequences for a driver found to have a specified alcohol or controlled level, that are based on the employer's authority independent of this part. Any such additional policies or consequences must be clearly and obviously described as being based on independent authority.

Certificate of receipt. Each employer shall ensure that each driver is required to sign a statement certifying that he or she has received a copy of these materials described in this section. Each employer shall maintain the signed certificate and may provide a copy of the certificate to the driver.

Employers will be required to conduct **BOTH** electronic queries and traditional manual inquiries with previous employers to meet the three-year timeframe, required by FMCSA's drug and alcohol use testing program, for checking CDL driver violation histories. Drivers may also view their own records for information recorded on or after January 6, 2020.

City of Westwood
Westwood, KS

FINAL

DRUG AND ALCOHOL TESTING POLICY
(FMCSA/DOT)

Policy Date: June 1996

Revised Date: February 2019

TABLE OF CONTENTS

I.	GENERAL.....	2
II.	PROHIBITIONS.....	3
III.	TESTS REQUIRED.....	4
IV.	HANDLING OF TEST RESULTS, CONFIDENTIALITY.....	5
V.	CONSEQUENCES FOR DRIVERS ENGAGING IN PROHIBITED CONDUCT.....	5

APPENDIX

- A. INFORMATION CONCERNING THE EFFECTS
OF ALCOHOL AND CONTROLLED SUBSTANCES
- B. DER AND SERVICE AGENTS
- C. JOB CLASSIFICATION SUPPLEMENT
- D. DILUTE SPECIMEN NEGATIVE INFORMATION

I. GENERAL

A. Purpose

1. The Department of Transportation (DOT), Federal Motor Carriers Safety Administration (FMCSA) requires City of Westwood, to establish a drug and alcohol testing program designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles. Further, the purpose of this policy is to bring City of Westwood into compliance with all regulations, which require affirmative actions to eliminate the impact of the use of controlled substances and misuse of alcohol in the workplace.
2. **This policy does not create any contractual rights in favor of employees to whom the Policy is applicable. Nor does this Policy in any way alter the at-will nature of employment or imply that discharge will occur only "for cause".**
3. **Those areas of the policy printed in bold and underlined text reflect City of Westwood independent authority to require additional provisions with regard to the drug and alcohol testing procedures.**
4. **The presence of controlled substances in the body as well as the use or possession of controlled substances and/or alcoholic beverages while on City of Westwood property, or in any City of Westwood vehicle, or on duty, including breaks or lunch, paid or unpaid, on any shift, is strictly prohibited.**
5. Designated Employer Representative: **(Appendix B)** contains the name, address, and telephone number of the Designated Employer Representative (DER). The DER is authorized by City of Westwood to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer consistent with the requirements of 49 CFR, Part 40.

B. Applicability

This policy applies to any employee of City of Westwood who holds a Commercial Driver's License (CDL) and uses that license to operate a commercial motor vehicle. 49 CFR Part 382.107 defines these vehicles as a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- (1) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- (2) Has a gross vehicle weight rating of 26,001 or more pounds; or
- (3) Is designed to transport 16 or more passengers, including the driver; or
- (4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, Subpart F)

C. Testing Procedures

It is a condition of employment that all employees who hold a Commercial Driver's License (CDL) and uses that license to operate a commercial motor vehicle submit to drug and alcohol testing. All testing conducted under this policy will follow procedures as set forth in 49 CFR Part 40. The Procedures have been developed to protect the employee and the integrity of the testing process, to safeguard the validity of the test results, and to ensure that the test results are attributed to the correct employee.

D. Definitions

Words and phrases used in this policy are as defined and found in 49 CFR Parts 40.3 and 382.107.

II. PROHIBITIONS

A. Alcohol

1. No driver shall report for duty or remain on duty requiring the performance of safety sensitive functions while having an alcohol concentration of 0.02 or greater.
2. No driver shall use alcohol while performing a safety-sensitive function. **This includes beverages containing alcohol or substances containing alcohol including any medication, mouthwash, food, candy, or any other substance that would cause alcohol to be present in the body.**
3. No driver shall perform safety-sensitive functions within four hours after using alcohol.
4. No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until a post-accident alcohol test has been administered, whichever occurs first.

B. Controlled Substances

1. The Department of Transportation currently tests for: Marijuana, Cocaine, Amphetamines (Amphetamine, Methamphetamine, MDMA, MDA), Opioids (Codeine, Morphine, Heroin, Hydrocodone, Hydromorphone, Oxycodone, Oxymorphone) and Phencyclidine.
2. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance.
 - a. **ILLEGAL DRUGS:** The use of any illegal drug or any substance identified in Schedules I through V of the Controlled Substance Act is prohibited at all times unless a legal prescription has been written for the substance. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.
 - b. **MEDICAL MARIJUANA OR RECREATIONAL USE IS PROHIBITED UNDER THIS POLICY. The federal Government and the Department of Transportation do not recognize Medical Marijuana prescriptions or Recreational Use. Federal Law always supersedes State law(s). The Company shall follow all Federal Government regulations and guidelines regarding Medical Marijuana or Recreational Use and will not allow its employees, individuals, drivers, operators and/or contractors to be employed or perform work at any of the Company's locations, terminals or operations while on Medical Marijuana or Recreational Use.**
 - c. **LEGAL DRUGS:** **The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a supervisor. In addition, the employee must obtain a written release from a licensed medical practitioner releasing the person to perform their job duties any time they obtain a performance-altering prescription.**
 - d. **PRESCRIPTION DRUGS:** **A legally prescribed drug means that the employee has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing safety-sensitive functions is prohibited.**
 - e. **CBD OIL:** **The claimed use of CBD oil shall not be considered a medical excuse for a positive marijuana test.**

C. Refusal to submit to a required alcohol or controlled substances test

No driver shall refuse to submit to an alcohol or controlled substance test required by 49CFR, Parts 40 and 382.

As an employee, you have refused to take a drug test if you:

1. Fail to appear for any test (except pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer
2. Fail to remain at the testing site until the testing process is complete
3. Fail to provide a urine specimen for any drug test required by this part or DOT agency regulations
4. In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of the provision of a specimen
5. Fail to provide a sufficient amount of urine when directed and it has been determined through a required medical evaluation, that there was no adequate medical explanation for the failure
6. Fail or decline to take an additional drug test the employer or collector has directed you to take
7. Failing to undergo a medical examination when required
8. Failing to cooperate with any part of the testing process
9. For an observed collection, fail to follow the observer's instructions to raise and lower clothing above the waist, lower clothing and underpants, and turn around to permit the observer to determine if you have a type of prosthetic or other device that could be used to interfere with the collection process
10. Possess or wear a prosthetic or other device that could be used to interfere with the collection process
11. Admit to the collector or MRO that you adulterated or substituted the specimen
12. Fail to provide an adequate amount of saliva or breath for any alcohol test required by this part or DOT agency regulations
13. Fail to provide a sufficient breath specimen, and the physician has determined through a required medical evaluation, that there was no adequate medical explanation for the failure
14. Failing to sign Step 2 of the alcohol testing form
15. The employee refuses to wash his or her hands – after being directed to do so

For Pre-employment Tests, the Following Are NOT Refusals

1. Failure to appear for the test
2. Failure to remain at the site prior to the commencement of the test
3. Failure to provide a specimen before the test commences

III. TESTS REQUIRED (DOT PANEL)

A. Pre-employment or Transfer testing

1. Any applicant offered a safety sensitive position or an employee transferring to a safety sensitive position must first take a pre-employment drug test. This applicant or employee must receive a verified negative test result before performing any safety sensitive function. Details of pre-employment testing and exemptions can be found in 49 CFR Part 382.301.
2. City of Westwood must request alcohol and controlled substances information from previous employers in accordance with the requirements of 49 CFR Parts 40 382.413 and 391.23 (e).
3. Applicants offered a safety sensitive position and employees transferring to a safety sensitive position must sign release of information forms allowing City of Westwood to receive alcohol and controlled substances information from previous employers.

B. Post-accident testing

1. As soon as practicable following an accident the driver of a commercial motor vehicle, operating on a public road in commerce, must be tested for alcohol and controlled substances under certain conditions.
 - a. Alcohol testing must be conducted if a driver receives a citation for a moving violation within 8 hours of the accident.
 - b. Drug testing must be conducted if a driver receives a citation for a moving violation within 32 hours of the accident.
2. The driver who is subject to post-accident testing shall remain readily available for such testing (meaning that the employer knows the location of the driver). If employee leaves the scene of the accident prior to submission to such test, employee may be deemed by the employer to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of the accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

The following chart defines when an accident has occurred and when testing must take place.

Type of accident involved	Citation issued to the CMV driver	Tests required
Human fatality	YES	YES
	NO	YES
Bodily injury with immediate medical treatment away from the scene	YES	YES
	NO	NO
Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

Details of post-accident testing and exemptions can be found in 49 CFR Part 382.303.

Random testing

All drivers that perform safety sensitive functions are subject to random drug and alcohol testing.

1. Random testing will be unannounced and unpredictable; spread reasonably throughout the calendar year. Testing will be conducted at all times of the day when safety sensitive functions are performed.
2. Employees are required to proceed immediately to the collection site once notified of testing.
3. Drug tests will be conducted anytime a safety sensitive employee is on duty. Alcohol tests will only be conducted on an employee immediately before performing, while performing, or just after performing a safety sensitive function.
4. The list of employees selected will be retained by the DER in a secure location.

Details of the random testing process can be found in 49 CFR Part 382.305.

C. Reasonable suspicion testing

All drivers that perform safety sensitive functions are subject to reasonable suspicion alcohol and/or drug testing. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances that are consistent with the short-term effects of substance abuse or alcohol misuse. A trained supervisor must make the determination to test based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. Examples of reasonable suspicion include, but are not limited to, the following:

1. Physical signs and symptoms consistent with prohibited substance use or alcohol misuse
2. Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substance
3. Occurrence of a serious or potentially serious accident that may have been caused by prohibited substance abuse or alcohol misuse

Details of the reasonable suspicion testing process can be found in 49 CFR Part 382.307.

D. Return-to-duty testing

Details of the return-to-duty testing process can be found in 49 CFR Part 40, Subpart O.

E. Follow-up testing

Details of the follow-up testing process can be found in 49 CFR Part 40, Subpart O.

IV. HANDLING OF TEST RESULTS, CONFIDENTIALITY

A. Access to records

1. Except as required by law or expressly authorized by release by an employee, City of Westwood will not release driver information that is contained in records required to be maintained under 49 CFR Parts 40 and 382.
2. A driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests.
3. A driver's testing records will be made available to a subsequent employer upon receipt of a written request from the driver.
4. City of Westwood may disclose information required to be maintained pertaining to a driver to the decision maker in a lawsuit, grievance, or administrative proceeding initiated by or on behalf of the individual, and arising from a positive DOT drug or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test result), (including, but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the driver).

V. CONSEQUENCES FOR DRIVERS ENGAGING IN PROHIBITED CONDUCT

A. Use of drivers who fail or refuse a drug test

1. General. Compliance with this drug testing policy is a condition of employment. Refusal to take a required drug test or failure of a drug test shall result in removal from performing safety sensitive functions. **Additional disciplinary action up to and including termination may result.**
2. Prohibitions On Use. City of Westwood will remove from performing a safety sensitive function any employee who:
 - a. Fails a drug test as verified by the Medical Review Officer (MRO), or
 - b. Refuses to take a drug test required by this policy. (See Section II.C.)
3. Required Referrals and Evaluation. Any applicant or employee who fails or refuses a drug test will be referred to a Substance Abuse Professional (SAP) for evaluation and treatment.
4. **An employee may be given an opportunity to retain his or her employment, provided they first do the following:**
 - a. Have been evaluated by a SAP, and
 - b. Have completed the recommended evaluation/rehabilitation program successfully, and
 - c. Receive a verified negative test result on a return-to-duty test

B. Retesting of Drug Positive Samples

1. General. An applicant/employee may request a retest of a positive sample, within 72 hours of notification of the positive test result from the MRO. **The request may be verbal or in writing to the MRO.**
2. Retest Provisions. The retest will be conducted at a different SAMHSA certified laboratory. The test will be conducted on the split sample that was provided by the applicant/employee at the same time as the original sample. **All costs for such testing are to be reimbursed to City of Westwood by the applicant/employee unless the result of the split sample test invalidates the result of the original test.** The method of collection, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40.
3. Detection Levels. Because some analytes deteriorate or are lost during freezing and/or storage, quantitation for a retest is not subject to a specific cutoff requirement but must provide data sufficient to confirm the presence of the drug or metabolite.

C. Use of drivers who fail or refuse an alcohol test

1. General. Compliance with this alcohol testing policy is a condition of employment. Refusal to take a required alcohol test or failure of an alcohol test will result in removal from performing safety sensitive functions. **Additional disciplinary action up to and including termination may result.**
2. Refusal and Prohibited Conduct. City of Westwood will remove from performing a safety sensitive function any employee who:
 - a. Has a confirmed alcohol test result of 0.02 or higher but less than 0.04. This driver must be removed from duty for a minimum of 24 hours. This is not a positive test requiring a SAP referral
 - b. Fails an alcohol test with a confirmed result of 0.04 or higher, or
 - c. Refuses to take an alcohol test required by this policy (See Section II.C.)
3. Required Referrals and Evaluation. Any employee who fails or refuses an alcohol test will be referred to a Substance Abuse Professional (SAP) for evaluation and treatment.
4. **An employee may be given an opportunity to retain his or her employment, provided they first do the following:**
 - a. Have been evaluated by a SAP, and
 - b. Have completed the recommended evaluation/rehabilitation program successfully, and
 - c. Receive a verified negative test result on a return-to-duty test

D. **All costs associated with the evaluation and rehabilitation program are the responsibility of the employee.**

E. **Employees should consult their health insurance policy for extent of nervous, mental and substance abuse coverage.**

F. **A second positive test whether drug or alcohol or the equivalent will result in immediate termination of employment.**

G. Additional Requirements

City of Westwood may impose such additional disciplinary actions as they deem appropriate. This may include removal from performing covered functions, suspension (with or without pay), and even termination.

APPENDIX A

ALCOHOL AND CONTROLLED SUBSTANCES USE SUPPLEMENT

A. Why you should get involved:

1. Although City of Westwood has no history of substance abuse problems, we recognize that substance abuse, alcoholism and alcohol misuse are problems throughout America.
2. There are three good reasons why you should be concerned if any of your co-workers are using drugs or alcohol on the job.
 - a. Your health and safety may be at risk.
 - b. Substance abuse and alcohol misuse costs you money.
 - c. Substance abuse and alcohol misuse creates a negative work environment.
3. According to the National Institute on Alcohol Abuse and Alcoholism, drug and alcohol use on the job costs society an estimated \$102 billion a year. Since most of this cost is passed on to you in the form of higher health insurance rates or in consumer prices, drug and alcohol use on the job costs you and your fellow workers a significant amount of money.
4. Absenteeism among problem drinkers or alcoholics is 3.9 to 8.3 times greater than normal. If your fellow workers don't come to work, you may have to do their jobs in addition to your own.
5. Workers who use drugs and/or misuse alcohol don't function at their full potential. Not only is absenteeism a problem, when they are at work these employees may have reduced capabilities and productivity.
6. No matter what your position is in the organization, there is something you can do to ensure that drug and alcohol use on the job never becomes a problem at the company. Acceptance of any misuse puts you, this company, and the public at risk.
7. Workers who use alcohol and other drugs affect everyone. Studies show that compared to alcohol and drug-free workers, substance abusers are far less productive, miss more workdays, are more likely to injure themselves or someone else, and file more workers' compensation claims.
8. The measurable dollar costs of workplace substance abuse from absenteeism, overtime pay, tardiness, sick leave, insurance claims, and workers' compensation can be substantial. However, the hidden costs resulting from diverted supervisory and managerial time, friction among workers, damage to equipment, and damage to the company's public image means that workplace substance abuse can further cut profits and competitiveness.
9. Alcohol can also destroy relationships, lead to serious problems with the law (e.g., drunk driving), and even cause harm to the people you love.
10. If taking drugs and drinking affects your work life, it could lead to job loss and all the financial problems that would follow.

B. Effects on an individual's health, work, and personal life:

Alcohol

1. Alcohol is a central nervous system depressant. Taken in large quantities, it causes not only the euphoria associated with being drunk, but also adversely affects your judgment, ability to think, and your motor functions. Drink enough alcohol fast enough and it can kill you.
2. Long term overuse of alcohol can cause liver damage, heart problems, sexual dysfunction, and other serious medical problems.
3. In some cases, alcohol use can lead to physical and psychological dependence on alcohol. Alcoholism is a serious chronic disease. Left untreated it will inevitably get worse.

Marijuana

1. Marijuana is a central nervous system depressant. It causes a feeling of euphoria, increased sense of well-being, lack of motivation, lowered inhibitions, talkativeness, dry mouth and throat, increased appetite, impaired coordination, concentration and memory, and increased heart rate.
2. Long term use may result in deteriorating work performance, "burn out" involving muddled thinking, acute frustration, depression, and isolation, impaired sexual development and fertility, including production of abnormal sperm and menstrual irregularities, damage to the lungs and pulmonary system, hallucinations and paranoia, increased risk to safety and health as a result of impaired judgment and motor abilities.
3. Prolonged use of marijuana often results in psychological dependence for the user. Moreover, marijuana is considered a "gateway" drug. Casual users of marijuana often become chronic users, or become abusers of "harder" drugs.

Cocaine

1. Cocaine is a central nervous system stimulant. It causes brief but intense feelings of euphoria and competence, increases pulse, blood pressure, body temperature, and respiratory rate. It dilates the pupils of the eyes, causes extreme excitability and anxiety, and produces sleeplessness and chronic fatigue.
2. Long-term use results in bleeding and other damage to nasal passages, paranoid psychosis, hallucinations, and other mental abnormalities. Use causes impaired driving ability and death caused by heart or respiratory failure.
3. Cocaine users often become psychologically and physically dependent on the drug after relatively short periods of use. In many cases, crack cocaine use leads to virtual immediate addiction.

Amphetamines/Methamphetamines

1. Amphetamine is a central nervous system stimulant. It causes feelings of alertness and euphoria, increases heart rate and blood pressure. It dilates the pupils of the eyes, decreases appetite, enables the user to go without sleep for relatively long periods of time, and causes distorted thinking.
2. Use causes dizziness, headaches, blurred vision, sweating, loss of coordination, tremors, convulsions, physical collapse, anorexia and malnutrition resulting from decreased appetite. It causes sudden blood pressure increases from injections resulting in fever, stroke, or heart failure, nervousness, irritability, drastic mood swings, hallucinations, paranoia, physical collapse, and brain deterioration; overdose or continued heavy use can be fatal.
3. Amphetamines are addictive both physically and psychologically. Following the use of amphetamines, many users experience a "crash" which is often counteracted by taking more of the drug, creating an increasingly difficult pattern to break.

Opioids

1. Opioids are central nervous system depressants. The physical effects of opiates depend on the opioid used, the dose, and how the drug is taken. Effects may include: short lived state of euphoria, followed by drowsiness, slowed heart rate, breathing, and brain activity, depressed appetite, thirst, reflexes, and sexual desire, and increased tolerance for pain.
2. The most common dangers associated with opioid misuse are: AIDS, blood poisoning, and hepatitis as the result of drug injection and use of un-sterilized or “shared” needles, death resulting from the injection of impure heroin, death resulting from an unexpectedly high purity of the drug, convulsions, coma, or death from overdose.
3. Opioids, particularly heroin, have an unusually high potential for abuse and addiction. Heroin addiction often leads to malnutrition, infection and unattended injuries and diseases. Addicts tend to continue using the drug despite damaging physical and psychological consequences.

Phencyclidine (PCP)

1. PCP is a central nervous system stimulant. The physical effects of PCP include: altered states of consciousness, disorientation, confusion, and memory loss; highly unpredictable, and sometimes bizarre or even violent behavior; extreme agitation; impaired driving ability and increased tolerance to pain.
2. The most common dangers of PCP use are mental changes resembling schizophrenia, severe depression, and loss of learning abilities and violent and other “intoxicated”: behaviors resulting in bodily harm or death.
3. Physical dependence on PCP has been documented and may be accompanied by memory loss, violence, weight loss, and paranoia. Symptoms of withdrawal include headaches, intense cravings for the drug, increased need for sleep, and “flashbacks” for a period of years.

C. Signs and symptoms of alcohol misuse - Any one or more of the following signs may indicate a drinking problem:

- Family or social problems caused by drinking
- Job or financial difficulties related to drinking
- Loss of a consistent ability to control drinking
- “Blackouts” or the inability to remember what happened while drinking
- Distressing physical and/or psychological reactions if you try to stop drinking
- A need to drink increasing amounts of alcohol to get the desired effect
- Marked changes in behavior or personality when drinking
- Getting drunk frequently
- Injuring yourself - or someone else while intoxicated
- Breaking the law while intoxicated
- Starting the day with a drink

D. Signs and symptoms of substance abuse - Any one or more of the following signs may indicate an abuse problem:

- Poor physical coordination/slow reactions and slurred speech
- The odor of marijuana smoke in the area
- Hand tremors or unsteady walking
- Dilated or constricted pupils
- Disorientation/unusual restlessness
- Combative behavior, loud arguing or fighting
- The presence of drug paraphernalia and/or observing the employee ingest, inject, smoke, or inhale (snort) a prohibited substance
- Work performance problems, including a deterioration in quality and/or quantity of work
- Problems with attendance such as tardiness and increasing absenteeism
- Increased accidents and injuries
- Poor judgment and difficulty in concentration
- Personality changes, including aggressiveness, mood changes, fearful or paranoid behavior
- Negligence in personal hygiene or pale or sickly complexion
- Social withdrawal, including isolation, overreaction to criticism, and lack of eye contact
- Emotional changes such as noticeable signs of anxiety or depression, paranoia, or excessive laughing

E. Available methods of evaluating and resolving problems associated with the misuse of drugs or alcohol:

1. Outpatient programs exist in a variety of settings:

- a. Community mental health centers
- b. Full service agencies
- c. Private physicians' and therapists' offices
- d. Occupational settings
- e. Specialized alcoholism treatment facilities

2. Inpatient services, designed for those with more serious problems, can be found in hospitals, residential care facilities, community halfway houses, and some alcoholism clinics.

F. Where to find help for you or a co-worker:

- Employee Assistance Program (Your employee assistance program (EAP) provider)
1-800-999-1196
- Al-Anon / Al-Ateen
1-800-356-9996
- Narcotics Anonymous
1-818-773-9999

APPENDIX B CITY OF WESTWOOD

DRUG AND ALCOHOL TESTING PROGRAM PERSONNEL AND SERVICES

1. DESIGNATED EMPLOYER REPRESENTATION (DER)

Primary Contact

John Sullivan
4700 Rainbow Blvd
Westwood, KS 66205
913-207-1214

Secondary Contact

Leslie Herring
4700 Rainbow Blvd
Westwood, KS 66205
913-362-1550

2. LOCAL COLLECTION SITE

Corporate Care
9040 Quivira Road
Lenexa
913-492-9675

In most instances the ComplianceOne mobile collector can do your collections on site. However, a local collection site has been set up for use when the on-site collector is unavailable.

3. MEDICAL REVIEW OFFICER (MRO)

Nationwide Medical Review
Steven Paschall, M.D.
7160 Graham Road
Indianapolis, IN 46250
Local: 1-317-547-8620
Toll-Free: 1-888-265-6362

4. CERTIFIED LABORATORY

Clinical Reference Laboratory
8433 Quivira
Lenexa, KS 66215
Toll-Free: 1-800-445-6917

5. EMPLOYEE ASSISTANCE PROGRAM (EAP) REFERRAL FOR SUBSTANCE ABUSE PROFESSIONAL (SAP)

Employee Assistance / SAP Referral
Local 1-785-575-9343
Toll-Free: 1-800-999-1196

City of Westwood CI4039

4700 Rainbow Blvd
Westwood, KS 66205

**APPENDIX C
EMPLOYEE/SUPERVISORY POSITIONS
SUBJECT TO DRUG AND ALCOHOL TESTING

(JOB CLASSIFICATIONS/TITLES)**

Please list your employee position descriptions that require a Commercial Driver's License (CDL)
subject to alcohol and drug testing.

- a.
- b.
- c.
- d.
- e.

**PLEASE COMPLETE THIS FORM AND MAINTAIN THIS WITH
YOUR DRUG AND ALCOHOL POLICY**

City of Westwood CI4039
4700 Rainbow Blvd
Westwood, KS 66205

**EMPLOYEE AFFIRMATION OF
DRUG AND ALCOHOL TESTING POLICY**

As an employee in a safety sensitive position, I affirm that I have received, read and understand the City of Westwood's Drug and Alcohol Testing Policy and educational materials. I am aware that I may be required to undergo a drug and/or alcohol screen as outlined by City of Westwood 's policy requirements and that I will be informed prior to the drug/alcohol screen; and, that I may be referred to an education and treatment program depending on the results of the drug/alcohol screen. I agree to abide by all provisions of the anti-drug policy as a condition of my continued employment with the company. I am aware and agree that the Policy does not create any contractual rights in my favor or in any way alter the at-will nature of my employment or imply that discharge will occur only "for cause".

Employee Name (Please Print)

Employee Signature

Date

City of Westwood CI4039 Representative

Date

**SUPPLEMENT
DILUTE NEGATIVE DRUG TEST RESULTS**

City of Westwood

**This supplement explains what happens when an employer receives
a report from the MRO of a negative dilute specimen and employer options.**

A negative dilute specimen (Creatinine 5mg/dl to <20 mg/dl, Specific gravity between 1.001 & 1.003) is a specimen that contains an unusually high level of water concentration. Some of the ways this can occur are outlined below:

1. Donor may consume large amounts of water as part of their regular routine.
2. In the case of "shy bladder" collector may offer extra fluids in order to obtain a specimen.
3. Donor may consume large amounts of water in an effort to intentionally dilute the specimen causing drug concentrations to fall below the cutoff levels.
4. Donor may conceal additional water on their person and add to the specimen in an effort to deliberately dilute the sample.

As an employer you may establish different policies regarding dilute negative specimens based on different types of tests. Under 49 CFR, Part 40 Section 40.197, you have the following options:

- a. Accept a negative dilute specimen as a valid drug test.
- b. Require one recollection of the specimen.

Please mark the different types of tests in which your company will accept a negative dilute specimen or require a repeat test to be performed.

Pre-Employment	_____	Accept Test	_____	Repeat Test
Post-Accident	_____	Accept Test	_____	Repeat Test
Reasonable Cause	_____	Accept Test	_____	Repeat Test
Return to Duty	_____	Accept Test	_____	Repeat Test
Follow-Up	_____	Accept Test	_____	Repeat Test
Random	_____	Accept Test	_____	Repeat Test

1. You must treat all employees the same for this purpose. For example, you must not retest some employees and not others for each test type. Retests should be done as soon as possible and within the same selection quarter.
2. You are required to inform your employees in advance of your decisions on these matters.
3. You must ensure that the employee is given the minimum possible advance notice that he or she must go to the collection site.
4. You must treat the result of the recollected test as the test result of record.
5. You are required to follow the provisions regarding negative dilute specimens as outlined under Section 40.197 of 49 CFR Part 40.

Signature

Title

Date