



PERSONNEL HANDBOOK

Last Updated Dec 2023

Welcome to the City of Nixa

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WELCOME TO THE CITY OF NIXA

We have always emphasized that outstanding people are the key to our success. Through the efforts of our employees, the City of Nixa has become a leader. To ensure continued success, we feel it is important that all employees understand our policies and procedures. This employee handbook will familiarize you with the various aspects of working with The City of Nixa. I encourage you to use it as a valuable resource for understanding the City. We feel it will also be a useful reference document for all employees. If you have any questions, please do not hesitate to ask them of either your supervisor or any member of the management team.

Best wishes to you and thank you for taking this first step in knowing your City.

CITY OF NIXA

City Officials & Staff

CITY MISSION STATEMENT

As a steward of public trust and in accordance with our values, the City of Nixa exists to:

- Provide and maintain exceptional quality services and infrastructure
- Create an environment for opportunity
- Enhance quality of life

By:

- Managing resources effectively
- Encouraging innovation
- Seeking involvement and cooperation
- Serving with honesty and integrity

We are committed to working together, with our neighbors, to maintain a friendly, small-town atmosphere and promote civic pride.

1. INTRODUCTION

City policies, practices and benefits are continuously reviewed for updating and we expect them to change from time to time. Therefore, you should always check with your supervisor for the most current information. City benefit plans are defined in legal documents such as insurance contracts, official plan texts and trust agreements. This means that if a question ever arises about the nature and extent of plan benefits or if there is conflicting language, the formal language of the plan documents govern, not the informal wording of this handbook.

1.1 Ethical Standards/Conflict of Interest

The City of Nixa has an excellent reputation for conducting its business activities with integrity, fairness, and in accordance with the highest ethical standards. As an employee you are obligated to uphold that reputation in every business activity. If you are ever in doubt whether an activity meets our ethical standards or compromises the City's reputation, please discuss it with your supervisor.

A City employee may not have an interest in any firm or organization doing business with the City when that employee works with, or exerts some control over, the performance of the work of which the firm or organization has been hired to perform. Any appearance of "Conflict of Interest" should be avoided.

An employee may not accept gifts, monetary or otherwise from suppliers, vendors, contractors, or elected officials for performing his/her work duties.

Employees are expected to pay promptly any indebtedness to the City of Nixa. All utility accounts or other unpaid balances due the City of Nixa shall be paid in a timely manner. Past due or delinquent monies owed the City of Nixa will be collected by garnishment of wages from employee's weekly payroll and other action as deemed necessary.

Employees are encouraged to vote. An employee's employment shall always be based on merit and not on political affiliation.

1.2 Open Communication

Employees are encouraged to share their concerns, seek information, provide input, and resolve problems/issues through their immediate supervisor, and as appropriate, consult with any member of supervisory staff toward those ends. Supervisors are expected to listen to employee concerns, to encourage their input, and to seek resolution to their problems/issues. Unresolved issues may be taken to the next level of authority by appointment and in the presence of the immediate supervisor.

If you prefer to remain anonymous, contact The Network, 24 hours a day, 7 days a week.

Report online: reportlineweb.com/Nixa

Call toll-free: 877-371-0675

1.3 Suggestions

If you have any suggestions or ideas that you feel would benefit The City of Nixa, we would encourage you to tell us about them. We are always looking for suggestions that improve methods, procedures and working conditions, reduce costs or errors, and benefit the City and its employees.

1.4 Whistleblower

A whistleblower as defined by this policy is an employee of the City of Nixa who reports an activity that he/she considers to be illegal or dishonest to one or more of the parties specified in this Policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

Examples of illegal or dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact his/her immediate supervisor, Human Resources, or the City Administrator. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

Whistleblower protections are provided in two important areas -- confidentiality and against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. The City will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the City Administrator or Human Resources immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

Defend Trade Secrets Act (DTSA) Compliance: "Immunity from Liability for Confidential Disclosure of a Trade Secret to the Government or in a Court Filing:

(1) Immunity—An individual shall not be held criminally or civilly liable under any federal or state trade secret law for the disclosure of a trade secret that—(A) is made—(i) in confidence to a federal, state or local government official, either directly or indirectly, or to an attorney; and (ii) solely for the purpose of reporting or investigating a suspected violation of law; or (B) is made in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal.

(2) Use of Trade Secret Information in Anti-Retaliation Lawsuit—An individual who files a lawsuit for retaliation by an employer for reporting a suspected violation of law may disclose the trade secret to the attorney of the individual and use the trade secret

information in the court proceeding, if the individual—(A) files any document containing the trade secret under seal; and (B) does not disclose the trade secret, except pursuant to court order."

All reports of illegal and dishonest activities will be promptly submitted to Human Resources who is responsible for investigating and coordinating corrective action. Employees with any questions regarding this policy should contact Human Resources.

2. EMPLOYMENT POLICIES

2.1 Equal Employment Opportunity

The City of Nixa is an equal opportunity employer. Our relations with applicants for employment and with our employees are administered without regard to race, religion (belief or non-belief), sex, age, national origin, disability, citizenship, veteran status, sexual orientation, gender identity as well as other classifications protected by applicable federal, state or local laws. The City of Nixa actively promotes this policy by conducting all employment transactions strictly on the basis of job related qualifications.

Our equal employment opportunity philosophy applies to all aspects of employment with the City of Nixa including recruiting, hiring, training, transfer, promotion, job benefits, pay, dismissal, educational assistance, and social and recreational activities.

2.2 ADA/ADAAA Policy

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws that require employers to not discriminate against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of the City of Nixa to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the company policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

When an individual with a disability requests accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, he or she will be given the same consideration for employment as any other applicant. Applicants who pose a direct threat to the health, safety and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will not be hired.

The City will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals

or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to the City. Contact Human Resources with any questions or requests for accommodation.

All employees are required to comply with the City's safety standards. Current employees who pose a direct threat to the health or safety of themselves or other individuals in the workplace will be placed on leave until a decision has been made in regard to the employee's immediate employment situation.

Individuals who are currently using illegal drugs are excluded from coverage under the City's ADA policy.

Human Resources is responsible for implementing this policy, including the resolution of reasonable accommodation, safety/direct threat and undue hardship issues.

2.3 Immigration Law Compliance

The U.S. Immigration and Naturalization Service requires all employers maintain a completed Immigration and Naturalization Service (INS) eligibility verification statement (form I-9) for every employee. This form confirms that the individual being hired is legally eligible to work in the United States and is the same person whose name appears on the papers of documentation.

The City of Nixa is committed to employing only United States citizens and aliens who are authorized to work in the United States and complies with the Immigration Reform and Control Act of 1986.

As a condition precedent of employment, each new employee must present original documents of identification as indicated by INS, properly complete, sign and date the first section of the Immigration and Naturalization service form I-9.

An employee who fails to provide proper identification documents within three days of hire will not be allowed to continue employment until such documentation is presented.

2.4 Hiring Requirements

Each department may require pre-employment tests and examinations administered by the individual departments.

Each position within the City may have minimum age, education, health and residence requirements as determined by the City Code.

Before the hiring process is completed, a background check and drug screening are required.

**For rehiring purposes, background checks are good for two (2) years and the drug screenings are good for one (1) year.

2.5 Job Advertisement Posting

2.5.1 Recruitment

- a. Directors must notify the Director of Human Resources of all positions needed, justification of why the position is needed, who is being replaced, and method for replacement. Directors must submit a proposed position description for review and approval by the Director of Human Resources each time duties change or a new position is requested.
- b. There shall be no recruitment for any position without the approval by the Director of Human Resources and authorization by the City Administrator.

2.5.2 Announcement

- a. All vacancies for regular positions in the classified service shall be publicized by posting an announcement on the City website, and a posting in each department breakroom, and such other forms of notice as shall be deemed appropriate. Vacancy notices shall be posted for at least seven (7) days, unless the City Administrator approves a lesser time due to an emergency or unusual circumstances.
- b. The announcement shall specify the classification and position titles; the pay grade of the position; the nature of the work to be performed; the minimum qualifications required; and other qualifications preferred for the performance of the work; and other pertinent information.
- c. In the event the job posting on the City's website does not generate adequate interest or sufficient applicants, the Human Resources Department will take the necessary steps to ensure public awareness of City of Nixa's employment opportunities.

2.5.3 Application Forms

- a. All applicants for City employment shall make application on forms provided by the Director of Human Resources. All applicants shall submit complete information relating to experience, training, residence and other necessary information. The Director of Human Resources and the Director of the Department will use the information to determine whether the applicant is eligible for the position and to take an examination for employment if one is required.
- b. Failure to accurately and fully complete the application form(s) may be reason for disqualification.

- c. Completed application forms, including resumes and other documents and correspondence, shall become the property of the City and shall not be returned to applicant.
- d. Applications will only be accepted for open positions.
- e. Applications will only be accepted for the positions in which they were submitted. Applications will not be considered for other positions within the City. In the event the same position becomes available after the initial posting, a new application would be necessary for consideration.

2.5.4 Special Requirements

The City may require applicants to meet and maintain specific standards and possess special experience and training necessary to perform the duties of the position.

2.5.5 Disqualifications

- a. The Director of Human Resources shall reject any application which indicates that the applicant does not possess the minimum qualifications required for the position. Applications shall also be rejected if the applicant has made any misstatements of any material fact; has practiced any deception or fraud regarding the application; or has been convicted of a crime which is detrimental to the conduct of business in the position for which applying.
- b. Defective applications may be returned to the applicant with notice to amend the same. Failure to submit the application within the time limit prescribed by the Director of Human Resources shall be cause for disqualification.

3. COMPENSATION POLICIES

3.1 Payroll Period

The workweek is from Monday through Sunday for all employees and the standard payday is Friday of every other week.

When a payday falls on a holiday, payroll funds will be available on the last working day prior to the holiday.

Payroll is dispersed to employees by Direct Deposit. Pay statements will be made available to employees electronically first to a City email address (if assigned one) or secondly, to a personal email address provided by the employee.

3.2 Payroll Deductions

Your earnings and payroll deductions are shown on a pay statement. Deductions required or requested are as follows:

Required by Federal, State & Local	Authorized by Employee
Federal Income Tax	Dental Insurance
State Income Tax	Medical Insurance
Medicare Tax	Vision Insurance
Social Security Tax	Flex Spending Acct (FSA)
Garnishments/Wage Attachments	Voluntary Supplemental
LAGERS	Insurance(s) as made
	available each plan year
	Charitable Contributions
	Deferred Compensation Plan
	Fitness Center Fees
	IBEW
	FOP
	Other deductions as approved
	by employee and management

Any questions about your paycheck should be directed to Human Resources.

3.3 Time Sheets

All non-exempt employees are required to fill out a timesheet weekly. Timesheets are required to be submitted to their Supervisor by 9:00 a.m. on Monday following each payroll period. Each payroll period will consist of two timesheets. Supervisors must turn timesheets in to Human Resources by 10:00 a.m. on Monday following each payroll period.

Deadline for timesheets to be submitted to Human Resources may be subject to change whenever a holiday falls in the week of payroll processing. Communication for such deadlines will be distributed accordingly.

Falsification of time sheets is grounds for termination.

3.4 Time Clock Policy

3.4.1 Time Clock Records

Rules prohibit employees from recording another's time, causing another employee to record time for him, or failing to record his time. Rules forbid clocking in too soon or out too late without authorization. "Falsifying" time clocks is considered theft of time and could be considered cause for termination.

Supervisors must keep a record of hours worked by "non-exempt" employees. Care must be taken to ensure start/stop times follow regularly scheduled work hours. Early clock-ins or late clock-outs will make the City liable for overtime pay in case of a conflict or dispute.

By law, we are obligated to keep accurate records of the time worked by "non-exempt" employees, time clock entries do this.

Your time clock record indicates when you arrived and when you departed. You are to clock in and out for lunch and for brief absences like a doctor or dentist's appointment. All employees are required to keep your supervisor advised of their departures from and returns to the premises during the workday.

You are responsible for your time clock record. Remember to record your time. If you forget to clock in or make an error on your record, your supervisor can make the correction in the system for you. You are not permitted to clock in more than five (5) minutes before your scheduled starting time or more than five (5) minutes after your scheduled quitting time without your supervisor's approval.

No one may record hours worked on another's record. Tampering with another's time clock record is cause for adverse action, including possible termination, of both employees. Do not alter another person's record, or influence anyone else to alter your record for you. In the event of an error in recording your time, please record the matter to your supervisor immediately.

Time records must be turned in to your supervisor along with any appropriate Leave Requests in order to receive payment of wages. Time records and Leave Requests not received by the payroll department will result in either a shortage of pay, or no pay. Employees must wait until the next pay period to be compensated.

3.4.2 Time Clock Use/ Clock-In and Out

All hourly employees are required to use a time clock. Employees will personally clock in and out for their shift and during lunch hours. Exceptions to clocking in and out for lunches are the Street, Electric, Water, Wastewater, Recycle, Police departments, Meter Readers and those that are salaried.

3.4.3 Time Clock - Difference between clock records and actual hours worked

Employees, who voluntarily come in before their regular starting time or remain after their closing time, will not be paid for such periods, provided that they do not engage in any work. Their early or late clock in times may be disregarded. Minor difference between the clock records and actual hours worked cannot ordinarily be avoided, but major discrepancies will be discouraged since they raise a doubt as to the accuracy of the records of the hours actually worked.

3.4.4 Time Clock - "Rounding" practices

Every time an employee clocks in and out, the total end time for each entry will be rounded (up or down) to the nearest quarter hour (15 minutes or .25 continental time). This arrangement of rounded time (up & down) averages out so that employees are fully compensated for all the time they actually work.

An entry of time is any time someone clocks in and out during any given day and/or if they have to return later on the same day.

Any time over 15 minutes must be approved overtime.

3.5 Work Schedule

The City workweek is defined as a seven-day period (168 hours). A normal workweek of 40 hours is established for most employees. Because of the variety of functions of the many departments within the City, there may be differences in normal hours and days of work. An employee starting a new job should consult the departmental supervisor to learn the appropriate work schedule. The standard work beginning and ending times are determined by customer demands and departmental needs that are in effect.

Each employee has ½ hour for lunch as scheduled by the department supervisor. Emergency service personnel schedules are set by the department supervisor.

Police Department:

Emergency service personnel schedules are set by the department supervisor.

Commissioned Police Officers' work week shall be defined as a 14-day period. A normal work week will be based on the shift length as follows:

- 8-hour shift= 80 hours
- 10-hour shift= 80 hours
- 12-hour shift= 84 hours

3.6 Overtime

Department supervisors may require, out of necessity for the expeditious conduct of public business or for the protection of the public business or for protection of the public health, safety, or welfare that an employee work overtime. Failure to comply with such requests shall constitute a violation of these rules and regulations and provide grounds for disciplinary action.

The Fair Labor Standards Act (FLSA) establishes the federal wage and hour governing the payment of overtime. Only employees in "non-exempt" positions are eligible for overtime pay. To receive overtime pay, a non-exempt employee must work beyond the City's normal workweek which is forty (40) hours weekly. Overtime work is not to be performed at the discretion of the employee, but must be approved by the employee's supervisor or designee. Department Heads are not required to pre-approve overtime unless specifically requested to do so by the City Administrator.

The overtime rate paid for hours worked in excess of forty (40) hours will be at one and one-half times the employee's normal hourly rate. Your base workweek for computing overtime

compensation will be the actual hours worked. Exempt employees shall not be paid for overtime worked.

Police Department:

Commissioned non-exempt status police officer overtime rate will be paid as follows:

- 8-hour shift: hours worked in excess of 80 hours
- 10-hour shift: hours worked in excess of 80 hours
- 12-hour shift: hours worked in excess of 84 hours

**Your base work week will be calculated based on your actual hours worked.

**Exceptions for employees that are on Standby, Call out (policy 3.8.1) or Called back (policy 3.8.2).

3.7 Compensatory Time

3.7.1 Summary

Departments may give employees compensatory time off in lieu of immediate overtime pay at a rate of one and one-half hours for each hour of overtime worked. This policy applies to employees classified as nonexempt. Earned compensatory time must be recorded in the City's central payroll system as part of the regular payroll processing cycle. An employee's official, accrued compensatory hours will be the account balance within that system.

3.7.2 Agreement

An agreement between the employee and the department concerning the use of compensatory time must be reached prior to the performance of work. The agreement need not be in writing and may be evidenced by the employee working overtime knowing that the department utilizes compensatory time in lieu of paid overtime, a department policy that has been communicated to employees, language in an offer letter or other methods that establish an agreement to accept compensatory time in lieu of paid overtime. The City need not adopt the same agreement or understanding with all employees. Occasional cash payment of overtime hours does not negate the compensatory time agreement.

3.7.3 Maximum Accumulation

Employees may accumulate up to forty (40) hours of compensatory time per year. Compensatory time is granted at a rate of one and one-half hours for each overtime hour worked. Thus, the forty (40) hour limit represents 26.667 hours of actual overtime worked. Once an employee reaches the maximum compensatory time accrual, the City must pay for additional overtime hours (over forty (40) in a workweek) worked at a rate of one and one-half times the employee's hourly rate.

3.7.4 Use of Compensatory Time

Compensatory time must be earned before it is taken, and may be used at the discretion of the employee, subject to supervisory approval. The supervisor may not deny the request to use compensatory time unless it would unduly disrupt City operations. Supervisors may require that an employee use accrued compensatory time to cover absences instead of utilizing vacation leave or sick leave. In addition, a supervisor may require the employee to take time off to reduce compensatory time balances. Supervisors should give as much advance notice as possible to employees when mandating the use of compensatory time.

3.7.5 Pay out of Compensatory Time

The department may, in its discretion, cash out accumulated compensatory time by paying the employee for any portion of unused compensatory time. Any cashed out accumulated compensatory time shall be paid at the employee's hourly rate.

Exempt staff members are not credited with compensatory time; therefore the balance of unused compensatory time will be paid to the employee before the employee transfers into an exempt position. Any balance of unused compensatory time will be paid to the employee by the employee's current department (or division) before the employee transfers from one department to another.

Unused compensatory time earned between January 1st of a calendar year through December 14th of the same calendar year will be paid out at the employee's hourly rate and will be included with payroll for the pay period which includes December 15th.

Overtime worked December 15th through December 31st will be paid as overtime (at a rate of one and one-half the employee's hourly rate) in order to conduct annual year-end accounting procedures.

Upon resignation or termination payment for all accumulated compensatory time will be made in one lump-sum payment at the employee's hourly rate.

Unused compensatory time shall be paid at the employee's regular rate at the time of payment.

3.7.6 Abuse of the Compensatory Time Policy

The procedures of record keeping of compensatory time or any misrepresentation on timesheets will be grounds for disciplinary action up to and including termination.

3.8 Standby, Callout and Callback Policy

3.8.1 Standby and Callout Policy

The City of Nixa will compensate standby personnel, not compensated within their regular hourly rate, at a flat rate of \$105/week or \$15/day.

If called out during the regular work week, standby personnel shall receive a minimum of two hours at their regular hourly rate. **These hours will be paid as overtime.**

If called out on the weekend, standby personnel shall receive a minimum of three (3) hours at their regular hourly rate. **These hours will be paid as overtime.**

If a call out occurs on a City prescribed holiday, the standby personnel shall receive compensation as suggested for a weekend standby schedule. **These hours will be paid as overtime.**

Standby personnel receiving another call-out within the same call out period already compensated for shall only receive compensation for the amount of time it took to complete the service at the City's overtime rate.

*Electric lineworkers are required to live within 30 minutes of the City of Nixa Public Works building located at 1111 Kathryn St. for the purpose of getting power outages corrected in a timely manner.

3.8.2 Callback Policy

If an employee (other than standby personnel) is called back to work during his/her off duty hours without advance notice, the employee shall receive a minimum of two (2) hours at their regular hourly rate. **These hours will be paid as overtime.**

3.8.3 Court Duty

All employees attending a court session while off-duty shall be compensated at a minimum of three (3) hours at their regular rate of pay.

- Employees must be responding to an official court subpoena relating to any law enforcement duty of city business.
- Prior to responding to Court, the employee must call the Court Clerk to ensure that their case has not been delayed or canceled.

3.9 Wage Garnishment

Garnishment of wages results when an unpaid creditor or agency has taken the matter to court. A garnishment is legal permission for creditors or agencies to collect part of an employee's pay directly from the City. Although the City does not wish to become involved in an employee's private matters, we are compelled by law to administer the court's orders.

In doing so, Human Resources will contact the employee to explain the details of garnishment and how it affects wages. Employees are encouraged to resolve these matters privately to avoid the City's involvement in this mutually unpleasant situation. The City may impose a fee for processing the garnishment.

3.10 Severance Allowance

At its discretion, The City of Nixa may pay a severance allowance to salaried employees if they are terminated due to:

- A reduction in the City work force
- Elimination of their job or position

The severance allowance may be paid as part of or in addition to any payments required by law. Those employees deemed entitled to severance pay are paid in accordance with the following schedule:

Length of Service	Amount of Pay
Under 5 years	None
5 years to less than 10 years	4 weeks
10 years to less than 15 years	8 weeks
15 years plus	9 weeks

Such severance pay will be paid in a lump sum at the time of termination, and is subject to federal and state withholdings.

3.11 Mileage Reimbursement

The City provides a vehicle for employees to use for travel to meetings and training. Employees must use the City vehicle when available before using a personal vehicle. The employee may request to use the van by calling City Hall and reserving it ahead of time. When the van is not available, the supervisor may authorize the employee to use personal vehicle.

When using the van, you must fill out the van usage report. Return the report with the keys to City Hall.

A purchasing card is available for the City vehicles. If the purchasing card is not available and you fuel the City vehicle, you will need to provide the paid fuel ticket to your supervisor for signature. Turn the approved fuel ticket into accounts payable for reimbursement.

If the City vehicle is unavailable and you use your personal vehicle, the City will pay you the current rate (current IRS rate less .03 cents) per mile. If the City vehicle is available and you request to use your personal vehicle, the City will reimburse you at a rate ½ of the City's Reimbursement Rate. The employee will be required to provide proof of insurance on their personal vehicle. The City requires a minimum Combined Single Limit (CSL) of \$100,000 liability insurance. The insurance deck sheet must be submitted along with the request to travel, or upon request.

3.11.1 Car Allowance

Certain employees of the City may receive a car allowance, which is intended to assist in covering the cost of an automobile, including financing, insurance, maintenance and repairs, fuel, etc. Automobiles operated by those receiving such allowance should be appropriate for business use. Employees receiving a car allowance are required to keep proof of automobile insurance on file with the Human Resources Department.

Car allowance payments will be included in the employee's taxable income. No mileage reimbursement shall be paid to employees receiving a car allowance for travel within a 100-mile radius. Travel outside this area shall be reimbursed at the current reimbursement rate as described in the City's current Mileage Reimbursement Policy. The car allowance rate shall increase by the same percentage as the yearly Cost of Living Adjustment (COLA) at the beginning of each fiscal year.

3.12 Mutual Aid Emergency Pay

The City of Nixa participates in the Mutual Aid Emergency Assistance program. During storm, disaster recovery or emergency events, employees will typically work a 16 hours on/8 hours off work schedule; employees are limited to no more than 16 consecutive hours in a 24 hour period. When employees are sent to assist with storm recovery, disaster recovery or emergency events where overnight lodging is required, the following pay structure will be followed:

Off duty: No compensation

On duty: Double the normal hourly rate.

4. EMPLOYEE

4.1 Job Classifications

The City of Nixa classifies employees based on criteria and position, consistent with the Fair Labor Standards Act and applicable state law.

Exempt (salary): Employees who meet any of the FLSA's exemption standards, including managerial, supervisory, professional, sales or administrative employees or any other categories covered by the Federal Fair Labor Standards Act (FLSA).

Non-exempt (hourly): Employees whose position do not meet the FLSA exemption standards. Non-exempt positions qualify for overtime wages.

In addition, each individual's employment status is defined as one of the following:

Full-time: Employees are expected to work 40 hours per week. For benefits purposes, employees who work at least 30 hours per week will be eligible for benefits after applicable requirements for length of service have been met.

Full-time Police Officers: Police officers are expected to work 80 hours or 84 hours per payroll depending on daily shift length. To receive benefits police officers must work at least 60 hours per payroll period (14-day work period).

Part-time: Employees who work 29 hours or less per week and employed on a year round schedule are considered to be part-time. These employees will receive all legally mandated benefits (such as workers' compensation and Social Security benefits), but will be ineligible for other benefit programs.

Part-time Police Officers: Police officers who work 58 hours per payroll period or less and are employed year-round are considered part-time.

Seasonal: Employees will work varied hours, based upon demand of the department, however on a temporary basis (less than one year).

A "regular full-time" employee receives appropriate benefits listed in this handbook. At the time of employment, the specific levels of benefits will be described. Part-time and seasonal employees are not eligible for vacation, holiday and leave pay, nor are they eligible for insurance unless they meet the hours requirement based on ACA standards, or employee development programs and earn no vested rights to their position while in this status.

4.2 Pre-Employment Records

After a conditional offer of employment with the City of Nixa has been given and accepted, the candidate(s) will be required to complete pre-employment tests and/or examinations. Some departments may have more tests/examinations to be completed, depending on the nature of the position. Each position within the City may have a minimum age, education, health and residence requirements as determined by the City Code.

- a) Post offer of employment, a criminal background check and drug screening test will be conducted. Candidates who do not pass the background check and/or drug screening test will have the contingent offer of employee with the City rescinded.

4.3. Initial Employment Records

Upon hire, the following forms must be completed by the new employee regardless of position. Additional documents may be required per department.

- a) I-9 form with proper identification
- b) W-4 tax forms
- c) Voluntary Self-Identify (Post Employment) of Race/Ethnicity

4.4 Personnel Files

The City of Nixa maintains up-to-date personnel files on all employees. It is important to keep your records timely because this information is used for benefit administration, continued insurance notices under COBRA, notification in case of emergency, etc. We respect your right to

have the information on your records treated confidentially. Contact the Human Resources if there are any changes in:

- Home address
- Telephone number
- E-mail address
- Emergency contact
- Marital status
- Number of dependents
- Military status

Personnel records are confidential and only appointed officials of the City, who have a legitimate reason to review information in a personnel file, are allowed to do so. Access to employee medical files is governed by HIPAA compliance regulations. With notice, an employee may review limited material in his or her file, but only in the Human Resources' office and in the presence of Human Resources. Personnel files are considered property of the City of Nixa.

4.5 Release of Information

Except for records and information that we are required to provide by law, no information about you will be released unless there is a signed authorization form from you on file, and the request is in writing.

4.6 Introductory/ New Employees

The introductory period, served by all newly hired full-time employees, is an extension of the hiring process. This is an opportunity for the supervisor and city employees to determine the suitability of the person hired for that particular position. All employees, with the exception of police personnel, shall serve a three (3) month introductory period. Police personnel, due to the nature of their shift work, shall serve a six (6) month introductory period.

During the introductory period, and throughout the term of employment, the employee shall be evaluated on a regular basis in order to inform the employee of his/her strengths and weaknesses in the performance of the required duties. Specific methods for improvement shall be included in the discussions.

An introductory employee may be dismissed at any time during the introductory period without notice. At the end of the introductory period, the supervisor shall recommend whether the employee should continue within his/her present position or whether the introductory period should be extended.

An introductory period shall also be served by employees promoted, transferred, or demoted within the City service.

4.7 Performance Evaluation

At least annually on employment anniversary date, every supervisor shall meet with each employee with whom he/she works to review the employee's past performance and recommend areas of improvement that will allow the employee to perform his/her duties more effectively. The evaluation shall be done on a form approved for that purpose.

The employee may take this opportunity to discuss problem areas that he/she sees so that the evaluation process develops mutual understanding of the role each person in the organization must play in order to bring about the most efficient and effective operations possible while maintaining a work atmosphere that meets the needs of the employee.

Merit increases will be allotted based on performance evaluations as approved budget by Council allows.

4.8 Promotion and Transfers

4.8.1 Promotion

When the City Administrator determines that the best interest of the City will be served, vacancies in positions may be filled by promotion of an employee. Such internal positions shall be open to all employees of the City.

Promotion within the City service shall be based on the qualifications of the person being appointed. Usually, the first consideration in filling of vacancies will be given to the most qualified applicant in the department in which the vacancy exists. Next consideration will be given to the most qualified applicants from outside the department. If no acceptable applicant is found within the City service, the vacancy will be filled from outside the City service.

Reclassification of an employee to a position of greater responsibility with a higher range of pay shall be considered a promotion.

If the promotion involves a move from one department to another department, both Department Heads must agree to the effective date.

4.8.2 Transfer

Regular employees who have completed their probationary period in good standing with the City of Nixa may apply for a transfer from one position to another position when a vacancy occurs. However, the Department Head may recruit applicants from outside the City service whenever he/she has reason to believe that better qualified applicants are available than within the City service.

No person shall be transferred to a position for which that person does not possess the minimum qualifications. Upon notice to Human Resources, an employee may be transferred within the same department by the Department Head at any time from one position to another position in a comparable class. For transfer purposes, a comparable class is one with the same maximum

salary, includes the performance of similar duties, and requires substantially the same basic qualifications.

If the transfer includes a change from one department to another, the City Administrator must approve the transfer.

An employee transferred within a department or between departments to a position which has the same pay range as the former class, shall retain the same rate of pay.

If the transfer involves a move from one department to another department, both Department Heads must agree to the effective date.

4.9 Outside Employment

The City of Nixa does not limit an employee's activities during non-working hours unless those activities interfere with or are in conflict with the performance of his/her job, or create a conflict of interest or appearance of conflict of interest. Employees must notify their Department Head in writing of their outside employment.

4.10 Employee Development

4.10.1 Seminars & Training

It is the City's desire to give every reasonable encouragement to its employees in their efforts to improve proficiency in their present jobs and to prepare for advancement.

- a) Within the annual budget, the City Council will allot money that will allow employees to attend seminars and training sessions that will provide a benefit for the City. Each request for travel and/or training shall be submitted at least five (5) working days prior to the event. The request shall be on a form prescribed by the Finance Department and be authorized by the Department Head. Attached to the submitted form shall be a copy of a meeting notice, brochure, program, or agenda.
- b) If a City vehicle is unavailable for the employee's use, the employee may use their personal vehicle for transportation to the training (see Mileage Reimbursement). The employee will be required to provide proof of insurance on their personal vehicle. The City requires a minimum Combined Single limit (CSL) of \$100,000 liability insurance. The insurance deck sheet must be submitted along with the request to travel, or upon request.
- c) If the City vehicle is available and employee elects and has been approved to drive personal vehicle, employee will be reimbursed at a rate $\frac{1}{2}$ of the City's Reimbursement Rate (current IRS rate less \$0.03).
- d) Should the employee decline to use personal vehicle, the Department Head is authorized to make the decision on transportation that is the most cost effective for the City and reasonable for the employee.

4.10.2 Meal Allowance & Travel

The purpose of this policy is to establish meal rates and travel requirements for employees who travel for the City of Nixa in relation to conferences, meetings, training and official City business.

- a) The per diem (per day) should be in accordance with the www.gsa.gov website. The City will not provide a meal allowance for meals when meals are included at the function you are attending. **The tip should be figured in with the price of your meal, or it should be at your expense.** To request meal allowances, you must fill out a "Check Request for Travel" form. Your supervisor should have one or they are on the City's website.
- b) If you are traveling 100 miles or more, the per diem rate may be different. The website with the average domestic per diem rates is www.gsa.gov. Click on per diem rate then the state and the nearest city. If you do not pursue the per diem rate outside the 100 mile area before your travel you will receive the per day rate for Nixa.
- c) If you depart for travel/training before 6:00 a.m., breakfast will be included. If you arrive home after 7:00 p.m., dinner will be included. Your meal request form will ask you the time you are leaving, the time the training begins and ends.
- d) With prior approval, employees on business travel may be accompanied by a family member at the employee's expense. The employee will be required to use their personal vehicle when they are accompanied by family. The employee will be reimbursed at a rate $\frac{1}{2}$ of the City's Mileage Reimbursement Rate (current IRS rate less \$0.03). The employee will be required to provide proof of insurance on their personal vehicle. The City requires a Combined Single Limit (CSL) of \$100,000 liability insurance. The insurance deck sheet must be submitted along with the request to travel, or upon request.

The presence of a companion should not interfere with the successful completion of your business.

- e) If you need reimbursed for travel/training (books, taxi cab, bus fare, parking fee, etc.) these fees will need to be approved by your supervisor. You must bring in your receipts with supervisor signature.
- f) If two or more employees of the same sex are attending the same training, they will need to travel and room together, when possible.
- g) While traveling or in training, the employee(s) will be paid their regular hours that they normally work. If an employee(s) drives during hours outside their work schedule the driver and passengers will be paid overtime. If you have training that

lasts more than your daily work hours, the employee will be paid time and half for those hours.

- h) If your room was paid for by a City charge card, one must turn in the receipt to Accounts Payable.

An employee must fill out the Check Request for Travel form and attach documentation of the program of events, registration form and agenda.

4.11 Apprentice Reimbursement Program

By signing the Apprentice Reimbursement Agreement, the employee pursuing the apprentice lineworker program or apprentice substation technician program agrees to remain with the City, after the completion of the degree, year for year. Meaning, if the City pays for four (4) years of school, the employee will agree to stay for four (4) years after completing school. If the employee only has two (2) years of schooling, then they will agree to stay for two (2) years after completing their schooling. If the employee leaves in less than the agreed upon time, the employee agrees to reimburse the City for certification expenditures as follows: 100% leaving in the first year; 75% in the second year; 50% in the third year; and 25% in the fourth year. If the employee decides later to discontinue the apprenticeship, the employee shall reimburse all expenses including but not limited to tuition, books and materials, equipment, travel, lodging, meals, mileage and airline costs incurred by Nixa on behalf of the employee. The City may deduct from the employee's salary the amount due. Terms for repayment after termination may be arranged at the discretion of the City Administrator.

4.12 Employment of Relatives

While the City of Nixa will not prohibit personal or business relationships between employees, employees are hereby:

- (a) Prohibited from supervising (directly or indirectly) a relative or someone with whom they are involved in a personal or business relationship outside of work.
 - a. If an employee is forced to supervise such an individual temporarily, the supervisor shall make reasonable efforts to defer matters involving the employee to an uninvolved supervisor.
- (b) Prohibited from participating, contributing to or recommending promotions, assignments, transfers, discipline, or other personnel decisions which could impact an employee who is a relative or an employee with whom they are involved in a personal or business relationship.
- (c) Prohibited from participating in the hiring process of any individual with whom the employee is related or has a personal or business relationship.

The City and its managers/supervisors will attempt to avoid placing employees in situations where a conflict of interest may arise. The City reserves the right to transfer or reassign employees as necessary to avoid conflicts. If an employee intends to enter a personal or business relationship which may create a conflict of interest, the employee is required to notify an uninvolved next-level supervisor. A supervisor becoming aware of any such relationship shall take reasonable steps to

avoid conflicts of interest and violations of this policy. Violations of this policy may result in discipline up to and including termination.

Relative is defined, for the purpose of this policy, as any relative within the fourth degree, either by blood relationship or marriage. For the purposes of this policy, step and in-law relations are considered equivalent to full blood relations.

First degree – child, parents, spouse

Second degree – grandchild, brother/sister, grandparents

Third degree - great grandchild, niece/nephew, aunt/uncle, great grandparents

Fourth Degree – great-great grandchild, grandniece/nephew, first cousin, great aunt/uncle, great-great grandparents

5. CONDUCT

5.1 Overview

Every organization has certain guidelines which were developed to reflect good business practices. In establishing any rules of conduct, the City has no intention of restricting the personal rights of any individual. Rather, we wish to define the guidelines that protect the rights of all employees and to ensure maximum understanding and cooperation. Therefore, employees are expected to be:

- On-time and alert when scheduled to be at work.
- Careful and conscientious in performance of duties.
- Thoughtful and considerate of other people.
- Courteous and helpful, both when dealing with customers and with other employees.

5.2 Absenteeism/ Tardiness

The City of Nixa expects employees to be at work on time and to work a full shift, which varies by department (i.e., 12 hours for Police and the standard 8 hours for most departments).

An employee who will be absent from work for any reason must call his/her supervisor by phone prior to the start time of that day. Emails and text messages are not acceptable.

Pre-planned vacation and sick leave requests may be submitted to supervisor via email.

Repeated absenteeism and/or tardiness may lead to disciplinary action up to and including termination.

5.3 Unacceptable Job Performance/Disciplinary Action

The principle objective of any disciplinary action shall be to improve the conduct and efficiency of the employee. Any action by an employee, whether at work or not, which reflects discredit on the City, or is a direct hindrance to the effective performance of anyone's job functions, constitutes improper employee conduct and shall be considered cause for disciplinary action.

The City of Nixa upholds and maintains a progressive disciplinary system consisting of the following available disciplinary actions, unless otherwise covered by law:

- a) Counseling and Coaching
- b) Written notices of performance deficiencies
- c) Suspension with or without pay
- d) Discharge

The City of Nixa reserves the right to utilize any of the above-described actions at any time and in any order depending upon the nature of the conduct of the employee being disciplined, including discharge.

To maintain consistency in disciplinary actions of **c** and **d**, the employee, his/her supervisor, and either the City Administrator, City Clerk, or Human Resources will be present during the disciplinary session.

5.4 Employee Appeals Procedure

All regular full-time employees may appeal a disciplinary action involving loss of pay or discharge through the chain of command in the following process; if a resolution is not received from the meeting with the immediate supervisor, the supervisor will schedule an appointment for the employee and self to meet with the City Administrator and Human Resources. A written appeal must be filed within five (5) working days of termination.

5.5 Termination

We hope to retain good employees. However, employment at the City is for no specified time, regardless of length of service. Just as you are free to leave for any reason, we reserve the same right to end our relationship with you at any time, with or without notice, for any reason not prohibited by law.

When an employee wishes to resign because of illness or for personal reasons, the possibility of a leave of absence may be explored.

The employee is requested to give at least a two-week notice before voluntarily terminating employment. If a two-week notice is not given, payout of vacation and sick time is forfeited.

If an employee voluntarily leaves employment while under an internal investigation, the employee will forfeit all accrued leave: sick, vacation and holiday, and all other benefits provided by the City. Any such employee will still be entitled to any comp time payments as specified by the City's comp time policy.

5.6 Exit Interviews

Exit Interviews are conducted upon voluntary resignation of employment. We always welcome ideas on how the City can become a better place to work. Human Resources will reach out to the employee to schedule an exit interview. At this time you may openly address any concerns you may have regarding insurance and benefits and any other pertinent issues.

5.7 Rehire Policy

The City encourages previous employees who have resigned in good-standing to re-apply for employment. The final approval concerning the hiring of a former employee will be left to the discretion of the department head and Human Resources. Regardless of the length of your previous employment and length of time since you terminated your employment with the City, your health benefits and sick time will accrue as if you were a new/first-time City employee. Department seniority will also accrue as if a returning employee were a new/first time City employee regardless of the length of previous employment and the length of time since the employment ended.

Vacation time will be handled as follows:

In the event of a rehire, an employee that has been gone for one (1) year or less will be reinstated at their previous vacation accrual rate. For example: an employee with five (5) years of service, and earns three (3) weeks of vacation per year, leaves employment and within six (6) months is rehired. This employee will then start earning vacation at the five (5) year rate instead of at a new hire rate.

In the event of a rehire and the employee has been gone for one (1) year or more, vacation time will accrue as a new hire.

5.8 Protection of City & Employee Property

Respect and protection of City property and employee personal property is every person's concern. If you find property missing or damaged, report it to your supervisor immediately. Personal use of City property is prohibited.

Theft or misappropriation of City funds or property will result in immediate termination And, if possible, criminal and/or civil prosecution.

Employees dismissed for theft will forfeit all accrued leave, sick leave, vacation leave and all other benefits provided by the City.

5.9 Theft or Misappropriation of City Funds or Property

Theft or misappropriation of City funds or property will result in immediate termination and, if possible, criminal and/or civil prosecution.

Employees dismissed for theft will forfeit all accrued leave, vacation leave, sick leave, comp time and all other benefits provided by the City as allowed by State and Federal laws.

6. WORKPLACE

6.1 Personal appearance and dress code standards

6.1.1 Personal Appearance standards

Employees shall maintain their personal hygiene and appearance to project a professional image appropriate for their department and for their assignment. Individual departments within the city may have additional personal appearance standards.

A) Hair

- a. Hairstyles for all members must be neat in appearance. Distracting haircuts or colors are not allowed.
- b. Facial hair must be maintained and neat in appearance. Distracting styles and colors are prohibited.

B) Tattoos

- a. While representing the City of Nixa in an official capacity, no tattoos shall be visible that are sexually explicit, contain nudity, obscene material, ethnic slurs, gang symbols, promote discrimination or endorse criminal activity. These tattoos must be covered at all times during work hours.

C) Body Piercing

- a. Piercing of the ears
 - i. Distracting piercings of the ears is not permitted.
 - ii. Ear gauging is permitted if the gauge is 2g (6mm) or smaller.
- b. Facial piercings
 - i. Facial piercings (including tongue piercings) may not be worn during business hours.
- c. Nose piercings
 - i. Are allowed in left or right nostril only.
 - ii. No septum piercings.
 - iii. Nose piercings may only have a stud or hoop that is 20g (6mm) or smaller.
 - iv. No double hoop or multiple nose piercings. Nose chains are not allowed.
- d. All other body piercings and alterations
 - i. Body piercing or alteration to any area of the body that is visible in any authorized uniform or attire and is a deviation from normal anatomical features and that is not medically required is prohibited.
 1. Such body alteration includes, but is not limited to, the following:
 - a. Tongue splitting
 - b. The complete or transdermal implantation of any material other than hair replacement or breast augmentation
 - c. Branding or scarification

6.1.2 Non-Uniformed Employees

Employees are expected to maintain the highest standards of personal cleanliness and present a neat, professional appearance at all times during normal business hours or when officially representing the City of Nixa. Generally, staff should wear business attire (including denim jeans) unless their specific job functions necessitate alternative attire. Department specific attire will be approved by the department head as necessary.

- A) All employees shall wear clothing that fits properly, is clean and free of stains and not damaged or excessively worn.
 - a. Denim jeans shall not have rips, tears or have ragged edges.
 - b. Denim jeans shall be dark wash not be acid washed, cropped and should be a continuous color.
- B) Business attire shall include but not be limited to button style shirts with collars, polo shirts, khaki pants, slacks, suits, dresses, sweaters, blouses and leggings.
 - a. Leggings-may only be worn under dresses or shirts that come to at least 3" above the knee when standing.
- C) The following are not considered business attire: Muscle/tanks tops, T-shirts (unless worn under other clothing), shorts, sweatshirts/sweatpants, exercise clothing, backless tops or dresses, skirts that are shorter than 3" or more above the knees when standing, anything with spaghetti straps, tennis shoes, sneakers, canvas shoes or "flip flop"/thong shoes.

Any employee in violation of this policy will be expected to bring their attire into compliance. This may include being asked to leave work, change clothes and return in suitable attire. Employees will not be compensated for lost work time if they must return home to change. Repeated or extreme violations of this dress code policy will result in additional disciplinary action, up to and including termination of employment.

6.1.3 Uniformed Employees

The City of Nixa provides uniforms to persons holding certain positions within the City in order for the public to recognize these persons as City employees. For persons holding these positions, wearing of the uniform is a requirement of the job.

- A) Ownership and title to all issued uniforms and equipment are vested in the city. Equipment and uniforms shall be replaced on an as-needed basis.
- B) No item of uniform or equipment shall be transferred or exchanged by any department personnel without supervisor approval.
- C) When an employee vacates their position, all issued uniforms and equipment shall be returned to the City.
- D) Uniforms are only to be worn while on duty, while in transit to or from work, or at other official department functions or events.
- E) Unless specifically authorized by the City Administrator, employees may not wear any part of the uniform, be photographed wearing any part of the uniform or official insignia, or cause to be posted, published or displayed, the image of another employee, or identify themselves as an employee of the City of Nixa to:
 - a. Endorse, support, oppose or contradict any political campaign or initiative

- b. Endorse, support, oppose or contradict any social issue, cause or religion
- c. Endorse, support or oppose, any product, service, company or other commercial entity

Appear in any commercial, social or nonprofit publication, or any motion picture, film, video, public broadcast, or on any website.

6.1.4 Casual dress Friday

Fridays have been designated as Casual dress Friday.

The following rules apply:

- a) Participants may wear tennis or casual shoes if desired.
- b) City logo shirts, business casual shirts and blouses may be worn. Logoed t-shirts promoting other than City related activities or services, anything in writing, a symbol or picture that the casual observer could construe as offensive, vulgar, racially insensitive, or sexually suggestive, will not be permitted.

6.2 Harassment

It is the City of Nixa's policy to maintain a working environment free from actual or perceived forms and types of harassment. This includes harassment directed toward any individual in a legally protected class.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

Verbal harassment includes comments that are offensive or unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs and negative stereotyping.

Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital or other protected status.

Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under the City of Nixa's anti-harassment policy. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature . . . when . . . submission to or rejection of such conduct is used as the basis for employment decisions . . . or such conduct has the purpose or effect of . . . creating an intimidating, hostile or offensive working environment." There are two types of sexual harassment:

Quid pro quo harassment, where submission to harassment is used as the basis for employment decisions. Employee benefits such as raises, promotions and better working hours are directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity (with the authority to grant such benefits) can engage in quid pro quo harassment. Examples: A supervisor promising an employee a raise if she goes on a date with him; a manager telling an employee she will fire him if he does not have sex with her.

Hostile work environment, where the harassment creates an offensive and unpleasant working environment. A hostile work environment can be created by anyone in the work environment, whether it be supervisors, other employees or customers. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials or even unwelcome physical contact as a regular part of the work environment. Texts, e-mails, cartoons or posters of a sexual nature; vulgar or lewd comments or jokes; or unwanted touching or fondling all fall into this category.

Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

- Is made explicitly or implicitly a term or condition of employment.
- Is used as a basis for an employment decision.

Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.
- Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, e-mail, photos, text messages, tweets and Internet postings; or other form of communication that is sexual in nature and offensive.
- Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing and fondling and forced sexual intercourse or assault.

Courteous, mutually respectful, pleasant, non-coercive interactions between employees, including men and women, that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

The harassment of another employee by an employee may lead to disciplinary action, up to and including immediate termination.

Any employee who feels harassed has the right to file a charge with the Equal Employment Opportunity Commission and/or Missouri Human Rights Commission (state agency). Before doing so, the employee is encouraged to speak first with his or her supervisor, or if the supervisor is not appropriate, to the next level of supervision; Human Resources, the City Administrator, the City Clerk or anyone else in management, in an attempt to reach a resolution. It is the director's duty to listen to such complaints and to refer them to the appropriate authority.

If you prefer to remain anonymous, contact The Network, 24 hours a day, 7 days a week.

Report online: reportlineweb.com/Nixa
Call toll-free: 877-371-0675

6.3 Retaliation

No hardship, loss, benefit or penalty may be imposed on an employee in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.

Retaliation or attempted retaliation in response to lodging a complaint or invoking the complaint process is a violation of this policy. Any person who is found to have violated this aspect of the policy will be subject to sanctions up to and including termination of employment.

6.4 Workplace Anti-Violence

The City of Nixa is dedicated in providing a safe workplace free from all threatening and intimidating conduct. We do not tolerate violence or threats of violence of any form in the workplace, at work-related functions or outside of work if it affects the workplace. This policy applies to company employees, clients, customers, citizens, vendors and other persons doing business with the City.

It is a violation of this policy to engage in any conduct, verbal or physical, that intimidates, endangers or creates the perception of intimidation or intent to harm persons or property.

Examples include but are not limited to the following:

- a) Physical assaults or threats of physical assault, whether made in person or by other means (e.g., in writing or by phone, fax or email)
- b) Verbal conduct that is intimidating and has the purpose or effect of threatening the health or safety of another individual

- c) Any other conduct or acts that management believes represent an imminent or potential danger to safety or security.

Employees who feel that they have been subjected to such behaviors listed are requested to immediately report the incident to his or her supervisor, or another member of management. All complaints will be investigated. Based upon the results of the investigation, disciplinary action will be taken against the offender, if appropriate.

Employees who observe, or have knowledge of, any violation of this policy should immediately report it to management. The failure to bring a violation to management's attention may result in discipline. Employees are empowered to contact the proper law enforcement authorities without first informing management if they believe there is a threat to the safety of others.

Managers are to contact the appropriate law enforcement or will investigate the report to delete the appropriate action to be taken.

Likewise, if an employee is experiencing job stress and feels that violence is an option, the employee is encouraged to discuss the situation with his or her supervisor.

6.5 Drug-Free Workplace Policy

Employees shall report to work on time and in appropriate mental and physical condition.

The City of Nixa prohibits substance abuse on its premises or by its employees while on duty. Employees unlawfully manufacturing, distributing, dispensing, in the possession of, use of, sale of, or working under the influence of alcohol, marijuana, or illicit drugs while on City premises, on duty, or while operating City vehicles will be subject to discipline, up to and including termination.

Assistance will be provided to ensure that the employee arrives home safely.

Employees are prohibited from possessing or consuming alcohol on the job. Employees who have consumed any alcohol or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for work. An employee is prohibited from the operation of a commercial motor vehicle and/or from engaging in any work-related functions:

- while consuming alcohol
- while having a blood alcohol concentration of .02 or greater
- within four (4) hours of consuming alcohol. Employees are also prohibited from consuming alcohol within eight (8) hours of an accident occurring on the job

Violations of this provision may result in disciplinary action up to and including termination.

Any employee convicted of, or pleading guilty to, illegal conduct related to alcohol or any controlled substance or who fails to report such a conviction or plea to Human Resources may be subject to disciplinary action up to and including termination.

6.5.1 Marijuana Use Policy

Article XIV of the Missouri Constitution has authorized the consumption of marijuana in Missouri. Marijuana is still illegal under federal law. The consumption of marijuana or marijuana infused products by employees could jeopardize the City's ability to secure grant funding from the federal government, could jeopardize certain licensing related benefits to the City under federal law, could interfere with an employee's ability to perform job related responsibilities, could negatively impact the safety of others, or conflict with a bona fide occupational qualification of the employee.

Therefore, to comply with the requirements of Article XIV of the Missouri Constitution, the City adopts the following employment policies related to marijuana use:

- (1) The City will not discriminate against a person in hiring, termination or otherwise penalize a person based upon:
 - a. The person's status as a qualifying patient or primary caregiver when they have a valid identification card, which shall be provided to the Human Resources Department, including the person's legal use of a lawful medical marijuana product off City premises and during non-working hours, unless the employee was under the influence of medical marijuana on City premises during their hours of employment; or
 - b. A positive drug test for marijuana components or metabolites of a person who has a valid qualifying patient identification card, unless the person used, possessed, or was under the influence of marijuana while on duty.
- (2) Notwithstanding the provision in paragraph (1) above, the use of medical marijuana or non-medical marijuana products while an employee is on duty shall be subject to disciplinary action up to and including termination.
- (3) The provisions in paragraph (1) shall not apply to employees designated as being in a safety-sensitive position, employees in a position in which the use of medical marijuana products affects in any manner a person's ability to perform job-related employment responsibilities, could jeopardize the City's ability to secure grant funding from the federal government, could jeopardize certain licensing related benefits to the City under federal law, impacts the safety of others, or conflicts with a bona fide occupational qualification that is reasonably related to the employee's employment. The City Administrator is authorized to designate certain positions as falling within the above-mentioned categories. Safety-sensitive position shall mean employment with the City which involves the performance of duties which have a direct and immediate impact on the safety of the employee, the public, or other City employees.
- (4) The City shall not permit or accommodate the consumption or possession of any marijuana or marijuana products by any employee while on duty. Such actions may be subject to discipline up to and including termination.

(5) Unless the exception provided in paragraph (1) applies, the use of marijuana by employees, whether on or off duty, is subject to discipline up to and including termination.

The City shall not permit or accommodate employees to be under the influence of marijuana or any marijuana products while performing their job-related functions or otherwise on duty. Such actions may be subject to discipline up to and including termination.

6.5.2 Drug Testing

The City of Nixa reserves the right to request employees to submit to substance abuse tests, including but not limited to urine tests, blood tests, breath tests, or other examinations to determine the use of any illegal drugs, alcohol, marijuana, or the abuse or misuse of any legal drugs prohibited in this policy or to determine the employee's fitness for duty. These tests may be utilized under the following circumstances:

- **On-The-Job Accident:** If an employee suffers an occupational on-the-job injury that requires a doctor's care or if a serious or potentially serious accident or incident occurs in which safety rules and procedures were violated, equipment or property damaged, unusually careless acts were performed, or where the cause was due to an employee or other person's failure to use prescribed personal protective equipment while working on the City's premises. The City requires the submission of a drug-test for an employee who incurs a work-related injury or illness, or "on-the-job accident" should there be a reasonable basis for such testing. Refer to the Workers' Compensation Policy and Procedures for further details.
- **Pre-Employment:** Job applicants will submit to a drug test after a conditional offer of employment; the conditional job offer will be withdrawn if the job applicant refuses to submit to a drug test or a positive confirmed drug test results.
- **Reasonable Suspicion:** the City has the right to ask the employee to submit to a reasonable-suspicion drug and/or alcohol testing, if there is enough evidence or reasonable suspicion that he/she is working under the influence. A written record shall be made of the observations leading to a controlled-substances reasonable suspicion test within twenty-four (24) hours of the observed behavior or before the results of the test is released, whichever is earlier. A copy of this documentation shall be given to the employee upon request, and the original documentation shall be kept confidential by the covered employer. This policy shall not be construed as to imply suspicion of the use of drugs or alcohol as reason to conduct testing, but as a standard procedure.
- **Random Testing:** the City of Nixa conducts quarterly random testing, for safety-sensitive positions, through a 3rd party vendor. All full-time employees, with safety-sensitive positions, are subject to this random selection.

Employees must, as a condition of employment, abide by the terms of this policy and report to the City any charge under a criminal drug or alcohol violation occurring on or off City premises while conducting City business. A report of charge must be made to the Human Resources department within 5 days after the said charge. Failure to adhere to these policies may result in immediate termination.

Prescriptions are to be carried and used only by the individual for whom they are prescribed. Such drugs must be used only in the manner, combination, and quantity prescribed. In the event an employee is taking a prescribed medication that will impair the employee's ability to perform his or her duties safely, the employee is required to notify his or her supervisor immediately.

Employees who are in positions in which the consumption of marijuana or marijuana infused products by said employees could jeopardize the City's ability to secure grant funding from the federal government, could jeopardize certain licensing related benefits to the City under federal law, could interfere with an employee's ability to perform job related responsibilities, could negatively impact the safety of others, or conflict with a bona fide occupational qualification of the employee and who have a positive test result may be subject to discipline, up to and including termination. The City Administrator is authorized to designate certain positions as falling within the above-mentioned categories. Safety-sensitive position shall mean employment with the City which involves the performance of duties which have a direct and immediate impact on the safety of the employee, the public, or other City employees.

6.5.3 Controlled Substances and Alcohol Use and Testing Policy for CDL Operators

I. Policy Statement.

The purpose of this policy is to establish procedures to comply with the Federal Highway Administration's Controlled Substances and Alcohol use and Testing Rule, Code of Federal Regulations, Title 49 (49 CFR), Part 382.

II. Applicability.

This policy and the regulations that require it, apply to all applicants and employees whose job classification required them to hold a commercial driver's license (CDL).

III. Definitions.

- A. *"Alcohol"* – Refers to the intoxicating agent in beverage alcohol, ethyl alcohol, or other alcohol including methyl and isopropyl alcohol.
- B. *"Alcohol concentration"* – Is the alcohol in a volume of breath in terms of grams of alcohol is 210 liters of breath as indicated by an evidential breath test as described in this policy.
- C. *"Alcohol use"* – Refers to the consumption of any beverage, mixture or preparation, including medication which contains alcohol.

- D. *"Breath Alcohol Technician or BAT"* – An individual who instructs and assists persons in the alcohol testing process and operates an EBT (Evidential Breath Testing device).
- E. *"Confirmation Test"*:
1. For Alcohol – means a second test, following a screening test with a result of 0.02 or greater that provides quantitative results of alcohol concentration.
 2. For controlled substances – means a second analytical procedure to verify the presence of a specific drug. NOTE: the GC/MS (Gas Chromatography/Mass Spectrometry) is the only authorized method for the drugs covered in this policy and defined under the heading, "controlled substance" below.
- F. *"Collection Site Person"* – A person who instructs and assists individuals at a collection site and who receives and renders an initial examination of urine specimens.
- G. *"Company"* – See Employer.
- H. *"Controlled Substances"* – Marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).
- I. *"Driver"* – Any employee who operates a commercial motor vehicle.
- J. *"Drug"* – Includes controlled substances as defined above.
- K. *"Employer"* – Refers to any person (Including the United States, a state, the District of Columbia, or a political subdivision of a state) who owns or leases a commercial motor vehicle or assigns persons to operate such a vehicle.
- L. *"Medical Review Officer (MRO)"* – a licensed doctor of medicine or osteopathy with knowledge of drug abuse disorders who is employed or used by the City of Nixa to conduct drug testing in accordance with Federal Law; responsible for receiving laboratory results generated by the City of Nixa drug testing program who has been medically trained to interpret and evaluate any individual's positive test result, together with his or her medical history and any other relevant biomedical information.
- M. *"Performing a Safety-Sensitive function"* – Means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety sensitive function as listed below in the definition "Safety Sensitive Function."
- N. *"Reasonable Suspicion"* – Is the belief that the driver has violated the alcohol or controlled substances prohibitions, based on specific, contemporaneous, articulation observations concerning the appearance, behavior, speech, or body odors of the driver.
- O. *"Refusal to Submit"* – (to an alcohol or controlled substances test) means that a driver:

1. Fails to provide adequate breath for testing without a valid medical explanation after he or she received notice of the requirement for breath testing.
2. Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing.
3. Engages in conduct that clearly obstructs the testing process.

P. *"Safety-Sensitive Functions"* – Means any of the "on-duty" functions described below:

1. All time at any facility owned, or otherwise waiting to be dispatched, unless the driver has been relieved from duty by the employer.
2. All time inspecting equipment as required by the regulations or otherwise inspecting.
3. All time spent at the driving control of a commercial motor vehicle.
4. All time, other than driving, spent on or in a commercial motor vehicle except time spent resting in a sleeper berth.
5. All time loading or unloading a commercial motor vehicle, supervising, or assisting in this process, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle.
6. All time repairing, obtaining assistance or remaining in attendance of a disabled vehicle.

Q. *"Substance Abuse Professional or SAP"* – is a licensed physician (Medical Doctor or Doctor Osteopathy), or licensed or certified psychologist, social worker, employee assistance professional or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of a clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

IV. Alcohol and Controlled Substance Prohibitions.

- A. No employee shall report for duty or remain on duty for the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater.
- B. No employee shall possess any quantity of alcohol while on duty unless the alcohol is manifested and transported as part of the freight. This includes any medicines, both prescription and over the counter, food, or any other alcohol-containing products.
- C. No employee shall use alcohol on the job.
- D. No employee shall perform safety-sensitive functions within four hours after using alcohol.

- E. When involved in an accident that requires a post-accident alcohol test, the employee shall not use alcohol within eight (8) hours of the accident or prior to submitting for the post-accident test, whichever comes first.
- F. No employee shall refuse to submit to a drug or alcohol test as required by this policy. Any refusal will be treated in the same manner as a positive test.
- G. No employee shall report for duty or remain on duty when the employee uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the employee's ability to safely operate a commercial motor vehicle.
- H. No employee shall report for duty or remain on duty if the employee tests positive for controlled substances.

V. Alcohol and Controlled Substance Testing.

Employees subject to this policy will be required to submit to controlled substance testing under the following six types of tests and alcohol testing under all except pre-employment testing.

A. Pre-Employment Testing:

1. All individuals the company intends to hire for a position covered by this policy will be subject to a pre-employment drug test prior to the first time the driver performs a safety-sensitive function.
2. The covered applicants/employee will be notified that a urine sample will be tested for the presence of controlled substances.
3. A pre-employment drug test will be conducted when a current employee transfers from a position not covered by this policy into a covered position. An employee who previously is separated from a Part 283 alcohol and controlled substance testing program will be pre-employment tested for controlled substances prior to performing a function covered by this policy.
4. Applicants who are offered a position covered by this policy will be tested before being employed. Pre-employment job applicants who test positive for drugs will not be hired and do have the right to have their samples retested under the conditions set forth in Section VII of this policy. Employees transferring into a position requiring drug testing who test positive for do have the right to have their sample retested. Employees who fail a drug test will not be hired for the position requiring testing.
5. An employee who transfers from one position covered by this policy to another covered by this policy does not require pre-employment testing.

B. Random Testing:

1. All employees working in a position covered by this policy are subject to unannounced testing based on random selection. This includes temporary employees performing work in a covered position.
2. The testing rate will be a 50 percent annualized rate for controlled substances and 10 percent annualized rate for alcohol (or the current DOT level). These testes will be spread reasonable throughout the year.
3. To assure that the selection process is random; all employees covered by this policy will be placed in a common pool. All full time and temporary employees will be in this pool
4. The random selection procedure will be a drawing which is executed for as many times as it takes to select the number of employees that have been requested.
5. An employee will only be tested randomly for alcohol when the employee is performing safety-sensitive functions, immediately prior to or after performing a safety-sensitive function.
6. Once an employee is notified of the requirement to take a random alcohol and/or controlled substance test, the employee must proceed to the test site immediately.

C. Reasonable Cause Testing:

1. Employees will be tested when there is a reasonable cause to believe that an employee covered by this policy is using a controlled substance prohibited by this policy.
2. Conduct by employees constituting reasonable suspicion must be based on the specific, contemporaneous, articulation observations concerning the appearance, behavior, and speech or body odors of the employee. For controlled substances the observation includes the indications of the chronic and withdrawal effects of controlled substances. This conduct must be witnessed by, and the decision to administer a reasonable cause test made by, a supervisor or company official who has had a minimum of 60 minutes of training on alcohol and 60 minutes of training on controlled substance use.
3. Reasonable suspicion testing for alcohol is authorized only if the observation, as described above, is made during, just before, or just after the employee has been, will be, or was performing a safety-sensitive function.
4. A reasonable suspicion test for alcohol must be conducted within two hours after the employee was notified. If the test is not conducted within two hours, a written record stating the reasons the alcohol test was not promptly administered must be completed. If the test is not administered within eight hours following the notification, attempts to administer an alcohol test will be ceased and reasons documented for not administering the test.

5. A written record shall be made of the observations leading to a controlled substance or alcohol reasonable suspicion test, and signed by the person who made the observation, within 24 hours of the observation.

D. Post Accident Testing:

NOTE: Nothing in this policy shall be construed as to require the delay of necessary medical attention for injured persons following an accident, or to prohibit an employee from obtaining necessary emergency medical care.

1. As soon as practicable following an accident involving a commercial motor vehicle, tests for alcohol and controlled substances shall be administered for each surviving driver.
 - a. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
 - b. Who received a citation under state or local law for a moving traffic violation arising from the accident.
2. An alcohol test must take place within two (2) hours following the accident. If the test is not conducted within two hours, a written record stating the reasons the alcohol test was not promptly administered must be completed. If the test is not administered within eight hours following the accident, attempts to administer an alcohol test will be ceased and reasons documented for not administering the test.
3. An employee subject to alcohol testing shall not use alcohol for eight (8) hours following an accident or until he/she undergoes a post-accident alcohol test. The employee must remain readily available for testing during the eight (8) hours following an accident, or he/she will be considered as refusing to submit to testing.
4. If a required controlled substance test is not administered within 32 hours after, attempts to administer the test will be ceased and reasons documented for not administering the test.
5. The results of a breath or blood test for the use of alcohol, or a urine test for the use of controlled substances, conducted by Federal, state or local officials having independent authority for the test, will be considered to meet the requirements of this section.

E. Return To Duty Testing:

Before an employee returns to duty requiring the performance of a safety-sensitive function, after engaging in prohibited conduct regarding alcohol misuse and/or controlled substance use, the employee will be tested for alcohol and/or controlled substances. In order to return to duty an employee must test negative for controlled substances and have a breath alcohol concentration of less than 0.02.

F. Follow-Up Testing:

Any employee who has violated the alcohol and/or controlled substance prohibitions in the policy shall, after returning to duty, are subject to unannounced follow-up testing. The number and frequency of the tests will be determined by the substance abuse professional (SAP) and must consist of at least six tests in the first 12 months following the employee's return to duty for up to a period of 60 months, dependent upon SAP's recommendation. Continuation of employment remains at the discretion of the employer.

VI. Consequences of Alcohol Misuse and Drug Use

A. Any employee who has engaged in conduct prohibited by this policy shall not perform or continue to perform a safety-sensitive function, unless the employee has:

1. Been advised of the resources available for evaluating and treating alcohol and controlled substance abuse;
2. Been evaluated by a substance abuse professional to determine what assistance, if any, is required by the employee;
3. Follow and rehabilitation program prescribed; and
4. Been subjected to return-to-duty and follow-up testing.

B. Any employee who is found to have engaged in conduct prohibited by this policy shall:

1. Be immediately removed from duty;
2. Be evaluated by a substance abuse professional (SAP) provided by the City to determine what assistance, if any, the employee needs in resolving problems of alcohol and/or drug misuse and complete any rehabilitation prescribed;
3. Be subject to return-to-duty testing and follow-up testing in accordance with sections V-E and V-F of this policy;
4. Be evaluated by the SAP to determine that the employee has followed the rehabilitation program, and
5. Be subject to discipline.

C. Any employee subjected to an alcohol test as required by this policy who is found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall not be allowed to perform or continue to perform safety-sensitive functions until the start of the employee's next regularly scheduled duty period. In no case would this be less than 24 hours following the administration of the test.

VII. Testing Procedures

The collection agency and the testing laboratory shall adhere to all requirements outlined in 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs.

- A. The collection agent for this policy would be the City's current contracted screening provider.
- B. The testing laboratory for this policy would be coordinated through the screening provider currently being used by the City.
- C. Controlled substance sample collection and testing.
 - 1. Drug testing will be performed utilizing urine samples.
 - 2. Tests for marijuana, cocaine opiates, amphetamines, and phencyclidine will be performed.
 - 3. Upon notification that a drug test is required, an employee will report as soon as possible after notification to the drug collection site and provide a specimen of his/her urine.
 - 4. The "split sample" procedures will be used as outlined in Part 40 of the Department of Transportation (DOT) regulations.
- D. Alcohol Sample Collection and Testing.
 - 1. Alcohol testing will be performed utilizing breath samples.
 - 2. All samples will be collected by a "Breath Alcohol Technician (BAT)" who has been trained in proficient operation of the evidential breath testing device (EBT) and in the alcohol testing procedures contained in 49 CFR Part 40.
 - 3. Testing will be conducted in a location that affords visual and aural privacy to the individual being tested, sufficient to prevent unauthorized persons from seeing or hearing test results.

VIII. Reporting and Review of Results

A. Controlled Substances

- 1. The Medical Review Officer (MRO) for this policy would be the screening officer currently providing screening services for the City.
- 2. The following is a listing of the MRO's specific responsibilities. For additional details of responsibilities see the United States Department of Health and Human Services (DHHS) Medical Review Officer Manual.
 - a. Receive all results from laboratory.

- b. Request, if needed, a quantitative description of test results.
- c. Receive a certified copy of the original chain of custody.
- d. Review and interpret positive test results.
- e. Inform the tested individual and provide test results for the positive test.
- f. Conduct a medical interview with the tested employee when results are positive. If, after making all reasonable efforts and documenting the efforts, the MRO is unable to reach the employee directly, the MRO shall contact the designated management official who shall direct the employee to contact the MRO as soon as possible. If it becomes necessary to reach the employee through the designated management official, the designated management official shall employ procedures that will ensure to the maximum extent practical, that the requirement that the employee's contact with MRO is held in confidence. If the designated employee representative has successfully made and document a contact with the employee and has instructed the employee to contact the MOR and more than five days have passed since the date the employee was successfully contacted by the designated employee representative, or, if after making a reasonable efforts, the designated management official is unable to contact the employee, the employer may place the employee on temporary medical unqualified status or medical leave and the MRO may verify a test is positive without having communicated directly with the employee about the test. If later the employee presents to the MRO information documenting that serious illness, injury, or other circumstances unavoidably prevented the employee from timely contacting the MRO, on the basis of such information, may reopen the verification allowing the employee to present information concerning a legitimate explanation for the confirmed positive test. If the MRO concludes there is a legitimate explanation, the MRO declares the test to be negative. The MRO may also verify a test is positive without having communicated directly with the employee if the employee declines the opportunity to discuss the test.
- g. Reviews the individual's medical history, or any other relevant biomedical factor to determine if a positive result is from legally prescribed medicine.
- h. Verify the laboratory assessment is correct.
- i. Give the individual an opportunity to discuss test results.
- j. Report to operator that result is negative where a legitimate medical reason is found for a confirmed positive test result.
- k. Order a reanalysis if the remaining portion of the sample from a second certified laboratory, if so requested by the tested employee, within 72 hours of the employee being notified of a positive test.
- l. Consult with others if a question of accuracy arises.
- m. Consult with laboratory officials.
- n. Not receive urinalysis results that do not comply with the Mandatory Guidelines.
- o. Not declare positive opiate positive urine without "clinical evidence."
- p. Determine whether a result is scientifically insufficient.
- q. Determine whether a result is consistent with legal drug use.
- r. Forward results of verified positive tests to Manger of Employee Relations.
- s. Maintain the required records to administer this program.
- t. If an employee who has tested positive completes rehabilitation, the MRO can recommend return to work and MRO will schedule return to duty testing. Testing will

be on an unannounced basis – daily, weekly, monthly, or longer – at the discretion of the MRO.

- u. The MRO shall not be disclosed to any third party medical information provided by the employee as part of the testing verification process unless an applicable DOT regulation permits such disclosure; if, in the MRO's reasonable medical judgment, the information could result in the employee being determined to be medically unqualified under an applicable DOT agency rule; or, in the MRO's reasonable medical judgment, in a situation in which there is no DOT agency rule establishing physical qualification standards applicable to the employee, the information indicated that continued performance by the employee of his/her safety sensitive function could pose a significant risk. Before obtaining medical information from the employee as part of this verification process, the MRO shall inform the employee that the information may be disclosed under the above-mentioned circumstances.

B. Alcohol

1. The City of Nixa will designate one or more representatives for the purpose of receiving and handling alcohol testing results in a confidential manner. The Breath Alcohol Technician (BAT) will transmit all results only to the tested employee and the designated representative(s).
2. The BAT will ensure immediate transmission to the City representative(s) of results that require the employee be prevented from performing a safety-sensitive function.
3. If the initial transmission of results was not in writing, the BAT shall provide a follow-up copy of the results in writing.

- C. Any employee who is subject to a drug and/or alcohol test will, upon written request, have access to any records relating to his or her testing result.

IX. Notification of Test Results and Recordkeeping

- A. The City of Nixa will notify a driver of the results of a pre-employment-controlled substance test, provided that the driver requests said test results within sixty (60) days of being notified of the disposition of the employment application.
- B. The City of Nixa will notify employees of the results of random, reasonable suspicion, and post-accident alcohol and/or controlled substance test, provided that the results were positive, and will also advise the driver of what controlled substance was detected or the alcohol level that was discovered.
- C. All records relating to the administration and results of the alcohol and drug testing program will be maintained for a minimum period of five (5) years, except that individual negative, cancelled or alcohol tests of less than 0.02 results need only be maintained for a minimum of twelve (12) months.

- D. All records related to the collection process and required training shall be retained for a minimum period of two (2) years.
- E. A medical review officer will serve as the sole custodian of individual test results, and will retain the reports of individual test results for a minimum of five (5) years.

X. Release of Testing Information by Previous Employers

- A. The City of Nixa may obtain from any previous employer of the driver information related to the driver's participation in an alcohol and drug testing program. The City will obtain written permission from the driver to acquire this information.
- B. The City of Nixa will obtain and review the information listed from any previous employer that the driver performed safety-sensitive function in the previous two (2) years. The City must request and review this information within 14 days after the driver first performs a safety-sensitive function. This information will include:
 - 1. Driver's breath alcohol test that indicates concentrations of 0.004 or greater.
 - 2. Positive controlled substance test.
 - 3. Any refusal to submit to a required alcohol or controlled substance test.
- C. The City of Nixa will provide the previous employers of the past two (2) years with the driver's written consent to release the information. The City may obtain the information via personal interview, telephone interview, letter, or other method as long as measures are taken to ensure confidentiality. City will maintain a written, confidential record with respect to each of the past employers contacted.
- D. The City of Nixa will not use a driver to perform safety-sensitive functions if the City obtains information indicating the driver tested positive for controlled substances, tested at or above 0.04 breath alcohol concentration, or refuse to test, unless the employer has evidence the driver has been evaluated by a SAP, completed any required counseling, passed a return-to-duty test, and been subject to follow-up testing.

6.6 Smoke and Vape-Free Workplace Policy

The City is committed to providing a safe and healthy workplace and to promoting the health and well-being of its employees and the residents and visitors to City facilities. As such, the following policy applies to all City employees.

Smoking and vaping are prohibited on all City premises by employees. Smoking is defined as the act of lighting, smoking, or carrying a lighted or smoldering cigar, cigarette, or pipe of any kind. Vaping is defined as the use of electronic nicotine delivery systems or electronic smoking devices such as e-cigarettes, e-pipes, e-hookahs, and e-cigars.

This policy applies to:

- All areas of buildings occupied by employees.
- All City sponsored offsite conferences and meetings.
- All vehicles owned or leased by the City.
- All City employees.
- All visitors to City premises.
- All contractors and consultants and/or their employees working on City premises.
- All temporary employees.
- All interns.

Smoking and vaping may be permitted in certain designated outdoor areas which may be designated at the discretion of the City Administrator.

Violations of this policy will be subject to disciplinary action.

6.7 Safety

All City employees shall attend all mandatory safety meetings. The City of Nixa expects its employees to conduct themselves in a safe manner. All employees shall use good judgment and common sense in matters of safety, observe any safety rules posted in various areas, and follow all required safety regulations.

Refer to separate Safety Manual for safety rules and policies.

6.8 Workers' Compensation

6.8.1 Insurance

The City of Nixa carries workers compensation insurance coverage as required by law to protect employees who are injured on the job. This insurance provides medical, surgical and hospital treatment in addition to loss of earnings from work-related injuries.

Compensation payments begin from the first day of the employee's hospitalization or after the third day following the injury, if the employee has not been hospitalized. The cost of coverage is paid entirely by the City.

If you should suffer an on-the-job injury or illness, regardless of how minor or severe report your injury to your supervisor or Human Resources.

See City of Nixa Workers' Comp Policy and Procedures, at the end of the Personnel Handbook.

Unreported on-the-job injuries may place you in the position of losing any workers compensation benefits for which you might have been eligible. If you have any questions regarding the workers compensation insurance program, please contact Human Resources.

The City of Nixa and its insurance carrier shall not be responsible for the payment of workers compensation benefits for any injury which arises out of an employee's voluntary participation in any off-duty recreational, social or athletic activity which is not part of the employee's work-related duties.

The City of Nixa and its insurance carrier shall be responsible for the payment of Workers Compensation benefits when the injury is the result of work-related activities required by the City.

6.8.2 Policy & Procedures

See [City of Nixa Workers' Comp Policy and Procedures, at the end of the Personnel Handbook.](#)

6.9 City Vehicle Use

All City equipment shall be maintained and operated in the safest possible manner and only by those employees qualified to operate them. Where available, seat belts shall be worn by all drivers and passengers in the vehicle. Vehicle logs must be completed with each use.

All employees driving for the City of Nixa must maintain a valid State of Missouri driver's license.

6.10 Electronic Communications & Equipment

6.10.1 Office Telephone System

Telephones are a vital part of our business since much of our business is handled on the phone.

Incoming calls should be answered by third ring. Answer outside incoming calls by identifying yourself as City of Nixa, department and your name.

Do not leave a customer on hold indefinitely. Pick up, offer to again place them on hold, take a message, or transfer them to voice mail.

Personal use of the telephone should be limited to emergencies and unusual circumstances. Personal calls should be brief.

Personal long distance calls made on the City's landline not billed to the employee may not be made without maintaining accurate records and reimbursing the City for the cost of the call.

6.10.2 Cell Phones

6.10.2.1 City of Nixa-Issued Cell Phones

The City of Nixa may issue cell phones to employees to facilitate communication between the employee, their supervisors, and City Facilities and whose jobs require them to make calls while away from work or require them to be accessible for work-related matters.

Cell phones issued by the City of Nixa are City of Nixa property. Employees must comply with City of Nixa requests to make their City of Nixa-issued cell phones available for any reason, including upgrades, replacement, or inspection. Employees who leave the City of Nixa for any reason must turn in their City of Nixa-issued cell phones.

6.10.2.2 Personal Use of City of Nixa Issued Cell Phones

City of Nixa-issued cell phones are to be used only for business purposes, unless otherwise authorized. All City of Nixa-issued cell phones require power-on passwords. Although occasional, brief personal phone calls using a City of Nixa-issued phone are permitted, personal use that exceeds this standard will result in discipline, up to and including termination. Employees are not to use the cell phones for long distance, when applicable, or directory assistance calls. Employees are expected to reimburse the City of Nixa for any costs or charges relating to personal use of their cell phones.

6.10.2.3 Security of City of Nixa-Issued Cell Phones

Employees are responsible for the security of City of Nixa-issued cell phones and the information stored on them. Always keep your cell phone with you when traveling. Never leave it unattended in your car or hotel room. If your City of Nixa-issued cell phone is lost or stolen, notify the IT Department, or designee immediately.

When using a cell phone, remember that your conversations are not necessarily private. Those around you can hear your end of the conversation. To protect the confidentiality of City of Nixa information (and avoid annoying others), please make cell phone calls discreetly and professionally.

6.10.2.4 Personal Cell Phones at Work

Although the City of Nixa allows employees to bring their personal cell phones to work, we expect employees to keep personal conversations to a minimum whether verbal or text messaging. While occasional, brief personal phone calls and text messaging are acceptable, frequent or lengthy personal calls and text messaging can affect productivity and disturb others. For this reason, we generally expect employees to make and receive personal phone calls and text messaging during lunch breaks or for emergency situations only.

The City of Nixa discourages the use of personal cell phones during work hours through messaging, text messaging, etc. so as not to interfere with work activities. Excessive use of personal cell phones at work will be subject to disciplinary action up to and including termination.

Employees must set their cell phones on vibrate or silent while away from their work area. If you share workspace with others, you must set your cell phone on vibrate or silent while at work. Employees must turn off their cell phones or leave their phones elsewhere while in meetings, presentations, or trainings. Employees must also turn off their cell phones or leave their phones elsewhere while meeting with or serving customers.

It is inappropriate to interrupt a face-to-face conversation with an internal or external customer in order to take a personal phone call.

Remember, others can hear your cell phone conversations. Try to talk quietly and save intimate discussions for another time.

Employees who violate this policy will be subject to discipline, up to and including termination.

6.10.2.5 Do not Use Cell Phone While Driving

We know that our employees may use their cell phones for work-related matters, whether these devices belong to the employee or are issued by the City of Nixa.

Employees are prohibited from using cell phones while driving City vehicles. We are concerned for your safety and for the safety of other drivers and pedestrians and using a cell phone while driving can lead to accidents.

If you must make a work-related call while driving, you must wait until you can pull over safely and stop the car before placing your call. If you receive a work-related call while driving, you must ask the caller to wait while you pull over safely and stop the car. If you are unable to pull over safely, you must tell the caller that you will have to call back, when it is safe to do so.

6.10.2.6 No Texting While Driving

Employees are prohibited from using any portable computing device while driving. We are concerned for your safety and for the safety of other drivers and pedestrians. Texting, checking messages, going online, or otherwise using a portable computing device while driving can lead to accidents.

If you must send or read a message while driving, you must wait until you can pull over safely and stop the vehicle before doing so.

City of Nixa personnel are exempt from the Cell Phone policy prohibiting the use of cell phones while driving when the received and/or sent call is directly related to an ongoing call for service or investigation, and it is reasonably believed that any delay or failure to connect or continue the cell phone call could create a hardship, safety concern or affect the emergency response to any call for service or investigation. However, all other types of cell phones calls will be considered violation of the policy and subject to disciplinary action as defined within the approved policy.

6.10.2.7 Hands-Free Equipment

Employees may use hands-free equipment to make or answer calls while driving without violating this policy. However, safety must always be your first priority. We expect you to keep these calls brief. If, because of weather, traffic conditions, or any other reason, you are unable to concentrate fully on the road, you must either end the conversation or pull over and safely park your vehicle before resuming your call.

Violation of the City of Nixa's Cell Phone policy will result in disciplinary action up to and including termination.

6.10.2.8 Emergency Use of Cell Phone/Exempt Personnel

City of Nixa personnel are exempt from the Cell Phone policy prohibiting the use of cell phones while driving when the received and/or sent call is directly related to an ongoing call for service or investigation, and it is reasonably believed that any delay or failure to connect or continue the cell phone call could create a hardship, safety concern or affect the emergency response to any call for service or investigation. However, all other types of cell phones calls will be considered violation of the policy and subject to disciplinary action as defined within the approved policy.

6.11. Computer and Software Use

The City of Nixa may provide you with computer equipment and access to the City of Nixa network in order to perform your job.

6.11.1 Use of Computer Equipment

The City of Nixa's computer equipment and network are intended for business use. You may use the City of Nixa's computer equipment for occasional personal purposes, but you may do so during nonworking hours only. Nonworking hours are defined as lunch breaks, morning and afternoon breaks, or nonworking hours scheduled during the Department's hours of operation. Excessive personal use of the City of Nixa's computer equipment, even during nonworking hours, will be cause for discipline.

The City of Nixa has the ability to access and review all information stored on the City of Nixa's computer equipment and network. The City of Nixa reserves the right to perform such an inspection at any time, for any reason. You should not expect that any files, records, or other data stored on the City of Nixa's equipment and network will be private, even if you attempt to protect its privacy (for example, by using a password or designating it as "personal").

6.11.2 Encryption and Encoding

You may not encrypt or encode any files, data, or other information stored on the City of Nixa's computer equipment or network. If your job requires you to use encryption or encoding software, you may use it only for City of Nixa-related reasons and only with the permission of the IT Department, or designee.

6.11.3 Software Use

It is the City of Nixa's policy to use licensed software only in accordance with the terms of its license agreement. Violating a license agreement is not only unethical; it is also illegal and can subject the City of Nixa to criminal prosecution and substantial monetary penalties.

To help us adhere to this policy, employees may not do any of the following without permission from the IT Department, or designee:

- Copy any City of Nixa-owned software program for any reason.

- Install a City of Nixa-owned software program on any computer (including your home computer).
- Install a software program (including software licensed or owned by the employee) on any City of Nixa computer.
- Download any software program from the Internet to a City of Nixa computer.

The City of Nixa may audit City of Nixa-owned computers at any time to ensure compliance with this policy.

Violation of the City of Nixa's Computer and Software use Policy will result in disciplinary action up to and including termination.

6.12. Portable Computing Device

6.12.1 Personal Use of City of Nixa-Issued Portable Computing Devices

The City of Nixa may provide you with a portable computing device (such as a laptop computer, smart phone, or personal digital assistant). All devices must be power-on password protected. The City of Nixa may also permit you to access its network using a portable computing device to perform your job.

The City of Nixa's portable computing devices and network are intended for business use. You may use such computing devices for occasional personal purposes, but you may do so during nonworking hours only. Nonworking hours are defined as lunch breaks, morning and afternoon breaks, or nonworking hours scheduled during Department's hours of operation. You must also ensure that your personal use of portable computing devices does not interfere in any way with your job duties or performance. Any employee who abuses this privilege may be subject to discipline, up to and including termination.

If an employee's use of a City of Nixa-owned portable computing device results in fees or costs beyond what the City would otherwise have to pay for the service, the employee will be required to reimburse the City of Nixa.

6.12.2 Use of Portable Computing Devices Is Not Private

The City of Nixa has the ability to access and review all information stored on the City's portable computing devices and network. The City of Nixa reserves the right to perform such an inspection at any time, for any reason. You should not expect that any files, records, or other data stored on the City's equipment and network will be private, even if you attempt to protect its privacy (for example, by using a password or designating it as "personal").

6.12.3 Content Rules for Portable Computing Devices

All of our policies and rules of conduct apply to employee use of City of Nixa-issued portable computing devices. All communications (email, instant messaging, and Internet access) on City of Nixa-issued portable computing devices are subject to the City of Nixa's policies on appropriate

use. This means, for example, that employees may not send harassing messages, access pornographic or gambling websites, or violate any of the City of Nixa's rules on appropriate communications content. Variances to this policy may be permitted for the purpose of a criminal investigation as approved by the City Administrator or the Chief of Police.

6.12.4 Security of Portable Computing Devices

Although portable computing equipment (such as laptops, personal digital assistants, or smart phones) can greatly improve our communications and efficiency, they can also pose a risk to the security of the City's proprietary information. If these devices are lost, stolen, or hacked into, an outsider could have access to the City of Nixa data or network.

To prevent theft and loss of data, employees who receive City of Nixa-issued portable computing equipment must follow these guidelines:

All City of Nixa-issued portable computing devices will require power-on passwords. You must always "log off" or "sign off" before leaving a portable computing device unattended.

Employees should not download confidential City of Nixa information to a portable computing device unless it is absolutely necessary. If confidential City information is stored on a portable computing device, you must delete that information securely as soon as you are finished using it. If you are not certain whether particular data qualifies as confidential City of Nixa information, ask your supervisor for assistance.

If your City of Nixa-issued portable computing device is equipped with antivirus software, you must download or install updates to this software when instructed by the City of Nixa's IT Department, or designee.

You may not download, install, or use any software programs on a City-issued portable computing device unless that program has been approved by the IT Department, or designee.

Use the same malware precautions when using a portable computing device as are required for City computers. Do not open attachments to email or instant messages if you do not know the sender or otherwise aren't sure that the attachment is legitimate. Do not open, read, or download any file from the Internet without scanning it for viruses.

Employees are responsible for the security of portable computing devices issued to them. Keep portable computing devices in your possession whenever possible. If you must leave a portable computing device unattended, you must store it out of sight in a secure location, such as a secure compartment in vehicle, hotel safe or locked filing cabinet at home. Never leave a portable computing device in a vehicle unless device is attached and secured to a docking station.

Employees must immediately notify the City's IT Department, or designee, if their portable computing device is lost or stolen.

6.12.5 Do not Use Personal Portable Computing Devices for Work

We understand that employees may occasionally wish to use their own portable computing devices -- such as laptops and smart phones -- for work. However, storing City of Nixa information, including business emails, on a personal portable computing device or using such a device to access the City's network creates unacceptable security risks. Therefore, employees are prohibited from using their own portable computing devices for business purposes or from storing City of Nixa information on a personal computing device, unless otherwise authorized. If authorized, personal portable computing device must be password protected.

If you feel that you need a portable computing device to do your job, please talk to your manager to find out whether you are eligible for a City of Nixa-issued device.

6.12.6 No Texting While Driving

Employees are prohibited from using any portable computing device while driving. We are concerned for your safety and for the safety of other drivers and pedestrians. Texting, checking messages, going online, or otherwise using a portable computing device while driving can lead to accidents.

If you must send or read a message while driving, you must wait until you can pull over safely and stop the vehicle before doing so.

City of Nixa personnel are exempt from the Cell Phone policy prohibiting the use of cell phones while driving when the received and/or sent call is directly related to an ongoing call for service or investigation, and it is reasonably believed that any delay or failure to connect or continue the cell phone call could create a hardship, safety concern or affect the emergency response to any call for service or investigation. However, all other types of cell phones calls will be considered violation of the policy and subject to disciplinary action as defined within the approved policy.

6.12.7 Overtime and Portable Computing Devices

The City of Nixa's overtime rules apply to any type of work done after hours, including using a City of Nixa-issued portable computing device (laptop, PDA, or smart phone, etc.) for work. All overtime work—including work done on a personal computing-device—must be approved in writing, in advance. Working overtime without permission violates City of Nixa policy and may result in disciplinary action.

Employees may not use their own personal computing devices for work. If you feel that you need a personal computing device to perform your job, please talk to your manager to find out whether you are eligible for a City of Nixa-issued device.

Violation of the City of Nixa's Portable Computing Device Policy will result in disciplinary action up to and including termination.

6.13 Internet Use

6.13.1 Personal Use of the Internet

Our network and Internet access are for official City of Nixa business. The City provides internet access and access to other services only to those employees whose job necessitates it. When designating users, the Department head will provide an explanation to why the Internet access is needed and how it will be used. Department Head approval is required if a department requires additional Internet access including additional logons. Employees may access the Internet for personal use only during nonworking hours and only in accordance with the other terms of this policy. Nonworking hours are defined as lunch breaks, morning and afternoon breaks, or nonworking hours scheduled during the Department's hours of operation. The use of work time to access or download non-work related information or to "surf" the Internet unless for an assigned research project is prohibited. An employee who engages in excessive Internet use, even during nonworking hours, may be subject to discipline.

6.13.2 Prohibited Uses of the Internet

Employees may not, at any time, access the Internet using City of Nixa equipment or use a City assigned password for any of the following purposes:

- To use Internet via City equipment in violation of Federal, State, or local laws.
- To view websites that offer pornography, gambling, or violent imagery, to create a conflict of interest or is unethical, or are otherwise inappropriate in the workplace. Variances to this policy may be permitted for the purpose of a criminal investigation as approved by the City Administrator or the Chief of Police.
- To operate an outside business, online auction, or other sales site; solicit money for personal purposes; or to otherwise act for personal financial gain or profit.
- To download or copy software, games, text, photos, or any other works in violation of copyright, trademark, or other laws.
- To stream, run, or download any non-City of Nixa-licensed software program without the express consent of the IT Department, or designee.
- To stream, run, or download music, video, games, mini desktop applications (widgets), or any form of multimedia, from the Internet.
- To read, open, or download any file from the Internet without first screening that file for viruses using the City of Nixa's virus detection software.

If you believe that your job may require you to do something that would otherwise be forbidden by this policy, ask your manager how to proceed.

To assure that employees comply with this policy, we use software that will block your access to many prohibited sites. However, some inappropriate websites may escape detection by the software: The fact that you can access a particular site does not necessarily mean that site is appropriate for workplace viewing. A wide variety of information is available on the Internet. Some individuals may find some material on the Internet offensive or otherwise objectionable. The City has no control over and therefore cannot be responsible for the content of information available on the Internet.

6.13.3 No Personal Posts Using City of Nixa Equipment

Employees should not use the City of Nixa's equipment to transmit their personal opinions by, for example, posting a comment to a blog or contributing to an online forum, while on duty. Even if you don't identify yourself as a City of Nixa employee, your opinion could be mistaken for the City of Nixa's view.

6.13.4 Internet Use Is Not Private

We reserve the right to monitor employee use of the Internet at any time. Our IT Department, or designee, uses monitoring software that, among other things, tracks the sites an employee visits and how much time is spent at a particular site.

You should not expect that your use of the Internet -- including but not limited to the sites you visit, the amount of time you spend online, and the communications you have -- will be private.

Management and Systems Administrators may have the need to review employee electronic messages for any of the following purposes:

- To retrieve lost messages
- To recover from system failure or to monitor system performance
- To comply with investigations into suspected policy violations
- To comply with investigations into suspected criminal acts
- To install software

6.13.5 Do Not Use Personal Email Accounts for Work

Employees may receive direct deposit notices and email notifications from Administration. Employees may not use their own personal email accounts to transact City of Nixa business. This includes storing work-related documents and email messages in your personal email account, sending work to your personal email account, engaging in work-related communications (with customers, clients, or coworkers, for example) using your personal email account, or "bouncing" messages from your City of Nixa email to your personal email when you are out of the office.

Although employees may find these practices convenient, they can create significant security problems, expose confidential City of Nixa information, and compromise the City of Nixa's record-keeping obligations. If you work offsite (for example, at home or on business travel), please contact the IT Department, or designee, to find out how to safely transmit and protect City of Nixa information.

6.13.6 No Access to Personal Email

Accessing your personal email account from work creates security risks for the City of Nixa's computer system and network. Therefore, employees may not use City of Nixa equipment to access their personal email accounts.

The City of Nixa's security software blocks access to many Web-based email sites. The fact that you can access a Web-based email site does not mean that you are free to check personal email using the City of Nixa's equipment.

Violation of the City of Nixa's Internet Policy will result in disciplinary action up to and including termination.

6.14 Email

6.14.1 Use of the Email System

The email system is intended for official City of Nixa business. Although you may use the email system occasionally for personal messages, you may do so during nonworking hours only. Nonworking hours are defined as lunch breaks, morning and afternoon breaks, or nonworking hours scheduled during the Department's hours of operation. If you send personal messages through The City of Nixa's email system, you must exercise discretion as to the number and type of messages you send. You must also ensure that your personal use of the email system does not interfere in any way with your job duties or performance. Any employee who abuses this privilege may be subject to discipline.

6.14.2 Email Is Not Private

Email messages, including attachments, sent and received on City of Nixa equipment are the property of the City of Nixa. We reserve the right to access, monitor, read, and/or copy email messages at any time, for any reason. You should not expect privacy for any email you send using City of Nixa equipment, including messages that you consider to be personal, or label with a designation such as "Personal" or "Private."

In addition, the City of Nixa may select and read employee messages at random to ensure that employees are in compliance with this policy.

6.14.3 All Conduct Rules Apply to Email

All of our policies and rules of conduct apply to employee use of the email system. This means, for example, that you may not use the email system to send harassing or discriminatory messages, including messages with racial or sexual slurs or jokes, explicit sexual content or pornographic images; to send threatening messages, intimidating, abusive or offensive material to or about others, or to reveal confidential information maintained by the City of Nixa.

Additional unacceptable practices that are prohibited:

1. Using electronic mail in violation of Federal, State or Local law.
2. Misrepresenting an individual's opinion as City policy.
3. Transmitting confidential information in an unsecured transmission.
4. Intercepting, eavesdropping, recording, and altering another person's e-mail message except as provided under proper supervision.

5. Adopting the identity of another person on any e-mail message, attempting to send e-mail anonymously, or using another person's password unless properly authorized.
6. Misrepresenting your affiliation on any e-mail message.
7. Using e-mail in a manner that creates a conflict of interest or is unethical.

6.14.4 No Solicitation by Email

You may not use the email system to solicit others to patronize an outside business or to support an outside organization, a political candidate or cause, or a religious cause.

You also may not use the email system to ask employees to donate to a particular charitable cause without the prior consent of management.

6.14.5 Professional Tone and Content

We expect you to exercise discretion in using electronic communications equipment. When you send email using the City of Nixa's equipment, you are representing the City of Nixa. Make sure that your messages are professional and appropriate, in tone and content. Remember, although email may seem like a private conversation, email can be printed, saved, and forwarded to unintended recipients. You should not send any email that you wouldn't want your supervisor or coworkers to read.

6.14.6 Guidelines for Email Writing

1. Always spell-check or proofread your email messages. Email is official City of Nixa correspondence. Spelling errors in email are all too common, and they look sloppy and unprofessional.
2. Use lowercase and capital letters in the same way that you would in a letter. Using all capital letters is the email equivalent of shouting at someone -- and it can be hard on the eyes. Failing to use capital letters at all (to begin a sentence or formal noun) can confuse readers and seem overly cute. Use standard capitalization.
3. Remember your audience. Although email encourages informal communication, that might not be the most appropriate style to use if you are conducting business on behalf of the City of Nixa. And, remember that your email can be forwarded to unintended recipients, some of whom may not appreciate joking comments or informalities.
4. Send messages sparingly. There is rarely a need to copy everyone in the City of Nixa on an email. Carefully consider who really needs to see the message, and address it accordingly.
5. Always think before you send. Resist the urge to respond in anger, to "flame" your recipient, or to get emotional. Although email gives you the opportunity to respond immediately, you don't have to take it.

6. Do not leave the subject line blank. Always include a brief description, so readers will know what your email is about at a glance. This makes it easier for all of us to manage our email -- and makes it more likely that you will receive a response to your message.

7. Do not overuse the "urgent" tag. Mark a message as urgent only if it is truly important and must be answered right away.

6.14.7 Email Security

To avoid email viruses and other threats, employees should not open email attachments from people and businesses they do not recognize, particularly if the email appears to have been forwarded multiple times or has a nonexistent or peculiar subject heading. Even if you know the sender, do not open an email attachment that has a strange name or is not referenced in the body of the email -- it may have been transmitted automatically, without the sender's knowledge.

If you believe your computer has been infected by a virus, worm, or other security threat to the City of Nixa's system, you must inform the IT Department, or designee immediately.

Employees also may not share their email passwords with anyone, including coworkers or family members. Revealing passwords to the City of Nixa's email system could allow an outsider to access the City of Nixa's network.

6.14.8 Retaining and Deleting Email Messages

Because email messages are electronic records, certain messages must be retained for compliance purposes. Please refer to our record-keeping policy or (Managing E-mail Records available from the Office of the Secretary of State) for guidance on which records must be kept, and for how long. If you have any questions about whether and how to retain a particular email message, please ask your supervisor.

Because of the large volume of emails our City of Nixa sends and receives each day, we discourage employees from storing large numbers of email messages that are not subject to the retention rules explained above. Please make a regular practice of deleting email messages once you have read and/or responded to them. If you need to save a particular message, you may print out a paper copy, archive the email, or save it on disk.

The City of Nixa may have occasion to suspend our usual rules about deleting email messages (for example, if the City of Nixa is involved in a lawsuit requiring it to preserve evidence). If this happens, employees will be notified of the procedures to follow to save email messages. Failing to comply with such a notice could subject the City of Nixa to serious legal consequences.

Employees should remember both internal and external electronic communications are subject to the Freedom of Information law and the Personal Privacy Protection Law because information created or stored in electronic systems is considered a record for the purposes of both laws. The Freedom of Information Act establishes a right of access to records by the public unless one or more specific exemptions apply. The Personal Privacy protection law requires agencies to identify

and protect any system of records that contains personal information. Email messages are also subject to discovery proceedings in legal actions.

Violation of the City of Nixa's Email Policy will result in disciplinary action up to and including termination.

6.15 Instant Messaging

To facilitate communication among employees, the City of Nixa has an internal instant messaging (IM) system. Employees are required to use only the approved Instant Messaging software authorized by the City of Nixa.

6.15.1 No Use of Consumer Instant Messaging Systems

Because of the security risks associated with publicly available IM software, employees may not download or use personal IM software from the Internet to send or receive instant messages. For example, employees may not use Yahoo! Messenger, AOL Instant Messenger, Windows Live Messenger, or Google Chat.

Employees are required to use only the approved Instant Messaging software authorized by the City of Nixa. Violation of this policy will result in discipline, up to and including termination.

6.15.2 Personal Use of IM

The IM system is intended for official Company business. Although you may send occasional personal instant messages, you may do so during nonworking hours only. Nonworking hours are defined as lunch breaks, morning and afternoon breaks, or nonworking hours scheduled during the Department's hours of operation. If you send personal messages through the City's IM system, you must exercise discretion as to the number and type of messages you send. You must also ensure that your personal use of IM does not interfere in any way with your job duties or performance. Any employee who abuses this privilege may be subject to disciplinary action up to and including termination.

6.15.3 IM Is Not Private

Instant messages sent and received on City of Nixa equipment are the property of the City of Nixa. We reserve the right to access, monitor, read, and/or copy instant messages at any time, for any reason. You should not expect that any IM you send using City of Nixa equipment—including messages that you consider to be, or label as, personal—will be private.

6.15.4 All Conduct Rules Apply to IM

All of our policies and rules of conduct apply to employee use of instant messaging (IM). This means, for example, that you may not use IM to send harassing or discriminatory messages, including messages with explicit sexual content or pornographic images; to send threatening messages; or to reveal confidential information.

Violation of the City of Nixa's Instant Messaging Policy will result in disciplinary action up to and including termination.

6.16 Personal Use of Social Media

While every individual has a right to speak out on issues facing the community, state, and nation, employees must take care to make it clear that their personal opinions are their own and do not represent the official policy of the City. It is important for employees to remember that personal communications may reflect on the City, especially if they are commenting on City business, supervisors, or policies. Organization personnel shall not post, transmit, or otherwise disseminate any confidential information to which they have access as a result of their employment without written permission from the City Administrator, or designee.

The following guidelines apply to personal communications, including various forms of social media:

- All City employees are expected to actively protect any information considered private or protected under Missouri statute, Data Privacy Laws, Missouri Sunshine Law, and/or HIPPA Compliance laws.
- Employees **MUST NOT** post information, images, or icons obtained in their official capacity with the City on their personal social media pages and/or accounts without prior approval from the City Administrator (or designee). For example, employees shall not post photos, icons, or information from an incident/call on his/her personal social media sites.
- If you wish to write an opinion based upon your work experience, you shall not make reference to the City if you are not discussing City business. For example, write, "As a police officer..." rather than, "As a Nixa police officer..." or "As a public employee..." rather than "As a City of Nixa employee...."
- Employees shall not comment on social media or publish something related to City business without identifying themselves and using a disclaimer such as, "I am an employee of the City of Nixa. However, these are my own opinions and do not represent those of the City of Nixa."
- The City of Nixa expects its employees to be truthful, courteous and respectful toward supervisors, coworkers, citizens, customers and other persons associated with the City. Do not engage in name-calling or personal attacks. Harassing or discriminatory behavior to others based on race, religion, national origin, ethnicity, age, disability, or any other protected characteristic may result in discipline.
- Refrain from making comments about the workplace, policies, or supervisors, or discussing internal employment issues on social media. Assume anything written

about a coworker or supervisor will be read by that coworker, your supervisor, and many others.

- Remember that what you write or post is public, and will be so for a long time. It also may be spread to large audiences without your knowledge or permission. Refrain from sending or posting information – including images or icons – that you would not want your supervisor or other employees to read, or that you would be embarrassed to see in the newspaper or viewed by your parents, spouse, or loved ones.
- City resources, working time, or official City positions must not be used for personal profit or business interests, or to participate in personal political activity. For example, an employee must not use any City logo, email, or working time to promote his/her political issue or side business for personal gain.
- Personal social media account names or email names shall not be tied to the City (e.g., using your City email address when posting), unless you've been designated to make such posts by the City Administrator, or designee.
- City personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
- City personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the City at any time without prior notice.

Reporting violations— Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.

6.17 Official Use of Social Media

Social media is a valuable tool for official communications, community outreach and notifications, as well as an investigative tool for the Police Department. Procedures for the official use of social media on behalf of the City of Nixa and any of its departments for the purpose of communications and outreach are described in the Communications Department Standard Operating Procedure regarding Official Use of Social Media. The Police Chief is responsible for determining proper policy and procedure for use of social media for investigative purposes.

6.18 Bulletin Board

Please be aware that the City of Nixa uses bulletin boards and electronic postings on the Employee Self Service (ESS) time entry system to communicate important City information such as safety rules and management memos. Each employee has the responsibility to read the information that is posted.

6.19 Remote Work Policy

- (a) The City Administrator, or designee, is authorized to allow full-time City employees to work remotely utilizing the policy established herein. For purposes of this policy, remote work is defined as the practice of allowing employees to work at home, on the road, or in a satellite location other than their normal work location.
- (b) Employees may be authorized to work remotely in the event of inclement weather, if an employee is quarantined due to the illness of a family member or member of their household, or for any other reasons where an employee is capable of working but it is impracticable for the employee to report to their regular work location.
- (c) The use of the remote work policy shall not be authorized in place of sick leave or in place of childcare issues.
- (d) Requests for remote work shall be evaluated and approved by the City Administrator or designee. Approval shall be at the discretion of the City Administrator or designee.
- (e) Before a full-time employee shall be authorized to work remotely a remote work plan shall be prepared and approved by the City Administrator or designee. Such work plan shall provide the parameters of the employee's remote work authorization and shall contain provisions regarding the following:
 - (1) The number of work hours that the employee is authorized to work remotely.
 - (2) How often the employee is required to check in with their supervisor, or other designated reporting contact, to provide updates on their day-to-day performance while engaged in remote work.
 - (3) Any equipment that the City will be providing to the employee while they are engaged in remote work. Said equipment, including the asset number or other method of official designation assigned to the equipment, shall be documented on the remote work plan. No City equipment shall be provided to the employee unless the equipment contains an asset number or other applicable identification, and said identification is on file with the City's Finance Department.

The City Administrator or designee may modify the provisions of the remote work plan at any time.

- (f) Any City equipment provided to the employee as part of remote work authorization shall be used solely for City work. The employee shall not make any changes to security or administrative settings of City of Nixa equipment. All City equipment shall remain the property of the City of Nixa. The employee shall protect City equipment and resources from theft or damage and shall report theft or damage of City equipment to their supervisor immediately.

- (g) Non-exempt employees shall record all hours worked and any meal or break periods which are taken in accordance with the City's policies regarding such practices.
- (h) Nonexempt employees will obtain supervisor approval prior to working unscheduled overtime hours.
- (i) Employees shall comply with all City of Nixa rules, policies, practices, and instructions that would apply if the employee were working at their regular work location.
- (j) Employees shall report work-related injuries to their supervisor within 24 hours of the injury.
- (k) Employees on remote work authorization shall comply with all applicable City of Nixa's policies regarding information security. Employees shall ensure the protection of proprietary City of Nixa and customer information accessible from their home offices.
- (l) Employees on remote work authorization who are terminated shall return all City equipment and documents to the City within five days of termination of employment.
- (m) The City Administrator is authorized to determine that certain positions within the City are not eligible for remote work due because their job responsibilities or duties cannot be adequately performed in a remote fashion.
- (n) The City Administrator is authorized to revoke any remote work authorization granted pursuant to this policy when an employee has violated any of the provisions of this policy, the provisions contained in their remote work plan, or any other City policies or procedures.
- (o) The City Administrator is authorized to promulgate additional requirements to implement the provisions of this policy.

7. BENEFITS

7.1 Leave

7.1.1 Accruals of Paid Leave Benefits During Paid Leave of Absence

All employees who are actively at work or on paid leave—such as vacation leave, sick leave or personal days—will continue to accrue paid leave benefits provided by the City.

7.1.2 Accrual of Paid Leave Benefits During Unpaid Leaves

Generally, employees on unpaid leave are not entitled to continue accruing paid leave benefits. This includes employees who are receiving income replacement benefits such as short-term disability, long-term disability or workers' compensation. However, employees on eligible military leave may be entitled to reinstatement upon returning from military leave with all benefits that would have been obtained but for being absent on military leave. This right is provided for by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), and is known as the "escalator principle."

When an employee is out on leave that is protected by the Family and Medical Leave Act (FMLA), that employee will continue accruing paid leave as long as the employee is using paid leave benefits such as the items listed above. If an employee on FMLA leave uses all paid leave in accordance with the company's FMLA policy and remains unable to return to work, then the remainder of the FMLA leave will be unpaid. During the period of unpaid FMLA leave, the employee will not continue to accrue paid leave, consistent with the City's policy for all types of unpaid leave.

Please see Human Resources for questions about FMLA leave and military leave.

7.1.3 Holidays

The following paid holidays will be observed:

- New Year's Day
- Martin Luther King Day
- President's Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve Day
- Christmas Day

If a holiday falls on a weekend, the holiday will be observed on the closest Friday or Monday. In the event that a two consecutive day holiday falls on a weekend, the holiday will be observed on the closest working day or decided by the City Administrator.

Holidays that fall on a regular workday or day off for emergency or essential service personnel will be compensated as follows:

- a) Holidays that fall on a regular workday may be taken off that day if approved by the Supervisor.
- b) If the holiday falls on a scheduled workday and is worked non-exempt employees will be paid at one and one-half times their hourly rate for hours worked or may record this as comp time. The time can also be flexed hour for hour, meaning, if the holiday falls on a Monday, the hours worked can be flexed during that work week (Monday-Sunday).
- c) In lieu of the City of Nixa Holidays and Floating Holidays policies, commissioned officers will accrue holiday hours based on their assigned shift length as listed below:

- 12-hour shifts will accrue 13 hours per month for a total of 156 hours max annually
- 10- hour shifts will accrue 10.833 hours per month for a total of 130 hours max annually
- 8-hour shifts will accrue 8.67 hours per month for a total of 104 hours max annually.

Commissioned officers will accrue holiday hours on the first pay period of the month for the months of January through December.

A supervisor may require the employee to take time off to reduce holiday leave time balances.

Commissioned officers will be allowed to use holiday time (in 0.25-hour increments) accrued upon approval from a supervisor.

Holiday time will be allowed to be banked to a maximum of 156 hours and rolled over from year to year. Since hours will be allowed to roll over, there will not be an annual payout for unused holiday hours.

The employee will be responsible for maintaining no more than 156 holiday hours. When a commissioned officer has reached the maximum allowed, further accrual of holiday hours will be suspended until the commissioned officer has reduced the balance below the 156 hours maximum.

All holiday hours should be scheduled at least seven days in advance in writing.

No more than 80 or 84 hours (depending on shift length) may be taken at a time.

Holiday hours and vacation hours cannot be combined or taken "back-to-back" to circumvent the 80 or 84-hour cap unless approved by the City Administrator**.

Holiday hours of less than 80 or 84 hours will be approved by your Supervisor according to departmental needs.

**Stipulations for more than 80 or 84 hours of holiday time:

- 1) Must have the time available to use.
- 2) Written letter asking for approval and explaining why the extra time is needed.
- 3) Any holiday time request longer than 80 or 84 hours should be approved by City Administrator at least 30 days in advance.

Upon voluntary resignation from city service, the employee shall be paid 25% of unused holiday hours.

Upon involuntary separation from city service, an employee shall not be entitled to receive payment for unused holiday hours.

7.1.4 Floating Holidays

President's Day and **Columbus Day** are holidays designated as floating in the "Floating" Holiday procedure. Floating holidays may "float to another day in the year as designated by Management. This procedure will allow for a four (4) day holiday weekend July 4th and Christmas. Management will assess the yearly calendar in November of each year and make recommendations to City Council at their December meeting as to the coming year's holiday schedule.

If a holiday floats, the observed date of holiday is considered a normal work day. When a given year only affords one or even no four (4) day weekend opportunities, the holidays (President's Day and Columbus Day) will be taken on their predetermined dates.

7.1.5 Personal Hours

Personal Day(s) accrued as follows to be taken at any time approved by supervisor:

3 months to 15 years 1 day each year
One additional day for each 5 years of service thereafter

New employees will accrue eight (8) Personal Hours from their date of hire and will be eligible to take the Personal Hours (in .25 hour increments) upon successful completion of the 90-day introductory period.

Commissioned Officers:

In lieu of the City of Nixa Personal Hours policy commissioned officers will accrue personal hours based on their assigned shift length of 12-hours, 10-hours, or 08-hours.

Personal Hours accrued as follows to be taken at any time approved by a supervisor:

3 months to 15 years
12-hours shift - 12 hours each year (1 day)
10-hours shift - 10 hours each year (1 day)
08-hours shift - 08 hours each year (1 day)
One additional day at 15 years and for every 5 years of service thereafter based on their assigned shift length.

New employees will accrue 1 Day of Personal Time based on their assigned shift length from their date of hire and will be eligible to take the Personal Time (in 0.25 hour increments) upon successful completion of the 90-day introductory period.

Personal hours must be used by December 31 of the year in which they are accrued. Personal hours cannot be rolled over to the following year, they are "use it or lose it".

7.1.6 Vacation

All full-time employees are eligible for vacation. Part-time employees and Seasonal employees are not eligible for vacation.

Annual vacations are determined by length of service and are accrued as follows:

Length of Service	Hours of Vacation Accrued Annually
0 years through 4 years	80
5 years through 9 years	120
10 years through 19 years	160
20 years or more	200

***Exception: Newly hired Directors and council appointed positions will be given a lump sum of 120 hours of vacation leave on date of hire. This will be all that is earned until their next anniversary date, at which time the employee will accrue vacation time at 2.31 hours per week or 4.62 hours per payroll.**

Leave Accrual

Full-time employees eligible to accrue vacation leave will, on the employee's anniversary date of employment, begin to accrue vacation leave weekly in accordance with their years of service as outlined below.

0- 4 years	1.54 hours weekly	80 hours per year
5- 9 years	2.31 hours weekly	120 hours per year
10-19 years	3.08 hours weekly	160 hours per year
20 years or more	3.85 hours weekly	200 hours per year

Directors and council appointed positions will accrue vacation leave as outlined below:

Start date:	120 hours lump sum	
2-9 years	2.31 hours weekly	120 hours per year
10-19 years	3.08 hours weekly	160 hours per year
20 years or more	3.85 hours weekly	200 hours per year

Vacation leave will be allowed to accumulate to a maximum of 320 hours. The employee will be responsible to maintain no more than 320 hours of vacation. When an employee has reached the maximum allowed, further accrual of vacation leave will be suspended until the employee has reduced the balance below the 320 hours maximum.

New employees will accrue vacation leave from date of hire, and will be eligible to take vacation leave upon successful completion of the 90-day Introductory period.

Vacation days may be taken as follows:

Five (5) days may be taken in .25 hour increments
The remainder earned must be taken in full day increments.

All vacation should be scheduled one week in advance in writing. No more than 80 hours may be taken at a time, unless approved by the City Administrator**. Vacations of less than 80 hours will be approved by your Supervisor according to departmental needs.

Financial compensation is not provided in lieu of vacation, except if employment is terminated. In that case, employees will receive accrued vacation as required by law.

**Stipulations for more than 80 hours of vacation time:

- 1) Must have the time available to use.
- 2) Written letter asking for approval and explaining why the extra time is needed.
- 3) Any vacation request longer than 80 hours (two weeks) should be approved by City Administrator at least 30 days in advance.

7.1.7 Sick Leave

Leave Accrual

Full-time employees will start accruing sick time on their start date, but the time will not be available until their 90 days have been completed. The time will show up on the first pay statement after their 90 days.

All employees	1.85 hours weekly	96 hours per year
Commissioned Officers	3.70 hours per payroll	96 hours per year

Sick Leave will be allowed to accumulate to a maximum of 516 hours. Each year on the employee's anniversary date, sick leave hours will be reviewed and any hours accumulated over the maximum allowed will be determined. Those hours over the maximum of 516 will be paid at one-half (1/2) of the employee's banked hours over the limit and the sick leave hours will then be reduced to the maximum accumulation of 516.

New employees will accrue sick leave from date of hire, and will be eligible to take sick leave upon successful completion of the 90-day Introductory period.

Sick Leave may be taken for the illness of the employee or while in the attendance of a dependent (a dependent is defined as spouse, child, grandchild, parent of employee, grandparent of employee and caregiver) that is ill. Sick leave will be allowed for medical appointments/doctor visits. These should be scheduled with supervisor as far in advance as possible.

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness.

For any absence of three days or longer due to illness or injury, a notification from a doctor that an employee is able to return to work will be required.

Should an employee exhaust all accrued sick leave, then accrued vacation leave must be used for any additional time off to care for a dependent (see vacation leave for time allowed).

Upon voluntary resignation from city service, the employee shall be paid for 25% of unused sick leave.

Upon involuntary separation from city service, an employee shall not be entitled to receive payment of unused sick leave.

7.1.8 Leave Without Pay

Full-time employees are expected to work 40 hours per week. All time off should fall within the guidelines of Paid Leave categories as defined in the Vacation or Sick leave. Days off without pay will not be allowed unless they fall within the guidelines of the Personal Leave of Absence, Family Medical Leave (FMLA), or Americans with Disabilities Act (ADA), and after exhaustion of the employees applicable leave.

7.1.9 Personal Leave of Absence

The City of Nixa has a policy of granting personal leaves of absence to its full time employees when reasonable and legitimate circumstances arise which require extended absences. To be eligible for personal leave of absence, an employee must have six months of continuous service with the City. A personal leave of absence may be requested in writing and may be granted by the City of Nixa up to a maximum of 30 days without loss of employment, after exhaustion of the employee's applicable leave.

Personal leave will be approved by the department head and/or City Administrator unless the absence would cause a severe work scheduling problem or an unreasonable hardship on the other workers in the department. Leave of absences (except military which is directed by law) are not granted automatically, and failure to get proper approval may result in your termination. An extension beyond 30 days will be considered in the event of serious or extenuating circumstances.

During the first 30 days of a leave of absence the City continues to pay City-paid benefits; the employee is responsible for paying the City, in advance, the same premiums as they did prior to leave of absence. If leave extends beyond 30 days, the employee must pay all premiums in advance to continue coverage.

A written request for a leave of absence, providing full explanation of the circumstances, must be presented to the employee's immediate supervisor and/or Human Resources at least two weeks

before the start date of the leave of absence. Failure to report to work on the first day after the expiration of the leave of absence, without approval, will be considered a voluntary termination of employment.

In the event of a declared pandemic the eligibility requirements for a leave of absence (six months of continuous service) will be forfeited for those that use the Pandemic Sick leave.

7.1.10 Family and Medical Leave

The Family and Medical Leave Act of 1993 (FMLA) allows an eligible employee 12 work weeks of unpaid leave during any 12-month period for the following reasons:

1. Birth of Child
The birth of the employee's child or to care for such child;
2. Placement of Child for Adoption or Foster Care
The child's placement with the employee for adoption or foster care;
3. Family Serious Health Condition
The care of a spouse, child, or parent who has a serious health condition;
4. Employee Serious Health Condition
The employee's own serious health condition;
5. For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status. An eligible employee may also take up to 26 workweeks of leave during a "single 12-month period" to care for a covered service member with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the service member.

The "single 12-month period" for military caregiver leave is different from the 12-month period used for other FMLA leave reasons.

The following provisions shall apply:

- a) Entitlement to family leave expires 12 months after the birth or adoption of a child.
- b) Leave for birth or adoption shall be limited to one consecutive leave period. Leave for serious health conditions may be intermittent or on a reduced time basis if such schedule is needed for medical reasons. The City may move an employee on intermittent or reduced time leave to an alternative position that can accommodate such scheduling.
- c) When leave is foreseeable, an employee must give the City 30 days advance notice. In addition, when foreseeable leave is for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the City's

operation. If it is not possible to provide 30-day notice, as much notice as is practicable must be provided. During leave, an employee is required to report periodically on his/her status and intent to return to work.

- d) "Serious health condition" is defined as a health condition that involves in-patient care in a hospital, hospice, residential care facility, or continuing treatment by a health care provider. Entitlement to leave expires 12 months from the date the employee's first FMLA leave begins.
- e) The City will continue health care coverage of the employee during family leave, on the same basis as if the individual had been actively at work.
- f) During periods of FMLA leave, the employee can maintain their existing group health insurance coverage with the City provided their required premiums are paid in advance. The City will provide notice to employees whenever they are 15 days behind in payment of required premiums. An employee's continued failure to make payment will result in the termination of coverage once the premium is overdue by 30 days.
- g) The City will return the employee to the same or an equivalent position and employment benefits upon return from approved family leave.
- h) The City requires certification from a health care provider concerning the serious health condition of the employee or family member.
- i) The City has the right to require proof of a family relationship and requires advance notice of a requirement for medical treatment from a physician and/or facility where treatment will be given. For additional information concerning FMLA contact the Human Resources.

To be eligible for FMLA leave, an employee must have worked for at least 12 months and have worked at least 1250 hours during the 12 months prior to the start of the FMLA leave, which does not include periods of paid and unpaid sick or vacation leave. According to the DOL, paid and unpaid leave does not count towards the 1250 hours; it is hours worked.

Disability due to pregnancy is treated as any other illness or disability. An employee needing time off from work will first use accrued sick leave and vacation with unpaid leave being given under the provisions of Family and Medical Leave Act. If an employee does not qualify for FMLA due to time of service, the employee will be guaranteed six (6) weeks of unpaid leave.

An employee may be eligible for Short Term Disability the first six weeks of maternity leave. The second six weeks is considered as voluntary time off therefore employee is ineligible for STD unless under doctor's orders.

Outside employment while an employee is on Family and Medical leave is prohibited. Denial of leave may result if such outside employment takes place.

7.1.11 Military Leave of Absence

An employee entering the active military service of the United States during a national emergency through induction or enlistment, or at any time when inducted into military services under the protection granted by the Uniformed Services Employment and Reemployment Rights Act, shall be granted a leave of absence without pay and may extend that leave beyond the date of termination of active military service according to the following schedule:

Service of 1 to 30 days. The person must report to work by the beginning of the first regularly scheduled work day that would fall eight hours after the end of the calendar day.

Service of 31 to 180 days. The person must report to work no later than 14 days after completion of a person's service. If the 14th day falls on a day when the offices are not open, the time extends to the next business day.

Service of 181 or more days. The person must return to work no later than 90 days after completion of a person's military service. If the 90th day falls on a day when the offices are not open, the time extends to the next business day.

At or prior to the expiration of the military leave of absence, each employee shall inform the City of his/her willingness and ability to return to City employment and produce evidence of an honorable release from military service. If the employee applies, according to the above schedule, the employee will be eligible for re-employment and will be reinstated in the same or substantially similar position, unless no longer qualified for the position.

The term "military service" as used herein shall include the Army, Navy, Air Force, Marine Corps, Coast Guard, and the United States Public Health Service, as well as all auxiliary branches of the said services as civilian employees of the services.

The term "national emergency" as used herein shall exist during such period as designated by the President or Congress.

7.1.12 Military Training Leave

The City recognizes the important role of the National Guard and Reserves. The City supports employee participation and has the following provisions for military leave of absence when an employee is required by a branch of the armed forces to attend an annual training session or serve under emergency mobilization orders.

Employees will be granted leave with pay, not to exceed a total of one hundred and twenty hours (120) in any Federal Fiscal year. In the event of an emergency mobilization order, the employee is eligible to be retained on leave of absence status without pay for the duration of the length of the mobilization orders. An employee may choose but is not required, to use accumulated vacation leave before going on leave of absence without pay. Employees are to furnish the City with a copy of their official orders to receive paid military leave or approved unpaid leave of absence status.

7.1.13 Jury Duty

City policy is to encourage employees to serve on jury panels.

The City of Nixa will pay the difference between your regular earnings and the fee you receive for jury service, if required by applicable laws. Please contact your supervisor promptly after receiving notification to appear.

7.1.14 Witness Duty

The City is aware that employees may be subpoenaed to appear as witnesses in trials before the court. In these cases the City will grant time off with pay not to exceed two (2) days. After two (2) days, time off will be given as needed without pay or be given with pay if required by law.

Paid court leave is not available to an employee when the case is a personal case where the employee is the named plaintiff or defendant.

7.1.15 Voting Leave

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.

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.

Failure to comply with such requirements shall be grounds for disciplinary action, up to but not limited to, immediate dismissal.

Any person entitled to vote at any election held within this state shall, on the day of such election, be entitled to absent himself from any services or employment in which he is then engaged or employed, for a period of three hours between the time of opening and the time of closing the polls for the purpose of voting, and any such absence for such purpose shall not be reason for the discharge of or the threat to discharge any such person from such services or employment; and such employee, if he votes, shall not, because of so absenting himself, be liable to any penalty or discipline, nor shall any deduction be made on account of such absence from his usual salary or wages; provided, however, that request shall be made for such leave of absence prior to the day of election, and provided further, that this section shall not apply to a voter on the day of election if there are three successive hours while the polls are open in which he is not in the service of his employer. The City may specify any three hours between the time of opening and the time of closing the polls during which such employee may absent himself.

7.1.16 Bereavement Leave of Absence

Maximum amount of bereavement leave that can be taken per year shall be 48 hours.

In the event of a death in your immediate family, full-time employees may have time needed up to 48 hours with pay to handle family affairs and attend the funeral. "Immediate family" is defined as: father, mother, sister, brother, spouse, child, in-laws of the same degree, grandparents, legal guardians and domestic partners. Eligibility of leave effective is the first day following a 90-day waiting period.

Attendance of funerals other than those of immediate family members may be scheduled with the immediate supervisor and may be no longer than 1 day per event.

Additional leave may be taken as approved by Supervisor. Time not worked because of funeral leave will be paid at the employee's regular, straight time, hourly rate.

Supervisors reserve the right to request documentation of attendance to funeral and/or visitation. Upon request, employee shall provide documentation.

7.1.17 Inclement Weather

In case the City of Nixa needs to close offices, use late start procedures or close early due to inclement weather or disaster, the following procedures will be used to inform employees of the closure or late start. Employees' safety is the primary concern in making the call for closure versus early closure or late start.

There are many factors involved in making weather decisions such as amount of precipitation, type of precipitation, current road conditions, air temperature, and possible further accumulations.

If the City offices are closed, for the entire business day by order of the City Administrator due to inclement weather or disaster, the day will count as a day worked for employees that do not have leave time scheduled or requested. If an employee has scheduled or requested time off for that day, it will still be entered on their time summary as a scheduled leave request.

If the City offices close early, those employees already at work will not be required to utilize accrued leave time for the hours missed. If, an employee leaves work prior to City offices closing early, the employee shall be required to use accrued vacation, personal time or comp time.

For those employees (exempt and non-exempt) who perform essential operations and must still report to work (i.e. Police); if City offices are closed for the entire business day, they will accrue eight (8) hours Personal Leave to be used with prior approval of their supervisor. If City offices close early, there will not be an accrual of Personal Leave for the amount of time that City offices are closed. For those employees that perform essential operations for the remainder of their shift worked, their time will be entered as straight time.

In the event of weather or disaster, the City Administrator could decide to implement a late start to opening for business. When a decision is made to have a late start, we will send out notifications via city email and a text alert (CA ->Directors->Supervisors->Employees). The alerts will go out by 6:00 a.m. if we will have a late start. The start time for a late start will be determined by the City Administrator. Some departments and/or employees that are deemed essential might be exempt from the late start or may have a different start time stated by department directors.

7.1.18 Victim's Economic Safety and Security Act ("VESSA") Leave (as authorized by § 285.630 RSMo.)

Employees who are the victims of domestic or who have a family or household member who is a victim of domestic or sexual violence may take VESSA Leave to address such violence by:

1. Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;
2. Obtaining services from a victim services organization for the employee or the employee's family or household member;
3. Obtaining psychological or other counseling for the employee or the employee's family or household member; and
4. Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or to ensure economic security; or
5. Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

The following policies and requirements shall apply to VESSA Leave:

1. The City shall provide two weeks of leave per year to eligible employees.
2. VESSA Leave can be taken intermittently or on a reduced work schedule. However, VESSA Leave will not be provided if the employee has already used all leave allowed under the federal Family and Medical Leave Act.
3. Employees must give 48 hours' notice of their intent to take VESSA Leave.
4. In the event of an unscheduled absence, the City will not take any action against the employee if the employee provides certification within a reasonable time evidencing that their absence qualifies for VESSA Leave.

5. Eligible employees shall provide satisfactory and reasonable certification that their use of VESSA Leave complies with this policy. Employees may satisfy the certification requirement with a sworn statement from the employee and the following:
6. Documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic violence or sexual violence and the effects of such violence;
 - a. A police or court record; or
 - b. Other corroborating evidence.
 - c. All information provided to the City related to VESSA Leave, including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee has requested or obtained leave pursuant to this policy, shall be retained in the strictest confidence by the City, except to the extent that disclosure is requested or consented to in writing by the employee or otherwise required by applicable federal or state law.
7. Upon returning from VESSA Leave, employees will be returned to the same or equivalent employment position.
8. Eligible employees may request a "reasonable safety accommodation" from the City. Such a request shall be provided to the City and signed by the employee or by an individual acting on the employee's behalf, certifying that the reasonable safety accommodation is for a purpose authorized under § 285.625 RSMo. to § 285.670 RSMo.
9. The City will continue healthcare coverage of the employee during their use of VESSA Leave on the same basis as if the employee had been actively at work. During the periods of VESSA Leave, the employee may maintain their existing group health insurance with the City provided that the employee's premiums are paid in advance. The City will provide notice to the employee whenever they are 15 days behind in payment of the required premiums. An employee's continued failure to make payments shall result in termination of their coverage once the premium is overdue by 30 days.
10. This policy shall be subject to and interpreted according to the provisions of § 285.630 RSMo.

7.2 Retirement Plans

7.2.1 LAGERS

All full-time employees become eligible for the defined LAGERS benefit Pension Plan after six (6) months. The Missouri LAGERS Plan includes provisions for normal retirement at age sixty (60) for regular employees and age fifty-five (55) for police personnel, and early retirement or disability

retirement benefits for employees meeting certain qualifications. Detailed information is available in the Human Resource office. Your personal benefit statement will be mailed to you from LAGERS annually at the close of LAGERS fiscal year.

7.2.2 Deferred Compensation

The City offers a voluntary deferred compensation plan for full-time employees. See Human Resources for details.

7.3 Group Insurance

7.3.1 Medical Insurance

Seasonal and part-time employees are not eligible for medical insurance, unless they meet the average 30 hours per week threshold according to ACA standards. Benefits begin on the first of the month following 30-days from hire.

Medical insurance premiums are paid by the City of Nixa with a contribution from the employee for buy-up plan and dependent coverage. More specific details on the program are available in the Human Resource office.

This Medical Plan was selected to ensure the employees are not burdened with extreme medical costs. This very comprehensive policy was developed for the benefit of all full-time employees.

You must take sick leave for medical appointments unless time is made up within same pay period with prior approval. Please work with supervisor in scheduling medical appointments.

When on leave (FMLA, STD or leave of absence) the employee's portion of insurance (health, dental, vision, voluntary life, American Fidelity products) is due each month. An invoice will be sent out each month with the amount due. Any balance will need to be paid before coming back to work.

7.3.2 Dental & Vision Insurance

All full-time employees are eligible for dental and vision insurance for themselves and dependents. Employees working less than 1500 hours per year are not eligible on The City of Nixa insurance plan. Benefits begin on the first of the month following 30-days from hire.

Dental and Vision insurance premiums are paid by the City of Nixa with a contribution from the employee for dependent coverage.

The Dental and Vision Plans are selected to ensure that employees are not burdened with extreme dental and vision costs.

When on leave (FMLA, STD or leave of absence) the employee's portion of insurance (health, dental, vision, voluntary life, American Fidelity products) is due each month. An invoice will be

sent out each month with the amount due. Any balance will need to be paid before coming back to work.

The specific coverage of the dental and vision plans will be provided to the employee when eligible for the program. Benefit plan information for Dental and Vision insurance are available in the Human Resource office.

7.3.3 Life Insurance

A group Life Insurance Plan has been provided to give basic protection to all full-time employees and dependents. Employees working less than 1500 hours per year are not eligible on The City of Nixa insurance plan. This Group Policy is in force on the first regular workday following a 90-day waiting period.

The total cost of this Group Insurance Plan is paid by The City of Nixa.

The specific coverage of the plan is available in the Human Resource office.

7.3.4 Voluntary Life Insurance

A group Life Insurance Plan has been provided to give basic protection to all full-time employees and dependents. Employees working less than 1500 hours per year are not eligible on The City of Nixa insurance plan. This Group Policy is in force on the first of the month following 30-days from hire.

The total cost of this Group Insurance Plan is paid by The City of Nixa.

The specific coverage of the plan is available in the Human Resource office.

7.3.5 Short-Term Disability (STD)

STD Plan is provided by the City to all full-time employees and provides financial protection for the employee by paying a portion of the income while unable to work due to the employee's health related disability. Maximum period of payment is 11 weeks after 14 day elimination period. Employee must be approved through the plan.

Specific plan coverage is available in the Human Resource office.

7.3.6 Long-Term Disability (LTD)

LTD Plan provides financial protection for the employee paying a portion of the income while unable to work due to the employee's health related disability. Elimination period is when the employee has been off more than 90 days or the date of STD payments end, whichever is later. Employee must be approved through the plan.

Specific plan coverage is available in the Human Resource office.

7.4 Employee Assistance

Personal and family problems can affect an employee's job performance and well-being. We are not always prepared with the right information and perspective to handle all of the problems we encounter in our lives. With this in mind, MetLife, the City of Nixa's life insurance provider offers a service called LifeWorks. This service will put you in touch with counselors, lawyers and financial consultants whenever there is a need.

LifeWorks: 1-888-319-7819 or
www.metliffeap.lifeworks.com (user name: metliffeap and password: eap)

7.5 Tuition Reimbursement

The City of Nixa will offer tuition reimbursement to employees pursuant to the terms and conditions provided for herein.

Tuition reimbursement is available to full time employees who have been employed with the City for at least one full and continuous year.

Tuition reimbursement is provided solely to reimburse employees for the cost of credit hours for courses attended by the employee, where the course is relevant to their current or expected job path with the City of Nixa, as determined by the City Administrator.

Tuition reimbursement is available to employees who are pursuing an undergraduate degree or a Master's degree.

The City will only allow reimbursement up to the Missouri State University credit hour rate for the semester that the employee has applied for tuition reimbursement, this approved rate is referred to herein as the "approved tuition rate."

The total amount of tuition reimbursement made available to individual qualifying employees shall be limited based on budget limitations, funds availability, and number of applications for tuition reimbursement. The City Administrator is authorized to determine the total amount of tuition reimbursement to be made available to qualifying employees to ensure that the program is made reasonably available to all qualified employees seeking tuition reimbursement from the City.

In order to qualify for tuition reimbursement, qualifying employee shall provide a copy of their final grade for each course in which the employee is seeking tuition reimbursement. A final grade of B or higher will be fully reimbursed up to the approved tuition rate. A final grade of C will be reimbursed at 50% of the approved tuition rate. No reimbursement will be provided for courses taken as a pass/fail unless this is the only way the class is offered. If the course is only offered as pass/fail, then a pass grade will be reimbursed at 100% and a fail grade will not be reimbursed. If the employee receives another source of financial assistance, documentation of the assistance including the amount provided must be provided to the Human Resources Department. In this

event, the City will only reimburse the amount of the tuition not covered by other sources of financial assistance.

By signing the tuition reimbursement application and as a condition to the City providing funds for tuition reimbursement, the employee agrees to remain with the City of Nixa for a minimum period of three years after receiving tuition reimbursement from the City. If the employee leaves in less than three years from the receipt of tuition reimbursement, the employee agrees to reimburse the City for the tuition reimbursement received by the employee as follows:

Leaving within first year of receiving tuition reimbursement funds – 100%

In the second year after receiving tuition reimbursement funds – 75%

In the third year after receiving tuition reimbursement funds – 50%

Employees interested in utilizing the tuition reimbursement program are required to complete the Tuition Reimbursement Application in advance of taking any classes in which they may seek reimbursement. All courses must be approved by the City Administrator.

No reimbursement will be given for testing out of a course, non-credit courses or courses that are not attended.

Nothing in this policy should be construed as prohibiting the City from approving and authorizing employees to take courses or other training that are taken to improve job performance or are taken to maintain minimum job required certification.

ADDENDUM

The City of Nixa Employee Handbook is intended to give you a general overview of the City and information regarding policies and benefits. The City Administrator shall interpret the provisions of this policy when questions may arise concerning the daily administration of these guidelines. The Administrator may defer the interpretation decision to the City Council when the decision may result in a major policy adjustment.

ACKNOWLEDGMENT

I have received a copy of the City of Nixa Employee Handbook and understand its contents. I understand that the handbook is intended to provide an overview of the City's personnel policies and does not necessarily represent all such policies in force. This handbook is not, nor can it be implied to be a contract of employment.

I understand that my employment and compensation are for no fixed term and may be terminated by the City at any time with or without cause or notice. Likewise, I may resign at any time. I further understand and agree that no person other than the City Administrator has the authority to enter into any written or oral agreement different than what is stated herein.

Employee Name (Please Print)

Date

Employee Signature

Supervisor Name (Please Print)

Date

Supervisor Signature

Workers' Comp Policy and Procedures

Effective June 2017

PURPOSE

This policy is in place to ensure the City of Nixa provides meaningful work activity for employees who are temporarily unable to perform all, or portions, of their regular work assignments or duties. This policy applies to employees suffering from a work-related injury or illness. The goal is to allow valued City employees to return to productive, regular work as quickly as possible. By providing temporary transitional or modified work activity, injured and recovering employees remain an active and vital part of the company.

SCOPE

All active employees who become temporarily unable to perform their regular job duties due to a compensable work-related injury or illness may be eligible for transitory work duties within the provisions of this program. Return to work tasks may be in the form of:

Changed duties within the scope of the employee's current position. This temporary assignment may be outside the employee's regular duties.

Other available jobs for which the employee qualifies, outside of the scope of his or her current position

An altered schedule of work hours

DEFINITIONS

Transitional duty is a therapeutic tool used to accelerate an injured employee's return to work by addressing the physical, emotional, attitudinal and environmental factors that otherwise inhibit a prompt return to work. These assignments are meant to be temporary and may not last longer than 90 days, though the City of Nixa permits multiple 90-day assignments back-to-back if it is medically warranted. All positions and duties in the company's transitional program are temporary in nature and may be changed or terminated at the company's discretion. These positions are not permanent accommodations as defined by the Americans with Disabilities Act.

Alternate duty is a part of City of Nixa's Work Comp Policy and Procedures that is designed as a placement service for individuals who have reached maximum medical improvement and are still unable to perform the essential functions of their pre-injury jobs.

APPLICABILITY

Length of Duty

Any employee, who sustains a work related injury is required to return to work in a temporary transitional work assignment under the direction of our designated physician. Transitional or light duty is a temporary program, and an employee's eligibility in these reduced assignments will be based strictly on medical documentation and recovery progress. Employees will not be paid for lost wages if they refuse transitional work.

If work is available that meets the limitations or restrictions prescribed by the company-designated practitioner, that employee may be assigned transitional or modified work for a period not to exceed 90 days unless the City permits additional 90-day assignments based on medical necessity.

Daily Application

An employee's limitation/restrictions are effective 24 hours per day. Any employee who fails to follow his or her restrictions may cause a delay in healing or may further aggravate the condition. Employees, who disregard their established restrictions, may be subject to disciplinary action up to and including termination.

Employees working in temporary transition assignments are required to continue following all company rules and procedures, and are still subject to all disciplinary actions outlined in company policies up to and including termination. In addition, RSMo Section 287.170.1 paragraph 4 states the following: *If the employee is terminated from post-injury employment based upon the employee's post-injury misconduct, neither temporary total disability nor temporary partial disability benefits under this section or section* 287.180 are payable. As used in this section, the phrase "post-injury misconduct" shall not include absence from the workplace due to an injury unless the employee is capable of working with restrictions, as certified by a physician.*

Qualification

Transitional or modified duty will be available to all employees on a fair and equitable basis with temporary assignments based on skill and abilities. Eligibility will be based upon completion of the Return to Work Evaluation Form by the employee's attending medical professional. An employee on modified duty will be considered part of the regular shift staffing, with recognition of the employee's limitations within the department.

RESPONSIBILITIES

The following responsibilities apply to various levels within the company.

Senior management will ensure the policy's enforcement among all levels at the City of Nixa and will actively promote and support this policy and the Workers' Comp Procedures as a whole.

Supervisors will support the employee's return to work by identifying appropriate modified assignments and ensuring the employee does not exceed the medical professional's set restrictions. Supervisors will also stay in regular contact with absent employees and communicate the City's attendance expectations clearly. They are also responsible for reporting any problems with employees and this policy to the return to work manager or program supervisor.

Injured workers will notify their supervisors in a timely manner when their condition requires an absence. They will closely follow their medical professional's treatment plan and actively participate in the City of Nixa's Workers' Comp Policy and

Procedures, which includes following all the guidelines of this policy. Injured employees will also help supervisors identify potential options for transitional duties. While supervisors are responsible for maintaining constant communication with the injured employee, the worker also has the obligation to maintain contact with the City of Nixa about his or her condition and status. The injured worker will complete all required paperwork in a timely manner.

The Human Resources Manager and/or another designated City of Nixa administrator will be trained in understanding the physical and psychosocial aspects of the injury and will understand the nuances of the City's Workers' Comp Program, policies and all associated forms. This individual(s) will be able to testify in court as a vocational expert, if necessary. The HR Manager will provide program leadership by facilitating communication between employees, managers and medical providers. The HR Manager will own the responsibility of creating the City of Nixa's Job Placement and will assist supervisors with on-site problem solving.

PROCEDURE

Work Schedule

The City of Nixa will do everything in its power to tailor the restricted work schedule to the injured employee's normal, pre-condition work schedule. However, depending on the job limitations, it may be necessary for the employee to take on a specifically designed, temporary schedule to accommodate these restrictions.

Payment of Wages

If qualified authorities determine an employee's injury is work related, the City of Nixa will pay benefits and wages in accordance with the Missouri workers' compensation statute and with the company's human resources policies. These benefits will be coordinated with all applicable state, federal, and company benefits.

Employees performing modified duty on a restricted workweek will receive payment for hours worked from the company. For work-related illnesses or injuries, employees may be eligible for benefit payments through workers' compensation.

Employees performing transitional duty on a restricted workweek following a period of short-term disability (STD) may receive a combination of regular pay and partial disability benefits. The employee and the City of Nixa Human Resources department will work out this combination on a case-by-case basis.

The temporary assignment may be at a lower wage than the employee's regular wage. If the transitional assignment wage is lower than the employee's regular wage, the employee will then be eligible for Temporary Partial Disability (TPD) benefits.

If employees take vacation or there is a holiday during restricted duty, they are entitled to their regular vacation selection or holiday pay as it would apply to normal, non-restricted duty.

Communication Expectations

If an employee is unable to work in any capacity and the company approves of the absences, the employee must stay in constant communication with the Workers' Comp Program Manager and the direct supervisor. Each must receive an update of the employee's medical status on at least a weekly basis and/or not later than every 30 day period. Failure to do so may result in a reduction in available benefits and discipline up to and including termination.

Medical Appointments

The City of Nixa asks that, when possible, employees schedule medical appointments at times resulting in the least interference with work hours. Employees may use sick time for medical appointments if they have it available. Non-emergency medical appointments not scheduled in advance may be cause for denial of time off.

Employees should inform their supervisor and/or HR of any and all doctor's and therapy appointments as soon as possible. If any appointments related to the authorized medical treatment of the work-related injury are missed without proper notification, the employee may be subject to disciplinary action.

The medical provider, designated by the City of Nixa, must complete the City's Return to Work Evaluation Form for each visit to evaluate the impairment. It is the employee's responsibility to inform the City of his or her medical status after each doctor visit. This applies to both work-related and non-work-related injuries and illnesses that interfere with work assignments.

City of Nixa's Designated Physician

Employers under Missouri Workers' Compensation Statutes have the right to direct medical care for their employees on all work-related injuries or illnesses. The City of Nixa has chosen _____ as our designated physician. We do have the ability to send an employee to another provider if deemed necessary. Medical care authorized by the City and directed to our designated physician will be covered by workers' compensation insurance. Expenses for unauthorized medical treatment or

treatment at an unauthorized medical facility will not be covered under workers' compensation insurance and will be the employee's financial responsibility.

Employee Procedures

In the event an injury or illness is work related, notify your supervisor immediately. If it is determined treatment is required, the employee will be directed to the designated provider for work-related injuries. The designated provider is _____ systems. All accidents and injuries must be reported by the end of the shift as applicable, but never later than 24 hours after the accident or injury.

If after hours treatment (evenings or weekends) is determined to be needed, the Supervisor can direct the care to _____ for emergency medical. Emergency treatment must be approved by the Supervisor or designated HR representative prior to the employee seeking emergency care.

Complete and sign a MO Report of Injury Form.

Forms must be completed the same day the injury is reported to your supervisor.

The Return to Work form must be completed by each practitioner after your visit regardless of your choice of physician and regardless whether the condition is work related or not. Return the provider Return to Work form to your supervisor and Human Resources after each visit relating to your injury.

Participate in the Return to Work Program on temporary transitional work for up to 90 days while the designated medical provider and Human Resources continuously review your condition. The City of Nixa may extend the 90-day period based on medical necessity.

REFUSAL TO PARTICIPATE

If you are unable to return to your regular job but are capable of performing transitional duty, you must return to transitional duty. Employees who choose not to participate in the City's Workers' Comp Program or follow all regulations in this Workers' Comp Policy may become ineligible for Missouri workers' compensation benefits, and, in some cases, refusal to participate may be a basis for termination. Unpaid family medical leave may apply upon refusal and disability benefits will cease.

FAMILY MEDICAL LEAVE AND OTHER BENEFITS

State or federal leave laws may provide additional rights and protections during times of illness or injury. Family Medical Leave may run concurrently with unpaid Family Medical Leave and may count toward an employee's FMLA leave entitlement, provided the reason for the absence is due to a qualifying "serious health condition" as defined in the FMLA. Lost wages may be reimbursed if disability benefits are available. Contact the Human Resources department for further details.

DRUG-FREE WORKPLACE

Employees who are injured while on the job will be subject to the requirements of our Drug Free Work Place Policy. All employees will be subject to drug and alcohol testing following an incident or injury which occurs to the employee, another employee, customer, etc. while operating company equipment, on any company property, or while conducting company business. The required testing must take place within 24 hours of the report of the accident. The company may also utilize drug and alcohol tests obtained from law enforcement officials from a vehicle accident. All employees are prohibited from consuming any drugs or alcohol after an accident until they have been tested or eight (8) hours have elapsed, whichever occurs first. After giving a valid sample, the employee will not be allowed to return to work until the results are received by the company. Any refusal to submit to drug and alcohol testing will be considered a positive drug test.

Any employee who tests positive for drugs and/or alcohol will be subject to disciplinary action including termination. Workers' Compensation benefits may be reduced or denied if you test positive for drugs or alcohol. In accordance with Missouri Workers' Compensation Statutes Section 287.120.6, the refusal to submit to a drug and alcohol test will result in forfeiture of ALL Workers' Compensation benefits. Under company policy, the refusal to submit to a drug and alcohol test will result in termination.

SAFETY DEVICES & SAFETY TRAINING

In accordance with Missouri's Workers' Compensation Statutes Section 287.120.5, if an employee sustains an injury resulting from the employee's failure to use safety devices provided by the employer or failure to obey a reasonable safety rule of the employer, the compensation and death benefits are reduced by at least twenty-five percent (25%), but not more than fifty percent (50%).

The City of Nixa is committed to providing all employees a safe and healthy workplace. Employees are required, as a condition of employment, to utilize company required safety devices, obey safety rules, and work in a safe and healthy manner as instructed in company training. Employees are required to follow and abide by all traffic

regulations including the required use of seat belts. Employees are required to notify their supervisor immediately if he or she feels they have not been provided necessary safety devices or the necessary instruction and training to perform their job safely.

WORKERS' COMPENSATION JURISDICTION

The purpose of this notice is to identify the state of Missouri as the sole legal jurisdiction for any and all work related injuries or illnesses sustained during employment with the City of Nixa. All employees are hired and required to attend new employee training and orientation at our company offices in Missouri. All employees are considered Missouri employees for the purpose of workers' compensation jurisdiction. This is regardless of the employee's state of residence or state location of their current job assignment. All job assignments located outside Missouri are short-term assignments and do not negate this notice. Employees cannot relinquish their rights as provided by Missouri Workers' Compensation Law and this notice does not affect those rights in any way.

If you have questions or need further explanation of this policy, please contact your supervisor. If you wish to receive official information regarding Missouri's workers' compensation system you should contact the Missouri Division of Workers' Compensation at 1-800-775-2667. This toll-free number will connect you with an Information Specialist who works for the Missouri Division of Workers' Compensation.

Employee Acknowledgement

The City of Nixa's primary goal is to accommodate injured and recovering workers by identifying or modifying jobs to meet their physical capacities and allowing them to return to work as quickly and smoothly as possible. The company is committed to individualizing return to work programs based around the individual's physical capabilities and will review all task assignments regularly to ensure duties are appropriate.

We are committed to early return to work and recognize that it speeds up the recovery process and reduces the likelihood of permanent disability. Employees of the City are expected to show the same commitment to the program by following the Workers' Comp Policy and Procedures. The Workers' Comp Program requires a team approach, so employees are expected to cooperate with the management team, supervisors and medical staff should they ever become injured and unable to perform your full job duties.

Prior to working on any City of Nixa job site, each employee is expected to have read the entire Workers' Comp Policy, which includes the following sections:

Initial next to each section below to indicate acceptance.

I accept: **Policy Section:**

- _____ Purpose
- _____ Scope
- _____ Applicability
- _____ Responsibilities
- _____ Procedure
- _____ Refusal to Participate
- _____ Family Medical Leave
- _____ Drug-Free Workplace
- _____ Safety Devices & Safety Training
- _____ Workers' Compensation Jurisdiction

If you have any uncertainty or questions regarding the content of these policies, you are required to consult your supervisor or Human Resources. This should be done prior to signing and agreeing to the City of Nixa's Workers' Comp Policy and Procedures.

I am aware of and have read City of Nixa's Workers' Comp Policy and Procedures, and I understand the requirements and expectations of me as an employee. Should I become injured or ill and unable to carry out my regular duties, whether it happens inside or outside the workplace, I fully recognize the City's expectations of me during my recovery. I also know that the City of Nixa reserves the right to pay less than my full-duty rate during transitional work if it is justified.

I understand that if I choose not to participate in the Worker's Comp Program or follow this policy's guidelines, I may become ineligible for Missouri workers' compensation benefits, and, in some cases, my refusal may be grounds for termination.

Employee Signature: _____

Date: _____

Employee Resignation after Workers' Comp Claim

Note to Employee: This form is to be completed if you have had a possible or alleged work related injury/illness, and have decided to resign your employment with the City of Nixa. Signing this form in no way changes or reduces the workers' compensation benefits you may be entitled to under Missouri Workers' Compensation Laws.

I, _____ (*Employee Name Printed*) acknowledge that I may have sustained a possible work-related injury or illness on _____ (*Date*), and have decided to resign my position with the City of Nixa. I understand that my employer complies with all Missouri workers' compensation laws and has offered me the opportunity to obtain medical treatment.

I will follow all of the City of Nixa's policies and procedures regarding workers' compensation.

(Employee Signature)

(Date)

(Supervisor Signature)

(Date)

Employee Medical Treatment Declination Form

Note to Employee: This form is to be completed if you have had a possible or alleged work related injury/illness, but **DO NOT** wish to seek medical treatment at this time. Signing this form in no way changes or reduces the workers' compensation benefits you may be entitled to under Missouri Workers' Compensation Laws.

I, _____ (*Employee Name*) acknowledge that I may have sustained a possible work-related injury or illness on _____ (*Date*), but do not wish to seek medical treatment at this time. I understand that my employer complies with all Missouri workers' compensation laws and has offered me the opportunity to obtain medical treatment.

Should my condition change and I decide to obtain medical treatment for this injury or illness, I will immediately notify my supervisor or Human Resources and follow all employer policies and procedures regarding workers' compensation.

(Employee Signature)

(Date)

(Supervisor Signature)

(Date)