

Chapter 135

PERSONNEL

Section 135.010. Probationary Period. [CC 1992 § 25.010; Ord. No. 182 § 1, 6-2-2004]

Each employee receiving an appointment or a promotion to a position in the service of the City must serve a probationary period of ninety (90) days before his/her appointment or promotion shall be considered permanent. During the employee's ninety-day probationary period, the employee's work habits, abilities, attitude, promptness and other pertinent characteristics will be observed and evaluated by his/her supervisor, department head or other appropriate City Officials. If the probationary employee fails to meet required standards of performance, he/she is to be dismissed, or if he/she is a promoted regular employee, he/she may be restored to the position from which he/she was promoted or to a comparable position. During the probationary period, the employee is not eligible for any offered employee fringe benefits, such as sick leave and vacation, but will earn credit for those to be taken at a later date. Wages for designated holidays falling within the probationary period will be paid to probationary employees.

Section 135.020. Discharge During Probationary Period. [CC 1992 § 25.020]

If at any time during the probationary period the supervisor determines that the services of a City employee have been unsatisfactory, the employee may be separated from his/her position without the right of appeal or a hearing. The Board shall notify the employee in writing at least seven (7) calendar days before the effective date of separation of the reasons for the separation.

Section 135.030. Termination Of Probationary Period. [CC 1992 § 25.030]

At the end of each employee's ninety-day probationary period or extension granted thereto, the supervisor of the employee shall complete a probationary report and notify the Mayor in writing that either the employee has successfully completed his/her probationary period and is capable of performing the duties of the position satisfactorily, and is henceforth to be considered a regular employee with all rights and privileges due him/her; or the employee has not demonstrated the ability to satisfactorily perform the duties of the position and is to be separated from City Government, or if promoted from another position, returned to the previous or a similar position.

Section 135.040. Appointment And Promotion. [CC 1992 § 25.040]

- A. Appointments and promotions to all classified positions shall be solely on the basis of merit, which shall be determined by evaluation of the applicant's:
1. Training, education, experience and physical fitness;
 2. Oral interview; and

3. Whenever practical, an examination or demonstration test.

Section 135.050. Age. [CC 1992 § 25.050]

The minimum age for employment as a probationary employee shall be eighteen (18) years of age, unless the Board shall in writing waive the requirement. The minimum age for employment of seasonal employees shall be sixteen (16) years of age.

Section 135.060. Residence. [CC 1992 § 25.060]

Employees of the City need not reside within the City. However, any provisions of this Code specifically requiring a particular employee or class of employees to live within the City limits shall prevail over this provision.

Section 135.070. Promotion Policies. [CC 1992 § 25.070]

All vacancies occurring in the service of the City shall, whenever possible, be filled by promotion of a qualified employee within the City service. However, the Board may authorize the recruitment of applicants from outside the City service whenever he/she has reason to believe that better qualified applicants are available than within the City service. Promotion within the City service shall be based on the qualifications and seniority of the person being appointed. Usually, the first consideration in filling vacancies will be given to the most qualified senior applicant in the department in which the vacancy exists. Next, consideration will be given to the most qualified senior applicant from outside the department. If no acceptable applicant is found within the City service, the vacancy will be filled from outside the City service. The criteria used in the selection of the most qualified senior applicant shall be based upon experience, performance, evaluation and, where feasible, examination.

Section 135.080. Relatives In The City Service. [CC 1992 § 25.080]

Members of an immediate family shall not be employed at the same time, regardless of the administrative department, if such employment will result in an employee supervising a member of his/her immediate family. Immediate family is defined as wife, husband, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparents, grandchildren, stepmother, stepfather, brother-in-law, sister-in-law, uncle, aunt.

Section 135.090. Political Activities. [CC 1992 § 25.090]

City employees shall not be appointed or retained on the basis of their political activity. City employees shall not be coerced to take part in political campaigns, to solicit votes, to levy, contribute or solicit funds or support for the purpose of supporting or opposing the appointment or election of candidates for any municipal office.

Section 135.100. Individual Political Activities. [CC 1992 § 25.100]

No City employee shall actively advocate or oppose the candidacy of any individual for nomination or election to any municipal office, but an employee may participate in political affairs at other levels of government, provided such participation does not adversely affect his/her performance as a City employee. Employees are expected to exercise their right to vote in

municipal elections, but shall not engage in or participate in any other way in any municipal election.

Section 135.110. Political Activities Violations and Penalties. [CC 1992 § 25.110]

Failure to comply with the requirements of Sections 135.090 and 135.100 shall be grounds for immediate dismissal. Any person who attempts to coerce or does coerce any City employee to take part in activity prohibited by Sections 135.090 and 135.100 may be punished as provided in Chapter 100, Article III, of this Code.

Section 135.115. Records. [CC 1992 § 25.115]

Employees who create records of the City are required to place the records in the custody of the City. Any employee who fails to turn over such records to the City Clerk upon demand may be subject to immediate discharge. An employee, upon leaving the service of the City, who retains such records is guilty of an ordinance violation and may be prosecuted by a court with jurisdiction to hear such matters.

Section 135.120. Outside Employment. [CC 1992 § 25.120]

No full-time employee of the City shall accept outside employment, whether part-time, temporary or permanent, without prior approval from the Board. Each change in outside employment shall require separate approval. Approval shall not be granted when such outside employment conflicts or interferes, or is likely to conflict or interfere, with the employee's municipal service. Such approval, however, shall not be arbitrarily withheld. Employees may not engage in or accept private employment or render any service for private interest when such employment or service is incompatible or creates a conflict of interest with his/her official duties.

Section 135.130. Conduct, Work Habits, Attitude. [CC 1992 § 25.130]

It shall be the duty of each employee to maintain high standards of conduct, cooperation, efficiency and economy in their work for the City. Whenever work habits, attitude, production or personal conduct of any employee falls below a desirable standard, supervisors should point out the deficiencies at the time they are observed. Corrections and suggestions should be presented in a constructive and helpful manner in an effort to elicit the cooperation and goodwill of the employee. Whenever possible, oral and/or written warnings with sufficient time for improvement shall precede formal discipline.

Section 135.140. Discipline Policy. [CC 1992 § 25.140]

- A. It shall be the duty of all City employees to comply with and to assist in carrying into effect the provisions of the City's personnel rules and regulations. No permanent employee shall be disciplined except for violation of established rules and regulations, and such discipline shall be in accordance with procedures established by the personnel rules and regulations.
 - 1. Employee's and supervisor's responsibilities.
 - a. It is the duty of every employee to attempt to correct any faults in his/her performance when called to his/her attention and to make every effort to avoid

conflict with the City's rules and regulations.

- b. It is the duty of every supervisor to discuss improper or inadequate performance with the employee in order to correct the deficiencies and to avoid the need to exercise disciplinary action. Discipline shall be, whenever possible, of an increasingly progressive nature, the step of progression being (i) warning, (ii) demotion, (iii) suspension, and (iv) removal; however, it is not necessary to follow this progression prior to removal of an employee.
2. Grounds for action. The following are declared to be grounds for demotion, suspension, or removal of any permanent employee:
 - a. Conviction of a felony or other crime involving moral turpitude.
 - b. Acts of incompetency.
 - c. Absence without leave.
 - d. Intentional failure or refusal to carry out instructions.
 - e. Misappropriation, destruction, theft, or conversion of City property.
 - f. Acts of misconduct while on duty.
 - g. Willful disregard of orders.
 - h. Habitual tardiness and/or absenteeism.
 - i. Falsification of any information required by the City.
 - j. Failure to properly report accidents or personal injuries.
 - k. Neglect or carelessness resulting in damage to City property or equipment.
 - l. Repeated convictions during employment on misdemeanor and/or traffic charges.
 - m. Introduction, possession, or use on City property or in City equipment of intoxicating substances, or proceeding to work, or performing work for the City, under the influence of an intoxicating substance.
3. Right of appeal. All permanent employees are granted the right of appeal. Within ten (10) days after effective date of disciplinary action, the employee may file a written appeal to the Mayor. The disciplinary action against the employee shall be stayed during the course of this appeal, unless the Mayor orders its imposition in writing giving his/her reasons therefor.
4. Investigation. The Mayor shall hear appeals submitted by any permanent employee in the City relative to any suspension, demotion, or dismissal and shall submit a written statement of facts, findings, and recommendations to the Board of Aldermen, whose actions shall be final and conclusive.
5. Appeal hearing open to public. The appeal hearing shall be open to the public at the discretion of the Mayor, subject to all requirements of law.

6. Informal nature. The hearing shall be conducted in an informal nature and the Mayor shall make every effort to avoid the appearance of conduction of a trial in a court of law.
7. Scheduling of appeal. No later than ten (10) working days after receipt of the written appeal, the Mayor shall fix a time and place for convening of a hearing. Within forty-eight (48) hours after the completion of the hearing, the Mayor shall report his/her findings and recommendations to the Board of Aldermen.
8. If the Mayor shall have ordered that disciplinary action against an employee shall not be stayed during an appeal, then the Mayor shall appoint a member of the Board of Aldermen to hear the appeal. In such case the provisions of Section 135.140(A)(7) shall not apply, and the hearing shall be scheduled within forty eight (48) hours of the Mayor's order imposing immediate disciplinary action. Should the hearing officer recommend to the Board of Aldermen that the disciplinary action not be imposed, and should this recommendation be accepted by the Board of Aldermen, then the City shall pay said employee the same as if he/she had been employed in the service of the City during the time in which the Mayor's discipline order was in effect.
9. Right to representation. The appellant shall have the right to appear and be heard in person or by counsel.
10. Appellant fails to appear. Appellant's failure to attend or notify the hearing officer of his/her inability to attend the hearing will constitute just cause of dismissal of the appeal and imposition of the disciplinary action.

Section 135.150. Grievance Policy. [CC 1992 § 25.150]

- A. The most effective accomplishment of the work of the City requires prompt consideration and equitable adjustment of employee grievances. It is the desire of the City to adjust the causes of grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise.
 1. An employee may present his/her grievance, or have an employee committee selected by the employee present his/her grievance, to his/her supervisor or department head.
 2. All grievances shall be submitted in writing to the City Clerk, who shall forward a copy thereof to the employee's supervisor for action.
 3. If satisfaction is not achieved by the above procedure within ten (10) working days, the grievance shall then be presented to the Mayor.
 4. The Mayor shall convene a hearing within ten (10) days to consider the grievance. The employee, the supervisor, the department head and any other interested party shall have the right to be heard. All City employees shall be considered in the service of the City during the course of the grievance hearing, and each employee shall be paid at his/her regular hourly rate for that time spent in the hearing.
 5. Following the hearing, the Mayor shall within ten (10) days take whatever action is necessary, including, but not limited to, a recommendation to change the personnel rules and regulations or the work practices of the City, a finding that the grievance is

unjustified, or any other appropriate recommendation. A report of the Mayor's finding shall be presented to the Board of Aldermen.

6. No employee shall be disciplined or discriminated against in any way because of his/her proper use of the grievance procedure.
7. To the extent the provisions of this Section conflict with Section 135.140 of this Chapter, the requirements of Section 135.140 shall apply. The procedure outlined in Section 135.140 shall be used if the alleged grievance is a disciplinary matter, although the Mayor may treat a hearing under this Section as a hearing for the purposes of Section 135.140(A)(3), provided that all employee rights have been respected.

Section 135.160. Holidays. [CC 1992 § 25.160]

- A. All regular employees of the City shall receive normal compensation for the twelve (12) legal holidays listed below and any other days or part of a day during which the public offices of the City shall be closed by special proclamation of the Mayor with approval of the Board. All regular part-time employees shall receive compensation in proportion to the average number of hours normally scheduled to work. Probationary employees shall be considered for purposes of this Section to be regular employees. Legal holidays to be observed are as follows:

Holiday	Date
New Year's Day	January 1
Martin Luther King Day	January 20
Lincoln's Birthday	February 12
Washington's Birthday	Third Monday in February
Truman Day	May 8
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	October 12
Veterans Day	November 11
Thanksgiving Day	Last Thursday in November
Christmas Day	December 25

- B. It shall be the policy of the City to insure that all regular employees enjoy the same number of holidays each year. The standard shall be the number of holidays in a particular year which will be celebrated by employees working a forty-hour week, Monday through Friday.

1. An employee absent without authorized leave in the day preceding and/or the day following a holiday shall not receive regular compensation for the holiday.
2. Any regular employee in the City service who shall be required to perform work or render services on a regularly scheduled holiday shall receive a day off at his/her regular pay rate in lieu of the holiday missed, or at the option of the City he/she may be compensated at the City's approved overtime rate for his/her service on the regularly scheduled holiday.
3. For Police Officers and other employees required to work on the holiday, the department supervisor shall designate the day to be taken in lieu of the holiday. Such substitute shall be within thirty (30) days after the scheduled holiday.

Section 135.170. Vacation. [CC 1992 § 25.170]

- A. Every employee in the City service holding a permanent status position and having occupied such position for a period of twelve (12) consecutive calendar months shall be allowed annual vacation leave with pay. Vacation leave shall be granted on the basis of the number of regularly scheduled hours in the standard work or duty week to which the employee is assigned at the time of his/her vacation. Employees shall receive two (2) weeks' vacation after one (1) year of service. After ten (10) years of service, employees shall receive three (3) weeks' vacation. After fifteen (15) years of service, employees shall receive four (4) weeks' vacation.
 1. Vacation leave shall be taken during the year following its accumulation. The Board of Aldermen may approve a vacation being taken prior to the conclusion of a year of service, with the exception of the first year.
 2. Absence on account of sickness, injury or disability in excess of that hereinafter authorized for such purposes may, at the request of the employee and within the discretion of the department head, be charged against vacation leave allowance.
 3. Records of vacation leave allowance and use shall be kept by the person responsible for the employee's payroll payment. Vacation leave scheduled shall be in regard to the seniority of employees, to accord with operating requirements and, insofar as possible, with the requests of the employees.
 4. When a regularly scheduled holiday occurs during the period of an employee's vacation, an additional day of vacation shall be granted.
 5. All vacations must be scheduled at least two (2) weeks in advance of the first day of vacation leave.

Section 135.180. Sick Leave. [CC 1992 § 25.180]

- A. All full-time City employees shall earn sick leave with full pay at the rate of twelve (12) workdays for each calendar year of service. Sick leave shall accrue from the date of employment, but shall not be taken until the successful completion of six (6) months probationary period, except with written permission of the Mayor. Sick leave may never be taken in advance of earning the time. Sick leave may be accumulated up to forty (40) days.

1. An employee may be eligible for sick leave for the following reasons:
 - a. Personal illness or physical incapacity.
 - b. Quarantine of an employee by a physician.
2. An employee who is unable to report for work because of one of the above reasons shall report the reason for his/her absence to his/her supervisor within ten (10) minutes after the time he/she is expected to report to work. Sick leave with pay shall not be granted unless such report has been timely made. Documentation may be required of the employee before any sick leave will be granted or payment made.
3. An employee terminating from City service shall not be allowed the use of sick leave in the last two (2) calendar weeks of employment. Unused sick leave will not be compensated for in any way at the time of resignation or dismissal of an employee.
4. Abuse of the sick leave privilege can result in dismissal.

Section 135.190. Leave Of Absence To Perform Military Duties Mandatory — Discrimination Against Militia Members An Ordinance Violation — Hours Of Leave, How Computed.

- A. All officers and employees who are or may become members of the National Guard or of any reserve component of the Armed Forces of the United States shall be entitled to leave of absence from their respective duties, without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits, to which otherwise entitled, for all periods of military services during which they are engaged in the performance of duty or training in the service of the State at the call of the Governor and as ordered by the adjutant general without regard to length of time, and for all periods of military services during which they are engaged in the performance of duty in the service of the United States under competent orders for a period not to exceed a total of one hundred twenty (120) hours in any Federal fiscal year.
- B. Before any payment of salary is made covering the period of the leave, the officer or the employee shall file with the City an official order from the appropriate military authority as evidence of such duty for which military leave pay is granted, which order shall contain the certification of the officer or employee's commanding officer of performance of duty in accordance with the terms of such order.
- C. Compensation for this period of military leave shall be limited to the amount by which the normal City pay exceeds the military pay received. [CC 1992 § 25.190(A)]
- D. No member of the organized militia shall be discharged from employment because of being a member of the organized militia, nor shall he/she be hindered or prevented from performing any militia service he/she may be called upon to perform by proper authority, nor otherwise be discriminated against or dissuaded from enlisting or continuing his/her service in the militia by threat or injury to him/her in respect to his/her employment. Any officer or agent of the City violating any of the provisions of this Section is guilty of an ordinance violation.
- E. Any permanent employee who is drafted into the military service shall, upon termination of his/her active service, be entitled to return to the City service at a level equivalent to the

position held on his/her departure. This leave of absence shall not exceed the period of time necessary to complete the period of active duty that he/she has been involuntarily ordered to perform. [CC 1992 § 25.190(B)]

- F. Notwithstanding the provisions of any other administrative rule or law to the contrary, any person entitled to military leave pursuant to the provisions of Subsection (A) of this Section shall only be charged military leave for any hours which that person would otherwise have been required to work had it not been for such military leave. The minimum charge for military leave shall be one (1) hour, and additional charges for military leave shall be in multiples of the minimum charge.

Section 135.200. Volunteer Firemen. [CC 1992 § 25.200]

All employees of the City are encouraged to participate as members of the Volunteer Fire Department. Employees called away from the City service to duty as Volunteer Firemen shall be paid at the regular rate of compensation for such absence.

Section 135.210. Funeral Leave. [CC 1992 § 25.210]

An employee may be granted three (3) working days' leave as needed in the event of the death of his/her spouse, child, mother, father, mother-in-law, father-in-law, brother or sister. Such leave shall not be deducted from either sick leave or vacation leave. An employee shall be compensated for the funeral leave.

Section 135.220. Exceptions To This Chapter. [CC 1992 § 25.220]

The provisions of this Chapter shall not apply to uniformed employees to the extent that the personnel policies of the Police and Fire Departments conflict with this Chapter.